

*Legislative Update
from the NYS Assembly
Subcommittee on*

Workplace Safety

Rory Lancman, Chairman ■ 2011

Message from the Chair

Dear Friends,

Each year, 200,000 working teenagers are injured on the job. Our responsibility at the Assembly Subcommittee on Workplace Safety is to promote safe employment practices for all New Yorkers, young and old. Through its investigations, reports, and legislative advocacy, the Subcommittee continues to advocate for safer workplaces throughout New York.

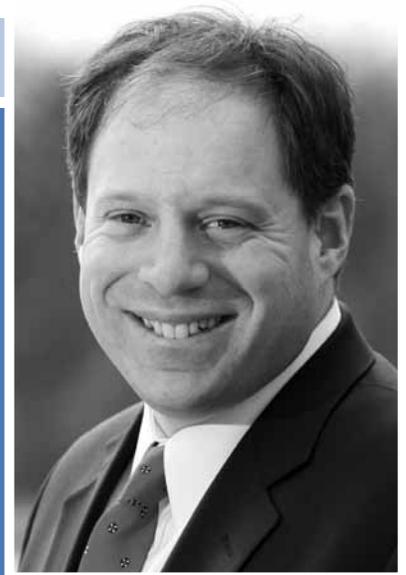
This newsletter is a summary of the progress the Subcommittee has made at improving workplace safety conditions for workers in New York in 2011.

In the last year, the Subcommittee on Workplace Safety has strived to improve workplace safety for New Yorkers by issuing reports on Safe Patient Handling; Emergency Preparedness in New York City's Theater District; holding an Assembly Roundtable to examine on-the-job safety issues facing New York State's youngest workers; hosting a statewide workplace rights awareness event for immigrant workers and the second annual "Occupational Health Awareness Week" in the legislature. The Subcommittee also passed the Juvenile Justice Worker Protection Act into law which extends the protections of the Workplace Violence Prevention Act to employees of private juvenile justice facilities. The Subcommittee has pursued these issues while continuing to meet with unions, workers' advocacy groups, government agencies, and businesses in an effort to improve job safety conditions throughout the state.

By conducting research, issuing reports and spreading awareness, the Subcommittee has made the importance of occupational safety and health clear to legislators and government agencies, enabling the Subcommittee to effectively improve safety in workplaces throughout the state.



Rory Lancman
Chair, NYS Assembly Subcommittee on Workplace Safety



Assemblyman Rory I. Lancman
Chair

159-16 Union Turnpike, Suite 210
Hillcrest, New York 11366
Office: 718-820-0241
E-mail: lancmar@assembly.state.ny.us
Fax: 718-820-0414

Eric Katz
Counsel

Safe Patient Handling in New York

In May 2011, the Subcommittee issued a report which detailed the success of safe patient handling programs in healthcare facilities in New York and recommended the passage of the “Safe Patient Handling Act,” (A.1370/S.2470), sponsored by

Assemblyman Rory Lancman and Senator George Maziarz.

The healthcare industry experiences some of the highest workplace injury rates in the United States, with overexertion as a leading cause. New York healthcare workers who manually lift and maneuver patients suffer more overexertion injuries than laborers and freight, stock and material movers.

Safe patient handling is a policy and practice that replaces manual lifting and moving tasks for healthcare professionals with machines and training to properly lift and move patients safely, without injury to the patient or the handler. The report cites examples in New York in which healthcare facilities have dramatically reduced employee injuries, workers’ compensation costs and turnover rates by successfully implementing safe patient handling programs.

The Subcommittee plans to use the findings from this report to recommend the enactment of the “Safe Patient Handling Act” to create a state safe patient handling taskforce comprised of healthcare professionals, ergonomic specialists and experts in workplace safety and health. The taskforce would conduct public hearings on safe patient handling and recommend to the New York State Department of Health (DoH) a comprehensive safe patient handling policy to be implemented at all healthcare facilities based on the findings from those hearings. DoH would then promulgate rules and regulations implementing a statewide safe patient handling policy. Each healthcare facility in New York would establish a joint management-employee committee to implement the required safe patient handling program to comply with that statewide policy.



Assembly Members Lancman and Gottfried, Senator Maziarz and healthcare employers and employees announce the Safe Patient Handling Report and urge passage of the Safe Patient Handling Act.

Workplace Safety in the New York City Theater District

In January 2011, the Subcommittee released a report detailing concerns among New York City theater district employees that existing emergency preparedness and evacuation plans and procedures are out of date and present a potential safety hazard. The need to reexamine these safety plans was highlighted by the attempted car bombing in Times Square on May 1, 2010.

and reminded facilities about critical regulations currently in place. The Shubert Organization, a theater group with twenty theaters, also agreed to adopt language in its booking agreements with show producers which would mandate periodic emergency preparedness training for employees.

The report details several recommendations for stakeholders on how best to tackle such safety issues based on the outcome of an Assembly Legislative Roundtable discussion hosted jointly with the Subcommittee on Workplace Safety and the Committees on Labor, Governmental Operations and Cities. Roundtable participants included representatives from the New York City Fire Department (NYCFD), Occupational Safety and Health Administration (OSHA), theater owners and employee unions and the New York City Office of Emergency Management.



