

Workplace Violence Prevention for California Employers

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Through Senate Bill 553, signed into law September 30, 2023, California enacted general industry workplace violence prevention requirements that are applicable to nearly all California employers and enforced by the California Division of Occupational Safety and Health (Cal/OSHA).

Effective **July 1, 2024**, covered employers have a number of new obligations, including developing and implementing a workplace violence prevention plan (WVPP); training employees on the plan; identifying, evaluating and correcting workplace violence hazards; creating workplace violence incident logs; and various recordkeeping requirements.

Read on for details employers should know about the new workplace violence prevention requirements, including which employers are covered, what qualifies as workplace violence, what a workplace violence prevention plan is, what type of training is required, how employers can identify workplace violence hazards and respond to workplace violence incidents, and what documentation is required under the law.

**California's
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Which Employers Are Covered?

The law covers all employers in the state of California, with the exception of:

- Health care workers covered by Cal/OSHA's Workplace Violence Prevention in Health Care standard;
- The California Department of Corrections and Rehabilitation;
- Employees working remotely from a location of their choice that is not under the control of the employer;
- Employers with fewer than 10 employees whose workplace is not accessible to the public; and
- Law enforcement agencies.

What Qualifies as Workplace Violence?

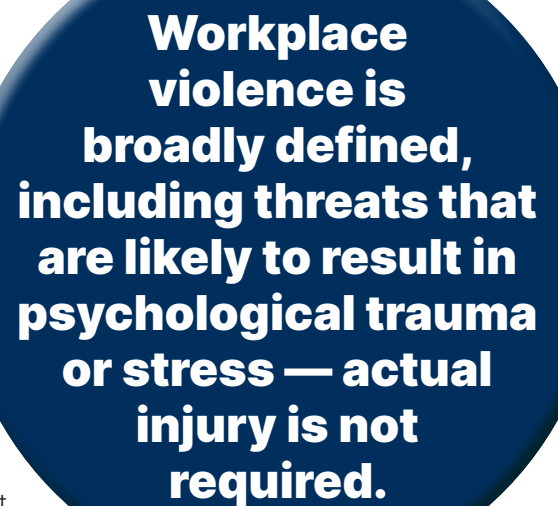
California law defines workplace violence as any act of violence — or threat of violence — that occurs in a place of employment. This includes the threat or use of physical force against an employee that results or is likely to result in injury, psychological trauma or stress, and incidents involving a threat or use of a firearm or other dangerous weapon. Actual injury is not required.

The law further categorizes workplace violence into four types:

- **Type 1 violence** means workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
- **Type 2 violence** means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- **Type 3 violence** means workplace violence against an employee by a present or former employee, supervisor, or manager.
- **Type 4 violence** means workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

Workplace violence doesn't include lawful acts of self-defense or defense of others.

The four types of workplace violence will be important when it comes to training and documentation of workplace violence incidents, discussed on pages 4 and 6, respectively.

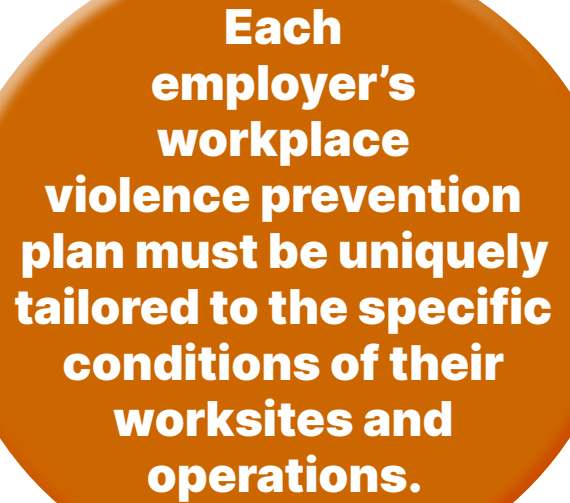


Workplace violence is broadly defined, including threats that are likely to result in psychological trauma or stress — actual injury is not required.

What Is a Workplace Violence Prevention Plan?

