

STATE OF NEW YORK

4173

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring employers to warn employees of potential hazardous environmental and health conditions in the workplace

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 200-b to
2 read as follows:

3 § 200-b. Duty to warn employees of potential hazardous environmental
4 and health conditions in the workplace. 1. In addition to the require-
5 ments of employers set forth in section two hundred of this article,
6 employers shall be required to warn their employees and/or contract
7 workers of any known hazardous environmental and health risks that such
8 employees and/or contract workers may encounter during the course of
9 their employment. Such information shall be provided to employees
10 and/or contract workers prior to the commencement of employment, or as
11 soon as practicable, and employers shall ensure that employees and/or
12 contract workers are continually updated as soon as possible of any
13 additional environmental and health risks that may arise.

14 2. Employers shall take necessary measures to mitigate any risk to
15 employees and/or contract workers arising from potential hazardous envi-
16 ronmental and health risks, including, but not limited to, providing
17 appropriate protective equipment.

18 3. No employee or contract worker shall face retaliation of any kind
19 from an employer if such employee or contract worker refuses to work in
20 or around hazardous conditions because such employer has failed to miti-
21 gate potentially hazardous conditions or provide appropriate protective
22 equipment pursuant to subdivision two of this section.

23 4. The commissioner shall establish procedures to allow for employees
24 or contract workers to contact and inform the department of any poten-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 tial hazardous environmental and health conditions in the workplace not
2 yet identified by an employer, or of any employers who are in violation
3 of this section.

4 5. The department shall share any known violations of the procedures
5 established by this section with the appropriate public health or envi-
6 ronmental authorities, if necessary to protect public health.

7 § 2. Section 212-d of the labor law is amended by adding a new subdi-
8 vision 1-a to read as follows:

9 1-a. Every grower or processor who employs or uses paid farm hand
10 workers, farm field workers or farm food processing workers, whether or
11 not he or she uses the services of a farm labor contractor, shall, at
12 his or her own expense, provide or make available to such workers appro-
13 priate field sanitation procedures and materials to prevent the spread
14 of infectious diseases, including, but not limited to, COVID-19.

15 § 3. This act shall take effect immediately.