

New York State's Retail Worker Safety Act – New Obligations for Retail Workers Coming in 2025

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Retail employers in New York State will have to face new requirements beginning on March 4, 2025, as a result of the recent enactment of the State's [Retail Worker Safety Act](#) ("Act").

The Act will impose the State's latest employment obligations on retail employers, mandating violence prevention training and precautionary workplace measures. Set to become effective about a year after California enacted similar legislation related to [employee harassment](#) and [violence prevention](#) in 2024, this is yet another state law that aims to ensure safer working environments for retail workers. As many retailers' busiest season of the year approaches, they will also need to take time to prepare for compliance with the Act's requirements.

New Obligations for Most NY Retailers

The Act defines a retail store as "a store that sells consumer commodities" but does not include businesses that are engaged in the sale of food for consumption on the premises. This law will apply to retailers with ten or more employees and will obligate such employers to comply with three specific requirements:

Written Workplace Violence Prevention Policy

Covered employers will need to adopt a retail workplace violence prevention policy. Each such policy is required to describe factors or situations in the workplace that might place employees at risk of violence, such as working late or early hours, openly exchanging money, working in small numbers or alone, and dealing with uncontrolled access to the workplace. Additionally, employers' policies will need to identify preventative measures, including describing reporting systems for employees. The policy must also include federal, state, and/or local statutory information concerning remedies available to victims of workplace violence. Finally, such policies will need to include no retaliation provisions, making clear that any form of retaliation against individuals who complain of workplace violence, testify or assist in any proceeding related to the matter, or who raise concerns about factors that might put retail workers at risk of violence will be deemed unlawful.

The New York State Department of Labor (NYSDOL) will publish a model retail workplace violence prevention policy that employers can use, but an employer may establish its own workplace violence prevention policy provided it equals or exceeds the model's minimum standards. Employers have until March 4, 2025 to adopt a compliant policy and will be required to distribute their written policies to all employees annually, and to new hires upon employment.

Employee Training

Employers will also be required to provide training to retail employees. The NYSDOL will develop an interactive model workplace violence prevention training program for all retail employees. It will include information on the Act's requirements, examples of measures that can be taken to protect oneself when faced with workplace violence, proposed de-escalation tactics, active shooter drills, emergency procedures, and instructions on the use of security alarms, panic buttons and other emergency devices. The training must address supervisor responsibilities, including ways to address workplace specific emergency procedures, and training on areas of previous security problems. Employers must also include a list of site-specific emergency exits and meeting places for employees to use in the event of an emergency. Employers may provide their employees with the NYSDOL model training or training that meets the minimum standards provided by the NYSDOL training. This training will need to be provided to all newly hired retail employees upon hire and on an annual basis thereafter. The statute does not provide a deadline for when initial training for existing employees must be completed.

Notice to Workers

Retailers will be required to provide employees with a written notice containing the employer's retail workplace violence prevention policy and the information presented in the employer's workplace prevention training. The notice must be provided both in English and in each employee's self-designated primary language, provided the NYSDOL has made such information available in that language. This information must be given to each employee at the time of hiring and then each year when the annual training is given.

Larger Retailers – Don't Panic

The Act will require employers with 500 or more retail employees nationwide to provide panic buttons throughout the workplace. This requirement will not take effect until January 1, 2027. Employers have options: instead of installed panic buttons, they may provide wearable or mobile phone-based panic buttons. However, if employers choose this route, then such systems must be provided to all retail employees and may only be installed on employer-provided devices, not on employees' personal devices. Further, such wearable or mobile-phone-based devices may not be used to track employees, except when the panic button is activated.

What NY Retailers Should Do Now

We recommend that employers prepare to take the necessary steps to comply with the Act in advance of its effective dates, bearing in mind the resulting physical and financial expectations that compliance will require. Consulting with counsel on the implementation of these policies and procedures is always advised. We will monitor NYSDOL and advise further when the agency provides further guidance and materials.

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