

## New York Labor Law 240—Scaffolding and Other Devices for Employee Use

As a general rule, all contractors and owners in New York are required to provide a safe working environment for their employees. The state of New York adopted [Section 240](#) in 2014 to protect the rights of construction workers and prevent injuries when employers fail to provide proper protection in work that requires employees to use scaffolds, hoists, stays, ladders, slings, hangers, blocks or pulleys.

### Section 240 Overview

Section 240 applies specifically to the construction industry and to contractors, property owners and their agents in the erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure.

However, an exemption releases owners from some liability if they own one- and two-family dwellings and do not direct, oversee or control the project.

Employers subject to Section 240 requirements must furnish, erect (or cause to be furnished or erected) braces, irons, ropes and other devices for work covered by this law.

### Scaffolding or Staging Safety

When scaffolding or staging is more than 20 feet from the ground or floor, swung or suspended from an overhead support or erected with stationary supports, Section 240 requires that they have a safety rail of suitable material. This safety rail must be:

- Properly attached, bolted, braced or otherwise secured;
- Raised at least 34 inches above the floor or main portions of such scaffolding; or
- Staged and extended along the entire length of the outside and the ends with only such openings as may be necessary for the delivery of materials.

However, an exception applies to scaffolding that is wholly within the interior of a building and covers the entire floor space of any room.

In addition, scaffolding or staging must be fastened to prevent it from swaying from buildings or structures. All scaffolding must be constructed to bear four times the maximum weight that will be assigned to or placed on it when in use.

## Engineer Exemption

Section 240 liability does not extend to professional engineers, architects or landscape architects who do not direct or control the work for activities other than planning and design (see Articles 145, 147 and 148 of the Education Law).

However, this exception does not diminish or extinguish any liability of these professionals that may arise under other laws.

## More Information

Contact ToughComp for more information on labor and employment laws in New York.



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