Highlighted recommendations from the report include that: (1) OSHA issue clearer guidance on which theaters are required to establish Emergency Action Plans; (2) OSHA increases the number of inspections of theaters to ensure that compliance with existing OSHA emergency preparedness requirements are enforced; (3) theater owners and producers require that their employees participate in compensated emergency preparedness training during regular working hours at least once every six months; and (4) the NYCFD, which is currently reviewing new emergency preparedness standards in the NYC fire code, solicit the views and participation of theater workers, owners and producers in formulating the new code.

Following the Legislative Roundtable and publication of the report, emergency preparedness in the Theater District has begun to improve. OSHA agreed to assist theaters in adopting more extensive emergency preparedness plans

“Theater employees are entitled to a safe workplace, and this means that emergency preparedness plans be put in place – and tested – before they are needed. I’m pleased that theater owners and producers are coming together with the support of city and federal government agencies to improve their readiness to confront emergency events in a way that is safer both for theater employees and patrons.”

–Assemblyman Rory Lancman

Safety for New York Hotel Workers

Following an outburst of high profile alleged physical and sexual assaults on hotel workers, the Subcommittee introduced the Hotel Worker Protection Act (A.7910), which would provide hotel workers with "panic alert buttons." Similar to a bill (S.5613) sponsored by Senator Martin Golden, the bill remains a strong priority of the Subcommittee in the next legislative session.

The Subcommittee's advocacy spurred two leading hotels to voluntarily provide all employed housekeepers with the panic alert buttons. Both the Sofitel and Pierre hotels adopted this practice after the Subcommittee's advocacy in June 2011. Passage of the Hotel Worker Protection Act would guarantee that all housekeepers enjoy the same increased security as do the employees of the Sofitel and Pierre.



Assembly Member Lancman urged passage of the Hotel Worker Protection Act and encouraged all hotels to equip their housekeepers with panic alert buttons.

Key Workplace Safety Legislation in the 2011 Legislative Session

Juvenile Justice Worker Protection Act

Bill Number: A.2129B/S.4940B

Prime Sponsors: Assemblyman Rory Lancman/Senator Catharine Young

What the bill does: This legislation was drafted in response to the horrific murder of non-profit juvenile justice worker Renee Greco by a youth in her care in Lockport, New York in June 2009, and the shooting of Rochester police officer Anthony DiPonzio in January 2009 by a youth who went AWOL from a non-profit juvenile justice facility. It would require private juvenile justice programs and facilities to comply with the New York State Workplace Violence Prevention Law. The law requires programs and facilities to assess their workplaces for risks of potential violence and establish workplace violence prevention programs tailored to their specific work environment.

In 2010 Assemblyman Lancman issued a report on workplace violence in the state's juvenile justice system. Among other things, the report found that private juvenile justice employees generally lack the tools and training needed to prevent and protect themselves from violence.

Outcome: This legislation was passed by both the Assembly and Senate and signed into law by Governor Cuomo.

Taxi Driver Protection Act

Bill Number: A.207B/S.3824B

Prime Sponsors: Assemblyman Rory Lancman/Senator Eric Adams

What the bill does: This bill would increase the penalty for assaulting a taxi driver and require a sign to be placed in the back of taxi cabs warning passengers that assaulting a taxi driver can lead to up to 25 years in prison. Livery or black car vehicles would have the right but not the obligation to post such a sign.

According to the Occupational Safety and Health Administration, taxi workers are thirty times more likely to be killed on the job than other workers. New York City is home to the largest taxi driver industry in the country.

Outcome: The bill advanced from the Assembly Codes Committee to the Rules Committee and is currently in the Senate Codes Committee.

Safety for Bridge Workers

Bill Number: A.2454/S.5220

Prime Sponsors: Assemblyman Rory Lancman/Senator Charles Fuschillo

What the bill does: The bill expands the Work Zone Safety Act of 2005 to protect workers on bridges in New York City. The Act of 2005 increased police presence in work zones on roads with speed limits over 55 miles per hour, which excluded New York City bridges. Driving at unsafe speeds is the most common contributing factor in highway fatalities.

Outcome: The legislation is currently pending in both the Assembly and Senate Transportation Committees.

Safeguarding Our Workforce From Violence

Bill Number: A.6160A/S.4932

Prime Sponsors: Assemblyman Rory Lancman/Senator John Bonacic

What the bill does: This bill requires employers or workplaces to be notified if former employees or visitors who were convicted for violent acts in those workplaces are released from incarceration or violate their probation or parole. This legislation was drafted in response to the murder of Joanne O'Brien, who had been shot by a disgruntled former employee she fired 18 months earlier in 2004.

Outcome: This legislation is pending in the Labor Committees of both the Senate and Assembly.

Protecting Hotel Workers From Assault

Bill Number: A.7910B

Prime Sponsors: Assemblyman Rory Lancman

What the bill does: This bill would protect hotel workers from on-the-job assaults by requiring hotel and motel employers to provide each room attendant with a personal electronic device that notifies management of an emergency and need for assistance at the push of a button.

