

NEW YORK PRIORITIZES RETAIL WORKER SAFETY

Sep 23, 2024

New York State has enacted the [Retail Worker Safety Act](#), which goes into effect on March 4, 2025. The new law requires employers with at least ten retail employees to establish a workplace violence prevention policy and a workplace violence prevention training program that includes a site-specific list of emergency exits and meeting places in case of an emergency.

Employers who are subject to the law must provide both the workplace violence prevention policy and training program to all employees at the time of hiring and, thereafter, annually. The workplace violence prevention policy must be in writing, while the training program may be interactive. The employer also must provide each employee with a notice containing the employer's retail workplace violence prevention policy, in English and in the employee's primary language, which notice must contain the employer's workplace violence prevention policy and the information presented at the employer's workplace violence prevention training program. This notice must be provided to each retail employee at the time of hire and annually at the workplace violence prevention training program.

The law further mandates that employers with 500 or more retail employees nationwide must provide access to panic buttons throughout the workplace. If the employer chooses to utilize a wearable or mobile phone-based panic button, the employer must provide such panic buttons to each of its retail employees. Mobile phone-based panic buttons may be installed only on employer-provided equipment and cannot be used to track employees' locations, except when the panic button is triggered.

The New York Department of Labor has been tasked with creating and publishing a model retail workplace prevention policy and model workplace violence prevention training program that employers can adopt in lieu of establishing their own policies and training; however, these templates have not yet been published.

The New York law follows along the lines of similar laws that have been enacted in other jurisdictions. In September 2023, California enacted [Senate Bill No. 553](#), which, as of July 1, 2024, required covered employers with 10 or more employees working in a publicly accessible location to adopt a comprehensive written workplace violence prevention plan. In addition to adopting a comprehensive plan, employers are required to record every incident, post-incident, response and

workplace violence investigation in a violent incident log. The law further requires employers to provide effective training to employees on the workplace violence prevention plan at the time the plan is implemented and, thereafter, annually. The employer also must provide additional training when changes to the plan are made, as well as when the employer identifies a new or previously unrecognized workplace hazard. The law mandates that employers maintain their training records for a minimum of one year and their violent incident logs for a minimum period of five years.

SB 553 requires the California Department of Industrial Relations Division of Occupational Safety & Health Publications Unit (“Cal/OSHA”) to develop a workplace violence prevention standard for general industry by December 31, 2025, which the Occupational Safety and Health Standards Board is required to adopt by December 31, 2026. In the interim, Cal/OSHA has prepared a [Fact Sheet](#) of SB 553 to assist employers.

Employers should take active steps to make sure they are in compliance with applicable laws requiring implementation of a workplace violence prevention plan and training program. If you are an employer with questions or in need of additional information, please contact the authors listed.

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