



February 17, 2017

Contact: Grant Loomis, VP of Government Affairs at 716-852-7100

MEMORANDUM IN SUPPORT

A.5624 (McDonald)

The Buffalo Niagara Partnership, on behalf of its members who employ more than a quarter of a million people in the region, supports this legislation. This legislation will apply comparative negligence standards to claims filed under article ten of New York State Labor Law - Scaffold Law.

New York is the only state in the nation operating under an outdated Scaffold Law unfairly holding property owners, employers and contractors absolutely liable for injuries when a worker falls on a construction site. Under the current law, any contributing fault of the worker – even gross negligence, intoxication or refusal to use safety equipment – cannot be considered in court.

We must reform the Scaffold Law by replacing absolute liability with a comparative negligence standard which will allow liability to be apportioned based on fault. This standard exists in every state except New York. By making this change and bringing the liability standard in line with all other aspects of the civil justice system, New York State will not weaken the law's safety provisions and worker protections.

For the following reasons, the Buffalo Niagara Partnership supports this bill.