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New York City's Executive Order "Protecting Workers from Extreme Heat" Shows Continued Focus on Safety for Outdoor Workers

On June 22, 2026, New York City (NYC) issued Executive Order No. 17, "Protecting Workers from Extreme Heat," directing city agencies to develop heat illness prevention guidance, educational materials, and agency plans for workers exposed to extreme heat. The order does not create a comprehensive new private-sector heat standard. However, it does signal increased attention to outdoor worker protections more broadly as part of a national trend.

What the Executive Order Requires

Executive Order No. 17 directs the Department of Health and Mental Hygiene to develop heat illness prevention guidance and educational materials. The materials must recommend best practices, be made available in languages commonly spoken by NYC workers and be disseminated widely to workers and employers. Outdoor worker guidance must be prepared as soon as practicable (not defined), and indoor worker guidance is due no later than March 1, 2027.

Specific to the construction industry, the Department of Buildings (DOB) is directed to review existing construction safety and training requirements to determine whether they sufficiently protect against heat illness. During periods of high heat, the order requires that the DOB remind construction-site owners and others in control of construction sites of their obligation to report certain heat-related incidents requiring emergency medical transport or immediate emergency care. City agencies are also directed to enforce laws intended to increase public bathroom access for outdoor workers, including food delivery workers' right to use restaurant bathrooms when making deliveries for those restaurants.

What the Order Means for Private Employers and Employers Outside NYC

Although Executive Order No. 17 is directed primarily to NYC agencies, employers should treat it as a reminder to review their outdoor worker protections, including hazards related to heat. The Occupational Safety and Health Administration (OSHA) continues to monitor private employers in New York. While an OSHA final rule related to heat remains under review, OSHA recently updated its National Emphasis Program on heat-related hazards in April. OSHA still can cite employers for heat-related and other outdoor hazards. Several states (e.g., California, Minnesota) have also implemented regulations pertaining to temperature-related hazards. The following step-by-step framework can assist in examining your outdoor protection program:

- Identify outdoor job categories and worksites, including employees, contractors, subcontractors, temporary workers, delivery workers, and other non-traditional workforces.
- Review applicable federal, state, local, and industry-specific requirements, including construction safety rules, PPE, sanitation and drinking water requirements, incident reporting obligations, bathroom access rules, and outdoor worker protection laws.
- Update outdoor worker safety policies to address heat, severe weather, air quality, traffic and worksite hazards, water, rest, shade or cooling, restroom access, emergency response, supervisor authority, and work modifications when conditions become unsafe.
- Train supervisors and workers on outdoor hazards, heat illness symptoms, reporting procedures, emergency response expectations, anti-retaliation principles, and available controls, and provide communications in languages workers understand.
- Review incident reporting, contractor coordination, restroom access, and hydration practices so policies can be updated as agency expectations develop.

For more information about implementation of NYC's Executive Order No. 17 or the treatment of temperature-related hazards nationwide, please contact the authors or any attorney in FBT Gibbons' [Labor and Employment Practice Group](#).

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