STATE OF NEW YORK

8774

IN SENATE

July 15, 2020

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

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:

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

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

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

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

4. The commissioner shall establish procedures to allow for employees or contract workers to contact and inform the department of any potential hazardous environmental and health conditions in the workplace not yet identified by an employer, or of any employers who are in violation of this section.

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

LBD16156-03-0

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

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

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

§ 3. This act shall take effect immediately.