

NY RETAILERS MUST IMPLEMENT SAFETY MEASURES TO COMBAT WORKPLACE VIOLENCE: 3 STEPS TO COMPLIANCE

Insights
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Retail employers in New York will soon need to implement comprehensive safety measures designed to address the increasing problem of workplace violence. Last week, Governor Hochul signed into law the Retail Worker Safety Act (RWSA), which will require retail employers to implement a written workplace violence prevention policy, conduct annual training and, for larger retailers, install panic buttons. The new law will impose significant obligations on New York retail employers beginning March 4, 2025, so the time to prepare is now. Here's what you need to know about the RWSA's specific requirements and the three steps you should take to comply.

1. Develop a Model Workplace Violence Prevention Policy

Employers with at least 10 employees working at a retail store will need to develop a workplace violence prevention policy. The statute tasks the NY Department of Labor (DOL) with developing a model workplace violence policy, so stay tuned for a template that you can use at your workplace. Employers will need to adopt the model policy or implement their own that meets or exceeds its minimum standards set by the model by March 4, 2025.

The model retail workplace violence prevention policy will:

- Outline a **list of factors in the workplace** that might place retail employees at risk of workplace violence, such as:
 - Working late night or early morning hours;

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- Exchanging money with the public;
- Working alone or in small numbers; and
- Uncontrolled access to the workplace.
- Outline methods that the business will use to **prevent incidents** of workplace violence, including establishing a system to report workplace violence.
- Include **information** concerning federal and state statutory provisions concerning violence against retail workers and remedies available to victims of violence in the workplace and a statement that local laws may also apply; and
- Clearly state that **retaliation** against individuals who complain of workplace violence or the presence of factors in the workplace that might place employees at risk of workplace violence, or who testify or assist in any proceeding under the law, is unlawful.

Employers must provide workers with a notice containing the written policy in English and in the language identified by each employee as their primary language at the time of hire.

2. Implement a Workplace Violence Prevention Training Program

Employers with at least 10 employees working at a retail store will also need to train employees about preventing workplace violence upon hire and then annually thereafter, starting March 4, 2025. The DOL will also develop a model interactive training program that will cover:

- **Examples of measures** retail employees can use to protect themselves when faced with workplace violence from customers or other coworkers;
- **De-escalation** tactics;
- **Active shooter** drills;
- **Emergency** procedures;
- **Instruction** on the use of security alarms, panic buttons, and other related emergency devices;
- **Site-specific emergency exits and emergency meeting places;** and

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Employers must also provide written notice in English and in the language identified by each employee as their primary language with the information presented at the workplace violence training program – both at the time of hire and annually thereafter.

3. Provide Panic Buttons

Retailers who employ 500 or more retail employees nationwide have an additional obligation to install panic buttons throughout the workplace or to provide employees with a wearable or mobile phone-based button. The panic button must, when pressed, immediately contact 911, provide the employee's location information, and dispatch local law enforcement to the workplace. The panic buttons must be installed by January 1, 2027.

Next Steps

Once the DOL prepares the model policy and training, retail employers will need to create their workplace violence prevention plan and conduct training, using the DOL's models or developing their own versions that meet or exceed the minimum standards. Larger retailers will also need to begin installing panic buttons. You should take the time now to start assessing risk factors in their workplace and emergency procedures.

This new law comes on the heels of a [California law requiring most employers to develop a workplace violence prevention program, which took effect on July 1](#). With both New York and California enacting workplace violence prevention laws, employers across the country can expect other states to follow suit with laws aimed at addressing workplace violence.

Conclusion

We are continuing to monitor these developments and will provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any further questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in in [our New York City office](#) or on our [Workplace Safety and Catastrophe Management team](#).

