



MEMORANDUM IN OPPOSITION

S.8358-A (Ramos)

A.8947 – B (Reyes)

AN ACT to amend the labor law in relation to requiring retail worker employers to develop and implement program to prevent workplace violence

The Capital Region Chamber, representing 2,600 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, opposes S.8358-A and A.8947-B. Although these bills are not currently “Same As” bills, both so called “Retail Worker Safety Act” are aimed at increasing worker safety by imposing misplaced mandates on business owners in an ill-advised attempt to prevent workplace violence.

While the sponsors’ goals are well intentioned, the focus of their legislation is misdirected. In terms of workers that are subjected to harassment, harassment by a third party, including customers, clients, constituents, or any other individual being served by an employee, is already covered under the New York State Human Rights Law. Current law also explicitly includes protection in employment from harassment based on any protected class. In terms of acts of violence, the burden of preventing violence at the workplace, or anyplace for that matter, is with law enforcement not with business owners. No amount of mandated employer provided training, risk assessments, or record keeping will reduce the risk of workplace violence. Such risk should and must be reduced by crime prevention, enforcement, and prosecution on the part of our law enforcement agencies and prosecutors.

To that end, the recently adopted budget included provisions to crack down on retail theft by changing the penal code, offering tax credits, and funding state and local law enforcement. This is a good first step and we are grateful to the Governor and the Legislature for acting. However, as we mentioned during this year’s Small Business Day at the Capitol, proposals to require small businesses to hire private security guards, install expensive anti-theft equipment, or to report incidents into a public database should be rejected. New York’s state and local law enforcement are responsible for enforcing public safety laws, not business owners.

Our business owners are losing money due to stolen goods, property damage, and investments in expensive anti-theft equipment. New Yorkers visiting businesses, large and small, are frustrated with their shopping experiences with items placed behind locked cabinets. Retail workers and customers question their safety. Retail theft and prevention efforts are eating into small businesses’ already thin profit margins and leading to higher prices for consumers. This situation will only end not by the continued efforts of business owners, but by supporting the efforts of and providing the necessary resources to law enforcement. Workers are safe when laws are enforced.

It is our hope that through the provisions and resources included in the budget, combating retail theft will be prioritized, the safety of our businesses, their employees and customers will be ensured, and our businesses will stop losing billions of dollars to those responsible for committing these crimes. To be clear, the burden of preventing violence and fighting retail theft is and must remain on law enforcement, not on our businesses and not on their employees. The proper enforcement of our laws is the only way to ensure the safety of all.

For these reasons, the Capital Region Chamber opposes this legislation.

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