



Meltzer, Lippe, Goldstein & Breitstone, LLP

April 17, 2025

LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe has a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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NEW YORK RETAIL WORKER SAFETY ACT IMPOSES NEW REQUIREMENTS ON RETAIL EMPLOYERS

Effective June 2, 2025, employers who operate retail businesses in New York State must comply with the New York Retail Worker Safety Act (the "Act"). The Act requires workplace violence prevention training and the adoption of a workplace violence prevention policy, as well the implementation of panic buttons for certain employers.

New York employers with at least ten (10) retail store employees must (1) adopt a workplace violence prevention policy; and (2) implement a workplace violence prevention training program. The Act does not apply to retail businesses with fewer than (10) employees. This means businesses that employ fewer than ten (10) people are not required to implement a workplace violence prevention program or training. "Retail stores" are defined as "store[s] that sells consumer commodities at retail and which is not primarily engaged in the sale of food for consumption on the premises." Accordingly, retail stores would include supermarkets, clothing stores, electronic stores, department stores, and convenience stores, among others. This is an extremely broad definition that seems to exclude hotels, restaurants, salons and spas, and other businesses where consumer goods are not typically sold.

Employers should note the frequency of required training depends on the number of employees. Employers with fifty (50) or more retail employees must provide workplace violence prevention training upon hire and annually thereafter. Employers with fewer than fifty (50) retail employees must provide the required training upon hire and every two (2) years thereafter. The Act provides no clear guidance regarding when existing employees must receive the newly adopted policy or required training. Therefore, in order to avoid non-compliance with the Act, employers should be prepared to train employees and distribute the policy prior to the June 2, 2025, effective date.

The Act requires the New York Department of Labor ("DOL") to issue model workplace violence prevention policies and training specific to the statute. However, it has yet to do so and may not do so before the Act's official implementation. Employers should take note that the DOL has, in another industry, provided a model policy and training for prior acts regarding workplace violence. Said model policy and training, which were issued for public schools, if necessary, can be used and revised by employers engaged in retail businesses. Employers can create their own policies and training, provided the policy meets or exceeds the standards set forth in the Act.



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Specifically, an employer's policy must:

- Describe factors or situations in the workplace that might place employees at risk of violence;
- Identify preventative measures, including reporting systems for employees, that employers can implement to avoid incidents of workplace violence;
- Include federal, state, and/or local statutory information regarding remedies available to victims of workplace violence;
- Include anti-retaliation provisions, stating that any form of retaliation against individuals who complain of workplace violence, are involved in proceedings related to an incident or workplace violence, or express concerns about their risk of workplace violence will be deemed unlawful.

The required training must also meet certain requirements to comply with the Act. Specifically, the training must be interactive and should include the following:

- Information on the New York State Retail Worker Safety Act;
- Examples of ways in which retail employees can protect themselves against workplace violence from either customers or coworkers;
- De-escalation tactics for workplace violence situations;
- Active shooter drills;
- Emergency procedures, including a site-specific list of emergency exits and meeting places in case of emergency; and
- Instruction on the use of emergency devices, such as security alarms or panic buttons.

Effective January 1, 2027, employers with 500 or more employees in New York State must also abide by the Act's panic-button requirement. Eligible employers must provide panic buttons for their retail workers, which may be (1) stationary and positioned throughout the workplace, (2) wearable, or (3) cellphone based.

For more information, please do not hesitate to contact Jonathan Farrell, Esq. or Rachele Lena, Esq. in Meltzer Lippe's Labor and Employment Practice Group. Mr. Farrell can be contacted at jfarrell@meltzerlippe.com or (516) 470-0130. Ms. Lena can be contacted at rlena@meltzerlippe.com or (516) 470-0186.