

New York's Workplace Safety Trend Creates More Responsibilities for Employers

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New York State is continuing its focus on enhancing workplace safety for retail and warehouse employees with the passage and signing of the Retail Worker Safety Act (RWSA) and the Warehouse Worker Injury Reduction Program.

In September 2024, Governor Kathy Hochul signed the RWSA into law and it is scheduled to go into effect on March 4, 2025. Under the RWSA, employers with at least 10 employees must adopt the New York Department of Labor's workplace violence model policies and training programs or create otherwise comparable policies and programs, and provide those policies and programs to employees on an annual basis. Additionally, employers with over 500 employees nationwide must provide physical or mobile "panic buttons" at the workplace that contact 9-1-1 operators and dispatch law enforcement when triggered.

In addition to the RWSA, Governor Hochul signed into law the Warehouse Worker Injury Reduction Program in December 2024, and it is scheduled to take effect on June 1, 2025. This new law requires employers with more than 100 employees in a single warehouse distribution center or 1,000 employees across one or more warehouse distribution centers in New York to establish an injury reduction program.

Each program must include worksite evaluations, control of exposures to risk factors that may lead to musculoskeletal injuries or disorders, employee training, on-site medical and first aid practices, and employee involvement. Employers must also have their workplace evaluated by a qualified ergonomist for risk factors associated with musculoskeletal injuries or disorders and these evaluations must be provided to employees upon request, reviewed and updated annually, and reconducted within 30 days of the initiation of a new job, process, or operation that could increase the risk of injury.

The RWSA and Warehouse Worker Injury Reduction Program represent a continuing trend in New York to prevent workplace violence and injury for employees in certain industries. The new laws create additional requirements for employers by mandating additional policies, training, and programs to address these risks. We will be on the lookout for additional guidance from the Department of Labor on how to create and execute these newly required policies and programs.

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