

New York Expands Criminal Corporate Liability for Workplace Death and Injury

New law heightens liability for construction accident injuries by increasing fines 50-fold. by Christopher Hazlehurst, J.D.

NEW YORK, NEW YORK, UNITED STATES, March 21, 2023 /EINPresswire.com/ -- Governor Kathy Hochul recently signed "Carlos' Law," a bill establishing more severe criminal liability for corporations that cause serious injury or death to their employees through lax safety standards and other negligent or reckless conduct. The legislation is aimed at stemming the increase in construction worker fatalities in New York caused by cost-cutting and general corporate misconduct. Carlos' Law is the popular name of S621B/A4947B. It amends New York Penal Code sections 20.20 and 80.10, effective March 23, 2023.

Construction has traditionally been one of the most dangerous industries in the United States. In most years, more construction workers are killed in workplace accidents than employees in any other industry.

Although workplace safety is regulated by the federal Occupational Safety and Health Administration (OSHA) and state agencies, workplace safety advocates lament the lack of real accountability for corporations that cut corners and ignore safety hazards to the detriment of their employees.

Carlos' Law aims to promote such accountability. Under the new law, if a corporation's agents negligently, recklessly, knowingly, or intentionally cause death or serious injury to an employee, the company can face criminal prosecution. Effective March 23, 2023, a corporation found guilty of a misdemeanor or felony can face up to \$300,000 or \$500,000 in fines, respectively, for even negligent conduct that leads to the death or serious injury of a worker. Previously, corporations would only face fines of up to \$5,000 or \$10,000, and often much lower.

As explained by the bill's sponsors, Carlos' law is meant to ensure that construction firms and other employers provide proper workplace training, provide necessary safety equipment, utilize appropriate guardrails and other safety devices, and employ appropriate workplace safety



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protocols. While no amount of money can replace the tragic loss of a loved one, the criminal penalties are intended to deter corporations from ignoring hazards and utilizing weak safety standards.

The law was named after Carlos Moncayo, a 22-year-old construction worker who was killed on a New York City construction site in 2015. According to State Senator James Sanders, one of the bill’s sponsors, Mr. Moncayo “was killed in the workplace due to his employers ignoring

repeated warnings of dangerous conditions Mr. Moncayo was placed in. In his case, justice was not served and his employers escaped an appropriate punishment for criminal actions.” With Carlos’ law, the legislators hope to “hold employers duly accountable and help deter future criminal behavior and prevent the injury and death of workers in the future.”

The new law comes as a report found 20 construction workers were killed on the job in New York City in 2021 alone. The report from the safety watchdog New York Committee for Occupational Safety and Health (NYCOSH), based on data from the Bureau of Labor Statistics, found that the 2021 rate of occupational death for construction workers is already near pre-pandemic levels. Workplace fatality rates dropped during COVID as the construction industry slowed production.

Leandros A. Vrionedes, a [New York personal injury attorney](#) who represents injured construction workers and families of victims of fatal construction accidents, applauds the new law as a positive step, but he expresses skepticism that monetary penalties will do much good to reduce construction worker injuries and fatalities in New York City. “We already have the strictest law in the country when it comes to construction worker safety,” says Vrionedes, referring to Labor Law section 240(1), commonly known as the “Scaffold Law.” “With the scaffold law,” says Vrionedes, “contractors and developers can be held strictly liable for gravity-related accidents during construction such as falls, scaffold collapses, and being struck by falling objects, if required safety measures were not taken.” Vrionedes continues, “I’ve recovered millions on behalf of workers who were injured or killed in construction accidents, but this hasn’t stopped new accidents from occurring every year at an unacceptable rate.”

One difference between Carlos’ Law and the Scaffold Law is that the former imposes criminal penalties, while the penalties in the latter case are civil and strictly monetary. While the financial penalties in both instances might be comparable in terms of cost to the perpetrator, perhaps the added specter of criminal liability (and possible jail time?) will act as an added deterrent to step up worker safety concerns on New York construction sites. “Any move that decreases construction worker accidents, injuries and deaths is a win for New Yorkers,” says Vrionedes. “Let’s hope Carlos’ Law is the last time we have to name a new worker safety law in memory of a construction worker who was needlessly killed over inadequate workplace safety measures.”

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