

## Publications

### California Employers Must Develop Workplace Violence Prevention Plans

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On September 30, 2023, Governor Newsom signed into law [Senate Bill 553](#) (SB 553), which requires almost all California employers to establish, implement, and maintain a *tailored* workplace violence prevention plan. The new law comes with a lengthy list of requirements employers must comply with beginning July 1, 2024. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) will be tasked with enforcing these requirements through inspections, citations, and penalties as high as \$153,744 for willful violations. The key provisions of these plans are outlined below. Contact your Vorys attorney if you have questions about the new workplace violence plan requirements or for assistance in preparing your plan.

### Covered Employers and Employees

The new law applies to all employers and employees in California, with a few notable exceptions:

- Employers covered by California's Violence Prevention in Health Care standard
- Employees who telework from a location of their choosing that is outside their employer's control
- Certain law enforcement agencies
- Facilities operated by the Department of Corrections and Rehabilitation
- Places of employment that are not accessible to the public and have fewer than 10 employees working at a given time

### Workplace Violence Prevention Plan Requirements

Workplace Violence Prevention Plans (WVPPs) must be in writing, either as a stand-alone section within an existing injury and illness prevention plan or as a separate document. Importantly, WVPPs must be tailored to the hazards and corrective measures for each work area.

WVPPs must also identify individuals responsible for implementing the plan and include procedures for:

- Involving employees and authorized employee representatives in the development and implementation of the WVPP
- Coordinating the WVPP's implementation and training with other employers, such as on multi-employers worksites
- Accepting and responding to reports of workplace violence and prohibiting retaliation against reporting employees
- Ensuring both supervisory and nonsupervisory employees comply with the WVPP
- Communicating with employees about: (1) how to report a violent incident, threat, or other workplace violence concern; (2) how concerns will be investigated; and (3) how employees will be informed of results and any corrective actions taken
- Responding to actual and potential workplace violence emergencies
- Developing and providing training to employees
- Identifying and evaluating workplace violence hazards
- Post-incident response and investigation
- Reviewing the WVPP's effectiveness at least annually and revising as needed

## Employee Training Requirements

Employers must provide training when the WVPP is first established and annually thereafter on:

- The employer's WVPP, how employees can obtain a free copy, and how to participate in its development and implementation
- How to seek assistance to prevent, respond, and report workplace violence incidents
- Workplace violence hazards specific to the employees' jobs, corrective measures the employer has implemented, and strategies to avoid physical harm
- The violent incident log and how employees can obtain a copy

Employers must supplement this training when a new or previously unrecognized workplace violence hazard is identified and following any changes to the WVPP.

Training records must be retained for at least one year and include training date(s), a summary of training session; name and qualifications of person conducting the training; and names and job titles of all attendees.

## Recording Requirements

Employers must record and maintain a violent incident log for five years for every occurrence of workplace violence, including:

- Date, time, and location of incident
- Detailed description of the incident, including the type of violence committed and whether weapons or other objects were involved
- Classification of who committed the violence (i.e., customer, co-worker, stranger, etc.);
- Consequences of the incident, such as whether law enforcement was contacted and the employer's actions to protect against a continuing threat
- Information about the person who completed the log entry

Employers also must retain workplace violence hazard identification, evaluation, and correction records and workplace violent incident investigation records for five years.

### Temporary Restraining Orders on Employees' Behalf

California law allows employers to seek a temporary restraining order (TRO) on behalf of employees who suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace. SB 553 expands that list of actionable conduct to include harassment, to permit collective bargaining representatives to seek such TROs, and to permit the omission of employee-victims' names from TRO pleadings.