Employers are required to establish, implement and maintain an effective workplace violence prevention plan, either as a standalone document or as part of their Injury and Illness Prevention Program (IIPP). The WVPP is a comprehensive written document, tailored to a specific worksite, that must include information addressing the following 13 topics:

- Individuals responsible for implementing the plan.
- Effective procedures for obtaining employees' and authorized representatives' active involvement in developing and implementing the plan, including, but not limited to, their participation in:
 - » Identifying, evaluating and correcting workplace violence hazards;
 - » Designing and implementing training; and
 - » Reporting and investigating workplace violence incidents.
- Methods the employer will use to coordinate implementing the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles.
- Effective procedures for the employer to accept and respond to reports of workplace violence.
- Effective procedures to ensure that employees comply with the plan consistent with safe and healthy work practices.
- Effective procedures to communicate with employees regarding workplace violence matters, including how to report an incident, how employee concerns will be investigated and how employees will be informed of investigation results.
- Effective procedures for responding to actual or potential workplace violence emergencies, including means to alert employees of emergencies, evacuation or sheltering plans, and how to obtain help from staff assigned to respond to workplace violence emergencies.
- Procedures to develop and provide the training required by the law.
- Procedures to identify and evaluate workplace violence hazards, including scheduled periodic inspections to identify unsafe conditions and work practices, and employee reports and concerns.
- Procedures to correct identified workplace violence hazards in a timely manner.
- Procedures for post-incident response and investigation.
- Procedures to review the plan's effectiveness and revise the plan as needed, including procedures to obtain active involvement of employees and representatives in reviewing the plan.
- Procedures or other information required by Cal/OSHA.



Each employer's workplace violence prevention plan must be uniquely tailored to the specific conditions of their worksites and operations.

**Employers
must
meet several
requirements when
training employees
on their workplace
violence
prevention
plan.**

There is no “one-size-fits-all” plan solution for employers. Each plan must be uniquely tailored to the specific conditions of employers’ worksites and operations.

The plan must be in writing, and it must be available and easily accessible to employees, authorized employee representatives and representatives of Cal/OSHA at all times. Employers must review the plan at least annually, when a deficiency is observed or apparent, and after a workplace violence incident has occurred.

What Training Is Required?

Employers are required to provide effective training to employees with training materials appropriate in content and vocabulary to the educational level, literacy and language of the employees. Training must be provided when the WVPP is first established and annually thereafter, and it must cover the following topics:

- The employer’s plan, how to obtain a copy of the employer’s plan at no cost, and how to participate in developing and implementing the employer’s plan;
- The standards’ definitions and requirements;
- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal;
- Workplace violence hazards specific to the employees’ jobs, corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm;
- The violent incident log that must be filled out for each workplace violence incident;
- How to obtain copies of training records, the violent incident logs, and records related to the identification, evaluation and correction of workplace hazards; and
- An opportunity for interactive questions and answers with a person knowledgeable about the employer’s plan.

Employers must provide additional training when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the WVPP. The additional training may be limited to the new hazard and/or changes to the plan.

The law also requires employers to document their workplace violence prevention training, including training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.

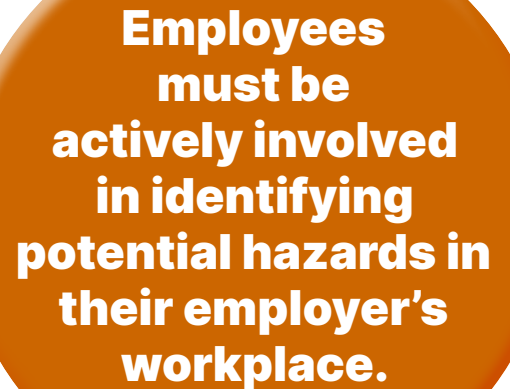
How Do Employers Identify Workplace Violence Hazards?

A workplace violence hazard is essentially a condition with a risk factor for workplace violence based on the worksite or operation's specific circumstances. Common risk factors that might increase the likelihood of workplace violence include, for example, the presence and exchange of money; working alone and/or at night or early morning hours; and the presence of other valuables on the property, such as jewelry, electronics, etc. California law requires employers to proactively identify and evaluate workplace violence hazards, and then take actions to correct them.

Employers must conduct periodic inspections of their worksite to identify potential hazards. Inspections must be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.

Employers must also actively involve their employees in this process, implementing procedures allowing employees to identify and report potential hazards and offer suggestions for mitigating the hazard. This can be done, for example, through a hazard identification form or other communication methods, along with training on the company's preferred identification procedures.

When hazards are identified, either through inspection or employee identification, employers must evaluate them, take corrective action(s) and keep all related records. Additionally, as previously mentioned, when a new hazard has been identified, employers must review their WVPP, make changes if necessary and provide additional training to employees.



Employees must be actively involved in identifying potential hazards in their employer's workplace.

