



NEW YORK STATE SENATOR

Michael Gianaris

New York Daily News: N.Y. lawmakers approve HERO act protecting workers against COVID

MICHAEL GIANARIS April 21, 2021

| ISSUE: **NY HERO ACT, WORKPLACE SAFETY, ESSENTIAL WORKERS, COVID-19, CORONAVIRUS**



ALBANY — New York lawmakers put the finishing touches on a piece of legislation mandating extensive new workplace health and safety protections in response to the COVID crisis.

The New York Health and Essential Rights Act, or NY HERO Act, sponsored by state Sen. Michael Gianaris (D-Queens) and Assemblywoman Karines Reyes (D-Bronx), calls for fines against businesses that fail to adopt and enact new standards to protect workers and stem the spread of coronavirus or other airborne diseases.

“Too many workers have already sacrificed their health for our community’s benefit,” Gianaris said after the Senate passed the measure on Tuesday. “The New York HERO Act honors their efforts by giving workers the tools to protect themselves while on the job.”

The union-backed bill directs the Department of Labor to issue airborne infectious disease standards for businesses that’ll include protocols on testing, face masks, personal protective equipment, social distancing and other measures.

The standards will be crafted by industry-specific worker committees, and the bill also includes strong anti-retaliation provisions that allow workers to call out employers without fear of reprisal.

“The devastating infection rate and death toll that continues to ravage New Yorkers, as a result of the COVID-19 pandemic, shows that the status quo is broken— workers must have meaningful workplace health and safety protections, with real enforcement,” said Dennis Trainor, the vice president of CWA District 1. “This legislation is a long-overdue step to ensure all workers are protected on the job, and we call on Gov. Cuomo to sign this bill into law.”

While it had widespread support from labor leaders, the bill faced criticism and pushback from the business community.

A group of organizations, including the National Federation of Independent Business, New York State Restaurant Association and the Business Council, submitted a last-minute memorandum opposing the act.

Many say they are concerned with the provision since it also allows employees to sue employers for noncompliance with these COVID-19 safety protocols, potentially opening the door to frivolous lawsuits. They also point to how contact tracing data has found these businesses are not a significant source of transmission.

“This new mandate on businesses is an overreach that will additionally distress job creators and businesses’ bottom lines at a time when revenue is down and the economic future is rife with uncertainty, our state should be focusing on a full and fast economic recovery,” the groups wrote.

The Democratic-led Senate initially passed the bill last month, but last-minute language changes as the Assembly approved the measure on Monday meant it had to go through the upper chamber once more. “The Legislature is once again taking action to protect workers,” said Sen. Jessica Ramos (D-Queens).

“Throughout this pandemic, workers across our state have had to put their lives and the lives of their families at risk to keep New York running. It’s our turn to take care of them.”

[Read the full story at the New York Daily News here.](#)

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Sponsored by **Michael Gianaris**

Do you support this bill?