



## WAREHOUSE WORKER PROTECTION LAW

The Warehouse Worker Protection Law establishes legal requirements for employers and rights for employees in certain warehouse distribution centers. The law requires distribution centers to disclose work speed data to current and former employees to inform them about their job performance. The legislation also protects workers from disciplinary action or firing exclusively because of a failure to meet undisclosed speed quotas or quotas that do not allow for proper breaks.

### EMPLOYERS COVERED BY THIS LAW

The law applies to any employer who directly or indirectly employs or has control over the wages, hours, or working conditions of either 100 or more employees at a single warehouse distribution center or 1000 or more employees at one or more warehouse distribution centers in New York State. A “warehouse distribution center” is defined using the North American Industry Classification System (NAICS) codes for warehousing and storage (excluding farm product warehousing and storage), merchant wholesalers, and electronic shopping and mail order houses, as well as couriers and express delivery services.

### EMPLOYEES PROTECTIONS AND BENEFITS

Employees covered by this law are those that work at a warehouse distribution center as defined above and are subject to quotas. **Drivers or couriers to and from a warehouse are not included in this law.**

Current and former employees have the right to request the following information if they believe that they have been disciplined due to failing to meet a quota, or that meeting a quota caused a violation of their right to a meal or rest period or use of a bathroom.

- A written description of the quota to which they are subject.
- A copy of the most recent 90 days of the employee’s own personal work speed data.
- A copy of the aggregate work speed data for similar employees at the same establishment during the same time period.

The employer is required to provide this requested information within 14 calendar days, in English and the primary language of the employee.



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## WAREHOUSE WORKER INJURY REDUCTION PROGRAM

The Warehouse Worker Protection Law establishes legal requirements for employers and rights for employees in certain warehouse distribution centers. The law requires distribution centers to establish and implement an injury reduction program. An injury reduction program must identify and minimize the risk of musculoskeletal disorders to workers who perform manual tasks handling materials in the workplace.

Employers should evaluate their workplaces for such tasks. They could include lifting, lowering, pushing, carrying, holding, or restraining objects.

### 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.
- Any 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.
- Information about on-site medical and first aid practices.
- Feedback and input from employees.

### EMPLOYERS REQUIREMENTS, EVALUATIONS, & MEASURES

- Worksite evaluations that will identify and assess ergonomic risk factors. Evaluate each job, process, shift and operation done by workers. Determine if employees exposed to ergonomic risk factors are exposed to quotas and provide a schedule of correction.
- Employers must try to correct and eliminate the risks identified through the worksite evaluation.
- Employers must provide injury reduction training, to all workers in language that the workers understand.
- On-site medical stations must be staffed by medical professionals who can treat workers without delay.
- Workplace safety committees or other employee-led committees can request a review of the worksite evaluation by a board-certified ergonomist.



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