



New York State YMCA
Youth And Government

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FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate Liberty 3

Bill #:SL-19

1 **Sponsors:** Zarib Alam and Gabriel Hoglund

2
3 **An Act To** Amend NYS Labor Law §240(1) to include comparative negligence in the
4 liability of gravity-related (falling) work injuries.

5
6 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

7
8 **Purpose** By Labor Law §240(1), otherwise known as the Scaffold Law, a
9 contractor/employer is fully liable for the injury of their workers in gravity-related
10 accidents despite the worker's own negligence in the accident. By amending this
11 law to include comparative negligence, the fault of both the worker and the
12 contractor/employer shall be considered, resulting in fairer accountability.

13
14 **Summary of Provisions**

15 **Section 1**

16 **Gravity-related injury:** the injury of an individual resulting from the falling of
17 construction materials or the individual falling due to the improper use or function
18 of construction equipment.

19 **Absolute liability:** full liability of a contractor, owner, or agent in the gravity-related
20 injury of their workers, regardless of the injured worker's negligence.

21 **Comparative negligence:** consideration of fault for both the worker involved in a
22 gravity-related accident and the contractor, owner, or agent overseeing such
23 worker.

24
25 **Section 2**

26 **Labor Law §240**

27 1. All contractors and owners and their agents, except owners of one and two-
28 family dwellings who contract for but do not direct or control the work, in the
29 erection, demolition, repairing, altering, painting, cleaning or pointing of a building
30 or structure shall furnish or erect, or cause to be furnished or erected for the
31 performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers,
32 blocks, pulleys, braces, irons, ropes, and other devices which shall be so
33 constructed, placed and operated as to give proper protection to a person so
34 employed. In gravity-related worker injuries, the fault of the worker is to be
35 considered along with the fault of the worker's contractor or owner as comparative
36 negligence.

37
38 **Justification**

39 As the result of Labor Law §240, known as the Scaffold Law, New York has become
40 one of the worst places for construction in the country. Insurance rates on
41 construction have skyrocketed, with project costs increasing by the millions and
42 much of it being paid for by the taxpayer. The law has become obsolete. It was
43 introduced in 1885, when effective equipment and worker's protection agencies did



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44 not yet exist. Now, it simply serves as an unjust obstacle for the construction
45 industry. Employers that take the necessary measures to protect their workers are
46 held fully liable for their workers' negligence in gravity-related injuries. The impact
47 of this law is felt everywhere. The Building Trade Employers Association named it a
48 significant obstacle to minority and women contractors. A study by Cornell
49 University found that New York had an average of 667 more construction accidents
50 per year because of the rule. Moreover, New York is the only state to possess such
51 a law. To remedy this clearly problematic statute, a new standard of comparative
52 negligence must be adopted. This will allow the contractor and employee to be
53 equal under the law. In doing so, construction in New York will become more
54 inexpensive and appealing.
55

56 **Fiscal Implications**

57 Labor Law §240 makes the New York construction insurance rate one of the highest
58 in the country. The economic consequences are expected to only become worse.
59 For example, the law is estimated to add an additional \$200 million to the
60 construction of the Gov. Mario M. Cuomo Bridge and an additional \$300 million to
61 the new cross-Hudson train tunnel project. Repealing it is expected to save the
62 state approximately \$785 million dollars annually and save the New York
63 construction industry an estimated \$3 billion dollars annually. By lowering the cost
64 of developing bridges, homes, schools, and places of work, construction in New
65 York will become more appealing. This will allow our business, employment, and
66 economy to prosper.
67

68 **Environmental Implications**

69 By making construction less expensive, more resources can be dedicated to building
70 with sustainable materials and methods. Additionally, Habitat for Humanity and
71 other disaster relief organizations named Labor Law §240 a barrier to disaster relief
72 following Superstorm Sandy. By amending the law, disaster relief and
73 reconstruction can occur at a faster rate.
74

75 **Effective Date**

76 This bill shall go into effect one year after passage.