

## Preventing Workplace Violence: Requirements for Retailers

On Sept. 4, 2024, New York Governor Kathy Hochul signed the Retail Worker Safety Act (the “Act”) into law ([S. 8358B/A. 8947C](#)). The Act requires covered retail employers to implement strategies to reduce the risk of workplace violence to their employees and increase employee safety.

Retail businesses are already required to implement and maintain an operating plan that includes: procedures for preventing workplace violence, and procedures for reporting and addressing workplace violence incidents or concerns, in accordance with New York State Department of Labor (DOL). However, the Retail Worker Safety Act establishes additional requirements that all retailers must follow to remain in compliance with New York State law.

The following FAQs provide an overview of the Act and guidance to help employers understand and meet these requirements.

### **1. Which employers are covered under this law?**

This law applies to private sector retail employers who have a total of 10 or more retail employees across all locations in New York State, even if each individual store employs fewer than 10 workers. Retail stores include any store that sells goods directly to the public at retail. Retail stores do not include businesses that primarily sell food to be eaten on-site, such as restaurants.

### **2. What responsibilities do employers have under New York State’s Retail Worker Safety Act?**

All employers covered by the Act must adopt a retail workplace violence prevention policy and provide their employees with retail workplace violence prevention training.

The Act requires that employees receive training that is interactive, provided during onboarding, and annually thereafter (or every two years if the employer has fewer than 50 retail employees).

The New York State Department of Labor (NYSDOL) has provided a model policy and interactive training program that employers can use or adapt to their workplace needs.

- **Model policy and guidance:** <https://dol.ny.gov/retail-worker-safety>
- **Online interactive training (available in English and the 12 most common non-English languages in NYS):** <https://dol.ny.gov/retail-workplace-violence-prevention-training>

The training must take place during paid work time and must include information and instruction on:

1. The requirements of the Retail Worker Safety Act

2. Measures retail workers can take to protect themselves when faced with workplace violence
3. De-escalation tactics
4. Active shooter events
5. Emergency procedures, emergency exits, and meeting places in the event of an emergency
6. How to use security alarms or buttons and other worksite-specific emergency devices
7. Responsibilities of supervisors and managers before, during, and after emergency situations, including developing worksite-specific emergency procedures and training on areas of previous security problems.

Note: If you plan to use the NYSDOL's Retail Workplace Violence Prevention Model Policy and Training, be sure to customize it for your business before sharing it with employees. You'll need to add store-specific details such as:

1. Your business name
2. The staff person or office where employees should report incidents of violence
3. The staff person or office employees can contact with suggestions for reducing violence risks
4. Any workplace-specific risk factors you've identified and methods you've implemented to prevent violence

These updates ensure the policy accurately reflects your workplace and complies with the Act.

For more information on policy and training requirements, visit the NYSDOL's Retail Worker Safety website: <https://dol.ny.gov/retail-worker-safety>

### **3. How often do employers need to distribute the retail workplace violence prevention policy?**

The retail workplace violence prevention policy needs to be distributed to employees when they are first hired and once a year after that.

### **4. What is considered workplace violence?**

Workplace violence can be any act or threat of physical violence, abuse, harassment, stalking or intimidation that occurs at the workplace or during a worker's regular duties. In the retail industry, these are committed most commonly by customers. Workplace violence can also be perpetuated by strangers with no relationship to the business, current or past employees, and people who have a personal relationship with someone associated with the business.

## **5. What could be the specific risks of your workplace?**

Risk factors for violence in a retail setting could be: working late night or early morning hours, exchanging money with the public, working alone or in small numbers, or working where there is uncontrolled access to the workplace or in areas of previous security problems.

Employers should review the last 2 years of records for medical issues, safety problems, workers' compensation and insurance to see if any of these reflect violence incidents. Has the workplace had any worker and/or police reports of incidents of assault or aggressive behavior in the past two years? The employer can ask or survey the workforce on their experience of violence or aggressive behavior and areas of risk within the store.

A site review of the physical store may indicate areas of risk – review the building layouts, lighting, and communication and security systems and evaluate the effectiveness of current security measures.

## **6. What could a workplace do to reduce the risk of workplace violence?**

The establishment could make high-risk areas more visible to more people and install good external lighting. Potential perpetrators are less likely to engage in violence if they think they will be observed or witnessed easily. Lighting can reduce shadows where someone could hide.

It can be very helpful to make the business less attractive for theft by using drop safes or other methods to minimize cash on the premises and by posting signs stating that limited cash is on hand. Providing employee training can help develop communication skills for defusing confrontation, as well as how to respond or escape if necessary. The workplace needs to establish and implement reporting systems for incidents of workplace violence – this enables risk reduction improvements to be made, as well as provide victims of violence with supportive services and follow up care.

## **7. Are there criminal penalties for assaults on retail workers?**

Yes. In New York State, assaulting a retail worker is classified as a Class E felony.

## **8. Are employers required to hire security guards?**

Employers who have experienced a certain number of violent incidents in their workplace or workplaces in a given period of time, as determined by NYSDOL, are required to have a security guard present at the workplace during all hours in which the workplace is open.

## **9. What is a silent response button?**

Employers with 500 employees or more must provide employees with access to a silent response button by January 1, 2027. These can be physical or mobile silent response buttons designed to

alert emergency services when activated, transmitting the employee's location and contacting law enforcement. Mobile-based silent response buttons must only be installed on employer-provided devices and cannot be used for employee tracking unless activated.

**10. Can an employer retaliate against an employee for reporting workplace violence or safety concerns?**

No, retaliation against employees by an employer is unlawful. The law's protected activities include, for example, complaining about or reporting violence incidents, factors, or situations that may put workers at risk of workplace violence. This could mean testifying or assisting in any legal proceedings or investigations concerning workplace violence. Retaliation could take the forms of demotion, termination, reducing hours, reducing pay, or assigning less-desirable shifts; it could be reducing work responsibilities, passing the employee over for a promotion, or changing an individual's work assignment to a less desirable location; it might be more intensive or critical supervision or the assignment of more difficult duties.

Any retail employee who believes they are the victim of workplace retaliation may file a complaint with the NYSDOL by calling 518-457-3839 or emailing [retailworkersafety@labor.ny.gov](mailto:retailworkersafety@labor.ny.gov).

For more information on the Act and related compliance requirements, visit the NYSDOL's Retail Worker Safety website: <https://dol.ny.gov/retail-worker-safety>

The LEL resources are for employers and employees. They are only provided for general informational purposes and are not a substitute for legal advice.