

California Workplace Violence Prevention Law

California's New Workplace Violence Prevention Law

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SB553

Every employer shall establish and maintain an effective injury prevention plan.

Establishing and maintaining a Workplace Violence Prevention Plan is a part of this requirement.

Operative on and after by July 1, 2024.

Workplace Violence Prevention Overview

The new law requires:

- Workplace violence prevention plan
- Employee training
- Violent incident log



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Which Employers Are Covered?

Applies to most employers, employees, places of employment, and employer provided housing.

Exceptions:

- Health care settings (separate regulations)
- Prisons and Law Enforcement
- **Work from Home** – not under employer's control
- Places with **less than 10 people** not accessible to public and comply with IIPP regulation (still have to analyze hazards)

BUT → Cal/OSHA can issue an order to require exempt employers or places to have a workplace violence prevention plan

What is Workplace Violence?

- Any **act of violence** or **threat of violence** that occurs in a place of employment.



What is a "Threat of Violence"?

- **"Threat of violence"** means any verbal or written statement, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.
 - May include texts, electronic messages, social media messages, or other online posts



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What is Workplace Violence?

- Use of, or threats to use, physical force...
- ...resulting in, or likely to result in **injury, psychological trauma or stress...**
- ...regardless of whether the employee sustains an injury.

Also:

- Any use of a firearm or weapon.

Workplace Violence Types

Four Types:

1. Workplace violence by person who has **no legitimate business** at the worksite.
2. Workplace violence by **customers, clients, patients, students, inmates, or visitors.**
3. Workplace violence against an employee **by a present or former employee.**
4. Workplace violence by person who does not work there, but has or is known to **have had a personal relationship with an employee.**

Workplace Violence Prevention Plan

Basic Requirements:

- Establish, implement, and maintain an effective workplace violence prevention plan
- Plan must be in writing
- Must be accessible to all employees, authorized employee reps, and Cal/OSHA
- Can be a stand alone plan or part of IIPP

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Workplace Violence Prevention Plan

- “Specific to the hazards and corrective measures for each work area and operation”
- Different areas may present different risks
 - Example: office cubicle space vs. warehouse dock open to public
 - Example: grocery store check out area compared to pharmacy



Written Workplace Violence Prevention Plan

- Names and job titles of those responsible for implementation
- Employee involvement in developing the plan
 - Identifying, evaluating, and correcting violence hazards
 - Designing and implementing training
 - Reporting workplace violence incidents



Workplace Violence Prevention Plan

- Coordination with other employers at **multi-employer sites**.
- Multi-employer worksites create unique situations and premises security issues
 - Example: Construction sites



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Implementation of Specific Procedures

Employer Duties:

- Communicate with employees – reporting and investigations
- Identify and evaluate workplace violence hazards:
 - Periodic inspections
 - When first established
 - After each incident
 - Any previously unrecognized hazards
- Correct hazards in a timely manner

Implementation of Specific Procedures

Employer Duties:

- Respond to actual or potential workplace violence:
 - Alert employees of the presence, location, and nature of workplace violence emergencies.
 - Evacuation or sheltering plans that are appropriate and feasible for the worksite.
 - How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.

Employer Investigations Requirements

- Must address employee concerns
- Must investigate workplace violence incidents
- Tied to Violent Incident Logs
- Inform employees of results
- Written Investigation Report – There can be confidentiality concerns.
- Privilege Issues – Should counsel investigate and maintain attorney work product or client communication privilege?

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Violent Incident Logs

- Employer must prepare a very detailed log of all workplace violence incidents
 - Not high level summary
 - Requirements similar to those in a police report
- Log entries based on investigation findings
- Privacy protection for witnesses
- Date, time, and location of the incident
- Types of violence (see definitions)



Violent Incident Logs

- Who committed violence (employee, customer, family/friend, stranger, spouse, etc...)
- Where the incident occurred (workplace, parking lot, etc...)
- Specifics about type of incident (physical/verbal, weapons, threats, sexual assault, animal attack)
- Was law enforcement contacted?
- What actions did employer take?



Training Requirements

- What:**
- All employees
 - Each employee must understand the plan, procedures, and their roles
 - Training materials – content and vocabulary to the educational level, literacy, and language of employees shall be used
- When:**
- When first established
 - Annually
 - To address a previous unrecognized hazard



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Training Requirements

Topics:

- The employer's plan.
- The definitions and requirements of the law.
- How to report workplace violence incidents or concerns.
- Workplace violence hazards specific to the employees' jobs, the 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.
- Interactive Q&A

Record Keeping

- Inspection records → 5 years!
- Violent Incident Log → 5 years!
- Workplace Violence Investigations → 5 years!
- Training records → 1 year
- All records must be made available to Cal/OSHA upon request
- Employees or Union can obtain certain records – 15 days



Questions



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Thank you!

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California Workplace Violence Prevention Law

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