



NYS Workplace Violence Prevention Law Overview and Key Requirements



What is the New York State Workplace Violence Prevention Law?

New York State (NYS) has enacted legislation that requires public employers to develop and implement workplace violence prevention programs that cover all employees at each of their worksites. The Law is the most comprehensive standard in the country. It is intended to minimize the risk of workplace violence, making all NYS public workplaces safer for the workers and the public they serve.

What is the effective date of the Law?

This Law was signed June 7, 2006, creating a new Section 27-b of the State Labor Law. The NYS Department of Labor (DOL) is required to promulgate rules and regulations to implement the provision of this Law by July 2007. There will be an opportunity to provide comments during the rulemaking process. According to the DOL, March 4, 2007 is the date by which public employers must comply with the Law.

What public employers are covered by this Law?

According to the Law, the term public employer includes the state, counties, cities, towns, public authorities, public benefit corporations, and any other governmental agency or instrumentality. Employers with a combined total of 20 or more full-time permanent employees must develop and implement a **written** workplace violence prevention program. Smaller employers must still comply with all other aspects of this Law; only the requirement that the program be written is waived.

School district public employers, defined in Section 2801-A of New York State Education Law, are currently exempt from the provisions of the Workplace Violence Prevention Law.

Private employers are not covered by this Law, as they are under the jurisdiction of the Federal Occupational Safety and Health Administration (OSHA).

What are public employers required to do to comply with this Law?

As of this writing, DOL has not yet developed the regulations mandated by this Law that will stipulate how it will be implemented. However, the Law, which will be the basis for the regulations, requires every covered employer to develop and implement a workplace violence prevention program, as follows:

1. Employers with more than 20 employees must put their program in writing.
2. The program must include risk evaluation and determination.
3. The program must detail the methods the employer will use to prevent incidents of occupational assaults and homicides

4. The program must include employee information and training provided at the time of assignment and annually thereafter.
5. The program must establish a reporting system for incidents of aggressive behavior.

Key elements of a Workplace Violence Prevention Program

Though no federal workplace violence prevention standard exists, the Federal Occupational Safety and Health Administration (OSHA) has published guidelines for preventing workplace violence that contain the key elements of any workplace violence prevention program. Those key elements include: management commitment and employee involvement; a comprehensive and site-specific risk assessment and worksite analysis; hazard prevention and control; training and education tailored to the specific workplace; and recordkeeping and evaluation.

For more details about how to develop an effective program, see PEF's companion factsheet titled "Key Elements of a Workplace Violence Prevention Program", available at

<http://www.pef.org/stopworkplaceviolence/index.htm>

Complaints and Inspections

Affected employees and their union representatives have a right to file a complaint with the DOL if they feel there has been a serious violation of their workplace violence prevention program or if an imminent danger exists. However, they must first provide a written notice to a supervisor and allow the employer a reasonable amount of time to correct the problem. This provision doesn't apply where an imminent danger or threat to the safety or health of a specific employee or patient exists. If the employer fails to take corrective action, the union or employee may file a written complaint to DOL, requesting an inspection. The union has a right to participate in the inspection.

The new law further states that "no employer shall take retaliatory action against any employee" for requesting inspections or filing complaints related to the new law.

Upon request, the PEF Health & Safety Department will provide factsheets, standards, regulations, and other resources. Contact us at 518-785-1900, ext. 254 or 1-800-342-4306, ext. 254.

Also, visit our webpage at www.pef.org.

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