How Do Employers Respond to Workplace Violence Incidents?

Employers must create procedures on how to respond to actual or potential workplace violence, and how to accept and respond to reports of workplace violence, including procedures to prohibit retaliation against employees for reporting workplace violence.

If an actual workplace violence incident occurs, employers must follow emergency procedures established in their plan — for example, alerting employees to the emergency, following evacuation procedures and contacting law enforcement.

After the emergency is resolved, employers must investigate the incident. This could include, for example, interviewing involved parties such as employees, witnesses, law enforcement and/or security personnel; reviewing security logs and camera footage, if any; and gathering any other relevant information. Employers must determine the likely cause of the incident, as well as take corrective action to mitigate the hazard and prevent similar incidents from occurring in the future.

After the investigation, employers must create a violent incident log based on information gathered from employees, witnesses and other investigation sources. The law requires the log to contain detailed information about the incident, including:

- The incident date and location.
- A description of the incident and workplace violence type (as defined).

- Classifications of who committed the violence and the circumstances at the time.
- Classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- The type of incident (e.g., physical attack, attack with weapon, threat of force, etc.).
- The consequences of the incident, including whether security or law enforcement was contacted and what actions were taken to protect employees following the incident.

Employers must, however, omit from the log information that allows identification of any person involved in the incident, such as their name, phone number, address or other personal identifying information.

Employers must keep certain records for one year or five years, depending on the type of record, and make them available to Cal/OSHA upon request.

Additionally, after a workplace violence incident, employers must conduct an inspection to look for unsafe conditions, review their plan to determine if it needs to be revised, and conduct additional training to address any newly discovered hazards and any changes made to the plan.

What Documentation is Required?

In addition to the written WVPP, employers must create and/or maintain various documents under the law, including the workplace violence prevention training records and violent incident logs mentioned previously.

Additionally, employers must keep records of workplace violence incident investigations and workplace violence hazard identification, evaluation and correction. These could include, for example, incident reporting forms and communications from employees; witness statements; law enforcement/security reports and documents; hazard inspection forms; hazard identification forms and reports from employees; and other documentation generated while identifying, evaluating and correcting workplace violence hazards.

Employers must keep these records for the following minimum retention periods:

- Training records (one year).
- Violent incident logs (five years).
- Records of workplace violence hazard identification, evaluation and correction (five years).
- Records of workplace violence incident investigations (five years)

Employers must make these records available to Cal/OSHA upon request. With the exception of incident investigation records, employers also must make these records available to employees upon request.

What Workplace Violence Prevention Resources are Available to Employers?

Though California's workplace violence prevention law takes effect July 1, 2024, employers need to do a lot of work prior to the effective date to ensure their workplace violence prevention plan and related procedures are ready to implement on that date.

To help employers navigate these complicated requirements, CalChamber offers a **Workplace Violence Prevention Toolkit**, which contains numerous resources designed to assist employers in establishing their workplace violence prevention plan, training program and related workplace violence prevention procedures, including:


- *Workplace Violence Prevention Checklist*
- *Model Workplace Violence Prevention Plan for General Industry*
- *Workplace Violence Prevention Plan Development Form*
- *Workplace Violence Prevention Plan Training Template*
- *Workplace Violence Prevention Training Record*
- *Workplace Violence Hazard Inspection Form*
- *Workplace Violence Hazard Identification Form*
- *Workplace Violence Incident Reporting Form*
- *Workplace Violence Incident Log*
- *Workplace Violence Contact Information*

The toolkit includes instructions to help develop and implement the required plan and procedures. For in-depth analysis and application of the law, however, employers should consider watching and following guidance in the **Completing Your Workplace Violence Prevention Program webinar**, a two-hour discussion with our employment law experts that examines real-life scenarios, integrated with the toolkit, and is designed to help employers fulfill the practical requirements of California's workplace violence prevention standards.

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CalChamber Can Help


Did you find this helpful? Sign up for a **free 7-day trial of HRCalifornia**, which includes access to the website's HR Library, compliance tools, and select forms and checklists that help California employers with HR compliance. Limited access with free trial.



*Completing Your
Workplace Violence
Prevention Program*



*Workplace Violence
Prevention Toolkit*



*SB 553 - California's
New Workplace Violence
Standards*

To learn more about CalChamber resources, please call our Customer Service Representatives at (800) 331-8877, Monday through Thursday from 8 a.m. to 5 p.m. PT, and Friday from 8 a.m. to 4 p.m. PT.

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