

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

SEPTEMBER 16, 2024

### New York Enacts Retail Worker Safety Act Addressing Workplace Violence in Retail Settings

On Sept. 5, 2024, Gov. Kathy Hochul signed the Retail Worker Safety Act (A 8947 / S 8358) into law, which requires certain New York retailers to adopt safety measures to address and prevent workplace violence in retail settings. This new legislation amends the New York Labor Law to add section 27-e and imposes requirements intended to protect retail workers at a wide range of small to large-scale retailers. Most of the law's provisions will go into effect on June 2, 2025. A brief summary of some of the notable requirements is detailed below.

#### Who is Covered by the Act?

Under this new legislation, covered employers include “any person, entity, business, corporation, partnership, limited liability company, or an association employing at least ten retail employees.” The “retail employees” must work in a retail store that “sells consumer commodities.”

Retailers who primarily “sell food for consumption on the premises” are excluded. Employers of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality are also excluded from coverage under the Act.

#### The Requirements

##### *Workplace Violence Prevention Policy*

Beginning June 2, 2025, covered retail employers must adopt a workplace violence prevention policy. The law specifies that, at a minimum, such policy should:

- (i) outline a list of factors or situations in the workplace that might place retail employees at risk of workplace violence, including but not limited to:
  - (A) working late night or early morning hours;
  - (B) exchanging money with the public;
  - (C) working alone or in small numbers; and
  - (D) uncontrolled access to the workplace.
- (ii) outline methods that the employer may use to prevent incidents of workplace violence, including but not limited to establishing and implementing reporting systems for incidents of workplace violence;

(iii) include information concerning the federal and state statutory provisions concerning violence against retail workers and remedies available to victims of violence in the workplace and a statement that there may be applicable local laws; and

(iv) clearly state that retaliation against individuals who complain of workplace violence or the presence of factors or situations in the workplace that might place retail employees at risk of workplace violence, or who testify or assist in any proceeding under the law is unlawful.

Employers may utilize the model retail workplace violence prevention policy created by the Department of Labor once it is posted and made publicly available on the Department's website. As of the date of this memo, it is unclear when the state's model policy will be released.

### *Workplace Violence Prevention Training Program*

Also effective June 2, 2025, covered retail employers must establish an interactive workplace violence prevention training program that includes, at a minimum:

- (i) information on the requirements under the Act;
- (ii) examples of measures retail employees can use to protect themselves when faced with workplace violence from customers or other coworkers;
- (iii) de-escalation tactics;
- (iv) active shooter drills;
- (v) emergency procedures;
- (vi) instruction on the use of security alarms, panic buttons and other related emergency devices;
- (vii) information addressing conduct by supervisors and any additional responsibilities for such supervisors, including ways to address workplace specific emergency procedures; and
- (viii) training on areas of previous security problems.

As part of this training, every employer is required to communicate to each employee a site-specific list of emergency exits and meeting places in case of emergency.

The Department of Labor will produce a model workplace violence prevention training program that employers may adopt in their workplaces. The model training program will likely be published on the Department's website at or around the same time as the model workplace violence prevention policy discussed above.

### *Retail Worker Requests for Assistance*

Effective Jan. 1, 2027, covered retail employers with 500 or more retail employees statewide must provide every retail employee with a silent response button to request immediate assistance from a

security officer, manager, or supervisor while the employee is working at the employee's location in case of an emergency.

Large-scale retailers with locations in New York state must provide their retail employees with access to a silent response button in one of two ways:

1. install the silent response button in an "easily accessible" location in the workplace; or
2. provide all employees with a wearable or mobile phone-based button on employer-provided equipment.

### **Employer Notice Requirements**

Beginning June 2, 2025, covered retail employers with at least 50 retail employees must provide workplace violence prevention training to all retail employees upon hire and on an annual basis thereafter. Employers with fewer than 50 retail employees must provide workplace violence prevention training upon hire and once every two years thereafter.

At every annual or bi-annual workplace violence prevention training program, all covered retail employers must provide their retail employees with the following in writing in English and in the language identified by each employee as their primary language:

- A notice containing the retail workplace violence prevention policy; and
- A notice containing the information presented at the workplace violence prevention training program.

Bond will continue to track this law for any new developments and will report updates as they become available. If you have any questions about the information presented in this memo, please contact [James E. McGrath, III](#), Camisha Parkins, any attorney in Bond's [labor and employment practice](#) or the attorney at Bond with whom you are regularly in contact.

