

New York State Passes Retail Worker Safety Act

Retail employers in New York should be aware of a new law that takes effect 180 days after Governor Hochul signs it into law or declines to veto it, known as the [Retail Worker Safety Act](#), which will provide certain safety measures for retail employees in the workplace. Under the Retail Worker Safety Act, codified as New York Labor Law § 27-e, employers with at least 10 retail employees must adopt a workplace violence prevention policy and implement annual training to educate retail employees about workplace violence. The State Commissioner of Labor will adopt rules and regulations to fully implement this law.

Workplace Violence Prevention Policy

Retail employers must either adopt a model retail workplace violence prevention plan, which will be posted and available on the website of the New York State Department of Labor (NYSDOL), or establish their own policy that meets or exceeds the minimum standards set forth in the NYSDOL's model policy. The NYSDOL's model policy shall:

1. Provide an outline of factors that might place retail employees at risk of workplace violence, such as (a) working late night or early morning hours, (b) exchanging cash with the public, (c) working alone or in small numbers, and (d) uncontrolled public access to the workplace.
2. Include methods that employers may use to prevent violent incidents, such as implementing incident reporting systems.
3. Include information about existing federal and state laws concerning workplace violence, and remedies that may be available to victims.
4. Clearly state that retaliation is prohibited against workers who complain of workplace violence, whether their alleged complaint concerns actual violence or situational factors that could put employees at risk of experiencing workplace violence, as well as employees who testify or assist in legal proceedings.

Once employers either adopt the NYSDOL model policy or establish their own policy that meets all of the above minimum components or better, such policy must be provided to all employees upon hire and annually at workplace violence prevention training sessions. The policy must be provided in English or in the primary language of the employee if the NYSDOL publishes a template in the employee's primary language. The NYSDOL will be responsible for periodically evaluating and updating the model policy, as needed, and employers will not be penalized if there are errors or omissions in any non-English materials provided by NYSDOL.

Annual Training Requirements

The NYSDOL will also produce a model workplace violence training program, and employers can either adopt the model program or develop their own workplace violence training that meets or exceeds the NYSDOL's model's standards. The anticipated model program is intended to be interactive and shall include: the requirements of the Retail Worker Safety Act, examples of how retail workers can protect themselves against violence from customers or coworkers, de-escalation tactics, active shooter information and drills, emergency procedures and instructions on the use of emergency devices such as alarms and panic buttons in the workplace.

As part of the annual workplace violence training, retail employers must address any additional responsibilities for supervisors during emergency situations. Employers must also inform each employee of site-specific emergency exits and meeting places where employees should gather in case of an emergency.

Panic Buttons for Larger Employers

Effective January 1, 2027, retail employers with 500 or more retail employees nationwide must also either install or provide access to panic buttons in the workplace, the latter of which would require providing each employee with a wearable or mobile phone-based panic alarm. However, under the new law, employers may only install mobile phone-based panic applications on employer-provided equipment, and wearable or phone-based emergency alarms cannot be used to track employees' locations except when the alarm is triggered for workplace safety related reasons.

Guidance for Employers

Retail employers should periodically check the NYSDOL website to see whether the model policy and training program has been posted and is available. Employers should then review the model materials and assess whether they are applicable to the business in their existing form, or whether adjustments are needed to better reflect the employer's policies, practices and location. For example, employers may need to customize the model policy or training program to account for specific business needs, such as employer-specific workplace security measures or emergency procedures or location related considerations (such as mall safety policies if the store is located in a larger shopping center or complex).

Once the employer finalizes a workplace violence prevention policy, such policy must be added to onboarding materials or otherwise provided to new employees at the time of hire. As a best practice, employers may wish to have employees acknowledge receipt of the policy in writing. Additionally, employers should make sure that workplace violence prevention training is scheduled for all retail employees on an annual basis, with special training for supervisors to inform them of their specific responsibilities during emergency situations.

As should be obvious, under no circumstances should an employer retaliate against an employee simply because the employee reported an incident of violence or brought the employer's attention to a perceived safety risk of violence. Employees should feel free to voice concerns about perceived workplace safety risks, including scenarios involving violent customers or colleagues.

Larger employers should begin looking into installing panic devices in advance of the 2027 requirements if such devices are not already in use. Employers should also make sure that such devices are not required to be installed on employees' personal devices and that such applications or devices are not tracking employees' locations in a manner that would be inconsistent with the new law.

Key Contacts

Our Labor & Employment Law team is available to assist employers in navigating full compliance with New York Labor Laws, including assisting with development of workplace safety and violence prevention policies and training.

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