# Legislation Details (With Text)

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| **File #:** | Res 1434-2017 | **Version:** | * | **Name:** | Establish the crime of endangering the welfare of a worker. (A.2966/S.4373) |
| **Type:** | Resolution | | | **Status:** | Filed (End of Session) |
| | | | | **In control:** | Committee on Housing and Buildings |
| **On agenda:** | 4/5/2017 | | | | |
| **Enactment date:** | | | | **Enactment #:** | |
| **Title:** | Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2966/S.4373, which would establish the crime of endangering the welfare of a worker | | | | |
| **Sponsors:** | | | | | |
| **Indexes:** | | | | | |
| **Attachments:** | 1. A. 2966, 2. S. 4373, 3. April 5, 2017 - Stated Meeting Agenda with Links to Files | | | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 4/5/2017 | * | City Council | Introduced by Council | |
| 4/5/2017 | * | City Council | Referred to Comm by Council | |
| 12/31/2017 | * | City Council | Filed (End of Session) | |

Res. No. 1434

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2966/S.4373, which would establish the crime of endangering the welfare of a worker

By Council Members Vallone and Gentile

Whereas, According to the Mayor's Management Reports (MMRs), the City experienced more construction-related incidents, accidents, injuries, and fatalities in Fiscal Years (FY) 2015 and 2016 than in any other fiscal year since the implementation of the 2008 Construction Codes; and

Whereas, the Department of Buildings' records also reveal that between FY 2009 and FY 2016, the number of construction accidents more than doubled from 201 to 500; and

Whereas, The federal agency that enforces work safety requirements in the United States is the Occupational Safety and Health Administration (OSHA); and

Whereas, In January 2017, The New York Committee for Occupational Safety & Health (NYCOSH) released a report titled "Deadly Skyline: An Annual Report on Construction Fatalities in New York State"

which reported that all 22 of the fall related deaths in 2014 and 2015 occurred at construction sites that received site safety violations from OSHA; and

Whereas, The NYCOSH report also indicated that in 68 percent of construction site inspections, inspectors found that employers were violating OSHA safety standards; and

Whereas, The NYCOSH report also mentions that low fines and the difficulty in proving criminal negligence, result in a system which does not do enough to deter employers from violating the laws; and

Whereas, A.2966/S.4373, sponsored by Assembly Member Francisco Moya and State Senator Marisol Alcantara, would protect workers from employers and supervisors that ignore, disregard or fail to comply with workplace safety protocols by amending the penal code to establish the crime of endangering the welfare of a worker; and

Whereas, under the terms of A.2966/S.4373, endangering the welfare of a worker in the third degree would be a Class A misdemeanor, in the second degree a class E felony and in the first degree a class D felony; and

Whereas, A.2966/S.4373, also sets the maximum fines that can be applied for endangering the welfare of a worker at $25,000 for a misdemeanor and $50,000 for a felony; and

Whereas, A.2966/S.4373, would encourage more employers and supervisors to follow safety protocols which would in turn reduce worker injuries and fatalities at construction sites; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2966/S.4373, which would establish the crime of endangering the welfare of a worker.

JLC
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