

Compliance Ahead: New York's Warehouse Worker Injury Reduction Program Creates New Employer Responsibilities

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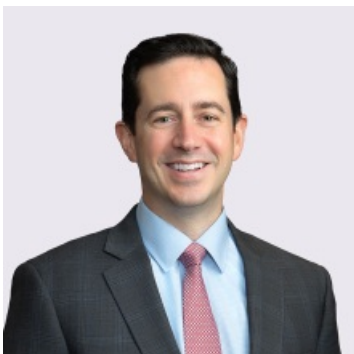


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Takeaways

- Effective 6/1/25, covered employers must implement a musculoskeletal-injury reduction program that evaluates certain risk factors.
- The program must include worksite evaluations, exposure control, employee training, on-site medical, and more.
- The new law continues New York's focus on workplace safety in specific industries.

Related link

- [What Responsibilities Do Employers Have Under New York State's Retail Worker Safety Act?](#)

Article

Effective June 1, 2025, employers that employ more than 100 employees at a single warehouse distribution center or more than 1,000 employees at one or more warehouse distribution centers within New York must establish an injury reduction program to comply with the Warehouse Worker Injury Reduction Program. New York Governor Kathy Hochul signed the law on Dec. 21, 2024.

The law aims to minimize the risks of musculoskeletal injuries and disorders, which are the leading cause of injury that results in workers missing work. Musculoskeletal injuries include those to the muscles, nerves, tendons, ligaments, joints, and cartilage of the lower limbs, neck, and lower back. In 2022, 5,472 workers were injured in the warehousing industry in New York state.

Requirements

A compliant program must include:

- Worksite evaluation
- Control of exposures
- Employee training
- On-site medical and first aid practices
- Employee involvement

Employers are required to consult with a qualified ergonomist to perform a written worksite evaluation for risk factors that are likely to cause musculoskeletal injuries

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and disorders.

Such risk factors include:

- Rapid pace
- Forceful exertions
- Repetitive motions
- Twisting
- Bending
- Awkward postures and combinations that have caused or are likely to cause musculoskeletal injuries and disorders

Employees must be notified in writing of the results of the worksite evaluation and employers must maintain copies of the evaluations at locations within the warehouse.

Timing

Worksite evaluations must be reviewed and updated annually. A new analysis of risk factors has to be conducted within 30 days of whenever a new job, process, or operation is introduced that could increase the risk factors for musculoskeletal injuries and disorders.

Employers should correct any new risk factors identified as having caused or being likely to cause musculoskeletal injuries and disorders within 30 days. If the correction is expected to take longer than 30 days, the employer must provide a schedule for the proposed correction.

Employee Training

All employees and their supervisors must receive annual injury reduction training. The training must be provided in the employee's language and include:

- The importance of early detection and the symptoms of musculoskeletal injuries and disorders;
- Musculoskeletal injuries and disorders risk factors and exposures at work, including the hazards posed by excessive rates of work;
- Methods to reduce risk factors for musculoskeletal injuries and disorders, including both engineering controls and administrative controls, such as limitations on work pace and increased scheduled and unscheduled breaks;
- The employer's program established to identify risk factors, including the summary protocols for medical treatment;
- The employees' right to report any risk factors, other hazards, injuries, or health and safety concerns; and
- Unlawful retaliation, as well as the employer's policy prohibiting workplace discrimination.

On-Site Medical Care

Employers with on-site medical offices or a first aid station must staff them with medical professionals operating within their legal scope of practice who meet New York state's requirements for physician supervision of nurses, emergency medical technicians, or other non-physician personnel.

Employers should retain a written evaluation of the on-site medical or first aid provider program and protocols followed in the warehouse for identification and treatment of musculoskeletal injuries and disorders.

New York Focus on Workplace Safety

The Warehouse Worker Injury Reduction Program is another example of New York's continued focus on workplace safety in specific industries. In September 2024, Governor Kathy Hochul signed the [Retail Worker Safety Act](#) (RWSA), which requires retail employers to develop and implement programs to prevent workplace violence in their respective retail locations. The RWSA is set to go into effect on March 3, 2025. Covered employers await the New York Department of Labor's RWSA-compliant model policy and training program.

Please contact a Jackson Lewis attorney if you have any questions or need assistance.

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