

# NY HERO Act Fact Sheet

The NY HERO Act consists of two components--the creation of an airborne infectious disease standard that employers must adhere to and the ability for workers to form workplace safety committees.

## Overview of The Standard

**What is it:** NY HERO requires the state to create a model standard to protect workers from exposure to airborne diseases like Covid-19 based and requires all workplaces to create their own workplace plan either by adopting the model standard or creating a stronger plan

**Who is covered:** All Private Sector Workers are covered by the standard including misclassified workers such as gig workers, day laborers, independent contractors

**Exposure prevention plans must meet minimum requirements set by the state covering:**

Health Screenings, face coverings, PPE, hand hygiene, disinfecting equipment, social distancing, isolation and quarantine, ventilation

**How is it enforced:**

- The DOL or Attorney General can fine employers who violate the model standard
- Workers can sue employers in court who refuse to fix dangerous working conditions that could cause exposure to airborne diseases
- Workers have the right to refuse work in unsafe conditions.
- Workers are protected from retaliation.

**How are workers notified of the plan:**

- All workers must receive a verbal overview of the plan
- workers must receive a written copy of the plan in the language that the worker identifies as their primary language

**Timeline:**

- On July 5th, The DOL, in consultation with DOH, creates a model airborne infectious disease exposure plan for specific industries as well as a general model standard.
- BY August 5th, all workplaces must adopt their own plans
- By September 2nd, all workers must receive a copy and verbal overview of the plan

## Overview of Worker Committees

**What is it:** Employees will be allowed to form committees with their employers to address any workplace health and safety issue and policy (beyond just infectious disease issues)

**Who is covered:** All private sector workplaces with 10 or more employees

**Make up of committees**

- Committees must be at least  $\frac{2}{3}$  non-supervisory employees and must also include at least one representative of the employer. Committees are co-chaired by employers and employees.
- Workers choose their representatives and are protect from retaliation

**Committee functions:**

- Committee members receive a 4 hour training
- Committees meet 2 hours every quarter

**Power of committee members**

*Worker committee members may at any time:*

- Raise concerns/ complaints to employers to which employers are mandated to respond.
- Review any health and safety policy from the employer.
- Participate in site visits/ inspections from government agencies.
- Review any health and safety reports filed by the employer.

