

SCAFFOLD LAW REFORM

Labor Law 240/241

ACTIONS NEEDED:

- **Eliminate the Scaffold Law's absolute liability standard and implement a comparative liability standard, in which a worker's own negligence, intoxication, or refusal to use safety equipment may be admitted as evidence in court.**
- **Tell the Governor this is a critical jobs issue. It is driving up business costs and preventing job growth**
- **Support state legislation such as S.6876 (Akshar) / A.5624 (McDonald) that would repeal the Scaffold Law or reform it by adopting a comparative negligence standard that equally distributes the burden**
- **Support federal legislation HR 3808 (Faso) that will require comparative negligence standards on federally funded projects**

THE ISSUE:

- The Scaffold Law (Labor Law 240/241) holds property owners, employers and contractors **ABSOLUTELY LIABLE** for "gravity related" injuries that happen on the job even if the workers' gross negligence contributed to the accident.

THE FACTS:

- **New York is the only state in the union that retains this archaic pre-workers' compensation statute.**
- New York's workplaces are not "safer" because of the act; in fact much evidence points to the contrary.
- Loss costs for insurance impacted by the Scaffold Law are as much as 5 times higher than places without Labor Law.
- The New York School Construction Authority's insurance costs for 2014 is \$240 million (nearly triple that of 2013).
- Causes New York's general liability insurance costs to be highest in the nation for construction.
- The number of carriers that write general liability policies in New York is declining.
- Costs NY taxpayers \$785 million annually because of increased cost of construction on public projects.

