



WAREHOUSE WORKER INJURY REDUCTION PROGRAM



WAREHOUSE WORKER INJURY REDUCTION PROGRAM

The Warehouse Worker Protection Law establishes legal requirements for employers in certain warehouse distribution centers to implement an injury reduction program (NYS Labor Law, Section 789). An injury reduction program must identify and minimize the risk of musculoskeletal disorders to workers who are subject to a quota and perform manual material handling tasks in the workplace. Employers should evaluate their workplaces for such tasks. They could include lifting, lowering, pushing, pulling, carrying, holding, or restraining objects.

An injury reduction program must include:

- A written worksite evaluation that identifies and assesses ergonomic risk factors that are likely to cause work-related musculoskeletal disorders.
- Actions taken by the employer to limit and reduce the workplace factors and conditions that may cause work-related musculoskeletal disorders.
- Injury reduction training for employees and supervisors.
- On-site medical and first aid practices.

Additionally, the injury reduction program must be developed with feedback and input from employees.

A “competent person” shall include ergonomists, industrial hygienists, certified safety professionals, or other health and safety professionals who, ...have successfully demonstrated the ability to manage workplace injury risk.

EMPLOYEE INVOLVEMENT

New York State Labor Law 27-e requires that employees and their union representatives are consulted before and during the development and implementation of all parts of the injury reduction program. In warehouses where employees have formed a workplace safety committee, the employer must ensure the committee is consulted on all parts of the injury reduction program. Before meeting with a workplace safety committee to consult on the injury reduction program, the employer must share any records they have created regarding the injury reduction program. These documents must be shared in English and the primary language of each employee.

CONDUCTING A WORKSITE EVALUATION

Worksite evaluations must be written and completed by a competent person. These evaluations must incorporate input from workers who do the jobs being evaluated. Worksite evaluations must be reviewed and updated by a competent person each year.

Worksite evaluations must:

- Identify and assess ergonomic risk factors that have caused or are likely to cause work-related musculoskeletal disorders. These factors can include, but are not limited to: rapid pace, forceful exertions, extreme or static postures, repetitive motions, direct pressure, contact stress, vibration, and cold temperature.
- Evaluate each job, process, shift, and operation done by workers involved in material handling tasks. When such jobs, processes, shifts, or operations are identical work activities, only a representative number of jobs, processes, shifts, or operations need to be evaluated.
- Determine if employees exposed to ergonomic risk factors are also responsible for meeting quotas as part of their regular tasks, and what consequences, if any, employees might face for failing to meet a quota (e.g. personnel action or termination).
- Provide a schedule of when ergonomic risk factors will be corrected, if their correction will take more than 30 days.

EMPLOYER MEASURES

Employers must try to correct and eliminate the risk of musculoskeletal disorders identified through the worksite evaluation. If an employer shows they cannot eliminate a risk factor completely, they must actively minimize how much their employees are exposed to the risk.

An employer must consider the following methods to reduce or eliminate the risk of musculoskeletal disorders to their employees:

- Physical changes to the work stations. This could include engineering controls, such as changing shelving heights, providing adjustable fixtures and equipment, or providing redesigned tools.
- Changes to work practices or procedures. This could include adjusting administrative controls, such as rotating employees at specific jobs, reducing work pace, or providing additional breaks.

An employer must keep a written record of the steps they take to reduce or eliminate the risk of musculoskeletal disorders.

EVALUATION REVIEW BY A BOARD CERTIFIED ERGONOMIST

When an employee workplace safety committee has a health and safety concern related to a worksite evaluation, they can ask the employer to have the worksite evaluation reviewed by a board-certified ergonomist. In warehouses where there is no workplace safety committee, any active employee-led committee can ask for this review. The employer must complete this review within 30 days of the request.

As is true following a worksite evaluation performed annually by a competent person, the employer must try to correct and eliminate any additional risks of musculoskeletal disorders identified through the board-certified ergonomist's worksite evaluation. If an employer shows they cannot eliminate a risk factor completely, they must actively minimize how much their employees are exposed to the risk.

ON-SITE MEDICAL STATION

If an employer has an on-site medical and first aid station that staffs a medical professional to treat warehouse workers for symptoms of work-related musculoskeletal disorders it must be staffed by medical professionals working within their legal scope of practice. The medical professionals working at the station must observe the jobs involving the manual handling of materials in-person in the warehouse as well as the risk factors identified in the worksite evaluation.

INJURY REDUCTION PROGRAM TRAINING

Employers must provide injury reduction program training to all employees who perform manual jobs or tasks handling materials, and those workers' supervisors. This training must be provided once a year, during normal work hours and on paid time. The training must also be in a language and vocabulary that workers understand.

The injury reduction program training must cover:

- The early symptoms of work-related musculoskeletal disorders and the importance of early detection.
- Ergonomic risk factors for musculoskeletal disorder and employees' exposure at work, including the danger posed by excessive work rates.
- Methods to reduce risk factors for musculoskeletal disorders including physical changes to workstations and changes to work practices and procedures, for example, slowing work pace or additional work breaks.
- The employer's injury reduction program.
- The musculoskeletal treatment plans prepared by a medical professional.
- The rights and functions of workplace safety committees (as established by NYS Labor Law, Section 27-d).
- The rights of employees to report risk factors, other hazards, injuries, and health and safety concerns.
- Training on illegal employer retaliation, including the employer's policy on possible disciplinary action for any manager or supervisor who retaliates or discriminates against an employee. The policy must also state the employer's prohibition on workplace discrimination.

CONTACT THE DEPARTMENT OF LABOR

Employers may reach out to the New York State Department of Labor if they have any questions or concerns. Please reach out to warehouseworkerclaims@labor.ny.gov. For more information on the Warehouse Worker Protection Act, please visit the DOL website at dol.ny.gov/WWPA.

