

NEW LAW REQUIRES MOST CALIFORNIA EMPLOYERS TO DEVELOP A WORKPLACE VIOLENCE PREVENTION PROGRAM: YOUR 4-STEP COMPLIANCE PLAN

Insights
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A new law that took effect last month requires most California employers to develop a workplace violence prevention program, and if you aren't familiar with your new obligations, now is the perfect time for you to ensure your organization is up to speed. The law, which took effect on July 1, requires each employer to create and implement a written Workplace Violence Prevention Plan, train employees and supervisors on workplace violence matters, create and maintain a violence incident log, and keep records of all training and violent workplace incidents that occur. Here is your four-step compliance plan to make sure you are following the new law.

Quick Background

Although the new law might seem burdensome, you can take some solace knowing that the final version of the law scaled back from of the more challenging requirements. California lawmakers originally pushed an aggressive [legislative proposal](#) that would have required almost every employer in the state to comply with a broad and comprehensive workplace violence prevention standard developed with healthcare employers in mind.

Thankfully for employers, SB 553 was amended late in the legislative session to essentially codify a separate proposal that Cal/OSHA had already been working on and remove some of the more controversial and burdensome requirements. As a result, many business groups dropped their opposition to the bill and Governor Newsom signed it on September 30, 2023.

Related People



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But the new law still imposes significant obligations on almost all non-healthcare California employers that took effect on July 1. Here's what you need to know about the specific requirements and the four steps you should take to comply.

1. Create a Workplace Violence Prevention Plan

The Workplace Violence Prevention Plan must be in writing and be easily accessible to employees. It must identify who is responsible for implementing the plan and include effective procedures:

- to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan
- for the employer to accept and respond to reports of workplace violence
- to prohibit retaliation against an employee who makes such a report of workplace violence
- to ensure that supervisory and nonsupervisory employees comply with the plan
- to communicate with employees regarding workplace violence matters
- as to how an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of reprisal
- as to how employee concerns will be investigated and how employees will be informed of the results of the investigation and any corrective actions to be taken
- to respond to actual or potential workplace violence emergencies

It also needs to include procedures:

- to develop and provide the training
- to identify and evaluate workplace violence hazards
- to timely correct workplace violence hazards identified and evaluated
- for post-incident response and investigation



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- to review the effectiveness of the plan and revise the plan as needed

2. Train Employees

Employers are required to provide training when the plan is initially implemented and then annually thereafter. The training must review the following:

- The WVPP and how employees can obtain copies and participate in development and implementation of the plan
- How to report workplace violence incidents or concerns without fear of retaliation
- Workplace hazards specific to a particular employee's duties
- Corrective measures that you have implemented
- How to seek assistance to prevent or respond to violence and avoid physical harm
- The violent incident log, and how to get copies of workplace violence incidents

The training must also provide an opportunity for interactive Q&A with someone knowledgeable about the plan. The training is required for all new employees, employees who are given new job assignments, and all employees when a new hazard is presented by newly introduced substances, procedures, processes, or equipment.

3. Record Incidents of Violence

Each violent incident that occurs must be recorded in a violent incident log. The information from each log must come from an employee who witnessed the incident, other witness statements, or investigative findings. No personal identifying information may be included in the log, such as a name, address, email, phone number, Social Security Number, or any other information that could identify the person providing information for the log entry. Additionally, information in the log must include the following:

- Date, time, and location of the incident
- Workplace violence type (see types below)
- Detailed description of the event

- Classification of the offender, such as client, customer, family, friend, stranger, co-worker, supervisor, or other titles like these
- Classification of the circumstances, such as the employee finishing up job duties or working in a poorly lit area
- Classification of the incident's location, such as the workplace, parking lot, or some other area
- Type of violence, such as physical force or threat of physical force, use of a weapon, animal attack, or sexual assault or threat of sexual assault
- Consequences of the incident, such as the use of law enforcement, any actions taken to protect the employees
- Name and job title of the person who made the log entry, as well as the date completed.

There are four distinct workplace violence types classified under SB 553:

- **Type 1** is workplace violence committed by someone with no legitimate business interests at the worksite
- **Type 2** is violence directed at employees by customers, clients, patients, students, inmates, or visitors
- **Type 3** is violence between two current employees or one current and one former employee
- **Type 4** is violence committed by a non-employee who has a personal relationship with an employee

Notably, "workplace violence" does not include lawful acts of self-defense or defense of others, according to the bill.

4. Properly Maintain Records

The new law requires employers to keep records of each workplace violence hazard as well as the identification, evaluation, and correction of each workplace hazard for a minimum of five years. You must save training records, violent incident logs, and records of workplace violence investigations for a minimum of one year.

Notably, under the new law, workplace violence prevention training records, violent incident logs, and records of workplace violence hazard identification, evaluation and

correction must be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request. So, in addition to the personnel and payroll records requests employers often receive, you must be prepared to compile and produce these records as well in an even shorter timeframe.

Conclusion

We are continuing to monitor these developments and will provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any further questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in any one of [our six California offices](#) or on our [Workplace Safety and Catastrophe Management team](#).