Outcome: The legislation moved from the Assembly Labor and Codes Committees and is currently pending in the Rules Committee

The Subcommittee on Workplace Safety in Photos



Assemblyman Lancman hosted a workshop on workplace safety as part of the New York State Association of Black and Puerto Rican Legislators annual legislative conference. The workshop included panelists from the

federal Occupational Safety and Health Administration, 1199 SEIU, the Public Employees Federation, Laborers Local 79 and the Restaurant Opportunities Center of New York, which addressed workplace safety issues facing Black and Latino workers in New York.

Assemblyman Lancman with the Executive Board of the New York Regional Conference of the International Union of Bricklayers and Allied Craftworkers



Assemblyman Lancman attended a meeting of the Executive Board of the New York Regional Conference of the International Union of Bricklayers and Allied Craftworkers (BAC) to describe how the efforts of the Subcommittee on Workplace Safety have affected bricklayers in New York State. Current Subcommittee legislative goals which impact BAC members include ensuring steady funding for the Occupational Health Clinics Network, which is available to service members of BAC throughout the state, and instituting the "Passport to Safety" online training program, which teaches young people about their rights in the workplace and how to stay healthy and safe.



Assemblyman Lancman met with a delegation of the Communications Workers of America (CWA). CWA represents tens of thousands of workers who are employed in a variety

of occupations, including telephone and cable service operators, media workers, public safety officers, public health and education workers. These very diverse occupations demand different and specialized skills for ensuring a safe workplace. Both the Subcommittee on Workplace Safety and CWA are committed to working together to alleviate the health and safety concerns of all its members.

The New York State Public Employees Federation (PEF) invited Assemblyman Lancman to address its 2011 Health and Safety Conference and honored him with its biennial Health and Safety Award. Speaking on the panel, Assemblyman Lancman discussed the difficulties felt by both public and private sector employees in performing their jobs safely and efficiently in challenging economic times. Assemblyman Lancman also stressed the need to maintain safety standards, especially in vulnerable working environments like the Office of Children and Family Services and the Office of Mental Health.



The Subcommittee on Workplace Safety has advocated on behalf of the safety needs of public service employees, seeking to eliminate workplace violence and other hazards that arise in unsafe work settings. Assemblyman Lancman was honored to receive the PEF Health and Safety Award for the Subcommittee's work to protect public employees.



Assemblyman Lancman was a featured presenter at "Safety in the Workplace," a breakfast and panel discussion hosted

by the Business and Labor Coalitions of New York and the Mason Tenders District Council. The panel discussion

focused on the benefits of safe working environments for labor and industry and the progress that can be made when labor and business work closely together. Assemblyman Lancman emphasized that safety is a shared interest for workers and business owners alike.

This year the Subcommittee and New York State Department of Labor sponsored the first ever New York State "Immigrant Workers' Rights Awareness Weekend." The Subcommittee collaborated with over 100 government agencies, elected officials and community based organizations to create the event that included community outreach across the state in immigrant communities to provide literature and information in many different languages about rights while on the job. The effort grew out of the knowledge that immigrant workers are frequently subjected to unfair and unsafe working conditions.



The New York State Assembly and Senate named June "Young Workers' Safety Month." June is pivotal in young people's transition from school

into summer employment, and it is an opportune time to spread awareness about young workers' safety and rights on the job. In honor of Young Workers' Safety Month, Assemblyman Lancman introduced a delegation from the Youth Construction Initiative Program (YCIP) in the Assembly chamber. The YCIP program is designed to encourage young people who are not college-bound to seek rewarding careers in construction. With construction being one of the most hazardous industries in the state, safety and health training are strongly emphasized in the YCIP program.

Also spreading the message of Young Workers' Safety Month were four ballparks throughout the state that hosted "Teen Workers' Safety Night" in order to raise awareness among young workers about safety and health. The participating ballparks were Falcon Park in Auburn; Dwyer Stadium in Batavia; Russell E. Diethrick, Jr. Park in Jamestown and Joseph Bruno Stadium in Troy.

Assemblyman Lancman meets with members of the International Brotherhood of Teamsters



Assemblyman Lancman and the International Brotherhood of Teamsters met to discuss the misclassification of truck drivers and its impact on workplace safety.

Misclassification rates are believed to be disproportionately high in the trucking industry, with port truck drivers and delivery truck drivers often improperly classified as "independent contractors." They are thereby deprived of proper social security, healthcare and unemployment benefits, as well as workers' compensation, minimum wage protections, the right to join a union and the right to a safe and healthy workplace.

The "New York State Commercial Goods Transportation Fair Play Act," introduced by Assemblyman Lancman would prevent employers from improperly classifying truck drivers as independent contractors, allowing drivers to receive their due employee benefits.

32BJ Building Service Workers Award

Assemblyman Lancman recently attended SEIU 32BJ's Building Service Awards and was honored to present the Midtown Office Cleaner Award to Norma Quizi (pictured at right) and Luz Hurtado. The awards ceremony recognized exemplary members of 32BJ, which represents security and maintenance officers, porters and other building service workers.

