

# Are You Covered? California Employers Required to Adopt New Workplace Violence Prevention Plan

## Labor & Employment Law Update

on October 11, 2023

On September 30, 2023, California enacted Senate Bill No. 553 ("S.B. 553"), which requires covered California employers to adopt a comprehensive workplace violence prevention plan by July 1, 2024. These plans may be stand-alone documents or incorporated as new sections of the employer's Injury and Illness Prevention Program (IIPP).

While the substantive requirements of S.B. 553 are similar to the workplace violence prevention standards adopted by Cal/OSHA in 2016, which apply exclusively to employers in the healthcare industry, the new law is the first to cover nearly all California employers. In other words, S.B. 553 creates the first general industry requirements for workplace violence prevention in the United States.

### Workplace Violence Prevention Plans

S.B. 553 adds Section 6401.9 to the California Labor Code. Covered employers must establish, implement, and maintain an effective workplace violence prevention plan that meets the requirements of the Section 6401.9. The requirements must include, but are not limited to, the following:

- The names or job titles of employees responsible for implementing and maintaining the workplace violence prevention plan.
- Procedures to obtain the active involvement of employees and authorized employee representatives in developing, implementing, and reviewing the workplace violence prevention plan.
- Methods the employer will use to coordinate the implementation of the workplace violence prevention plan among employees in the same facility or department.
- Procedures for obtaining assistance from the appropriate law enforcement agency during all work shifts.
- Procedures for the employer to respond to workplace violence and to prohibit retaliation against employees who report workplace violence.

- Procedures to respond to actual or potential violence emergencies, including but not limited to: effective means for alerting employees of violent emergencies, evacuation or sheltering plans, and how to obtain help from staff assigned to respond to violence emergencies.
- Procedures for ensuring compliance with the workplace violence prevention plan.
- Procedures for communicating with employees regarding workplace violence matters.
- Procedures for developing and providing training on the employer's workplace violence prevention plan.
- Assessment procedures to identify and evaluate risk factors for workplace violence.
- Procedures for correcting workplace violence hazards in a timely manner.
- Procedures to review the effectiveness of the plan, including at least annual reviews.

In addition to developing and implementing a workplace violence prevention plan, covered employers must provide annual training to employees, to be updated whenever a new hazard is discovered. Employers must also keep various records, which are to be made available to employees, employee representatives, or government entities upon request. The records specified in S. B. 553, include:

- A violent incident log for every workplace violence incident and track post-incident investigations.
- Employee training records.
- Records of violence hazard identification, evaluation, and correction.

#### Workplace Violence Restraining Orders

S.B. 553 also amends the California Code of Civil Procedure to make it easier for employees to seek restraining orders for workplace violence threats. Effective January 1, 2025, Section 527.8 of the Code of Civil Procedure will allow labor union representatives to petition for restraining orders on behalf of employees.

#### Who is Covered?

The new law applies to all California employers except health care facilities, service categories, and operations covered by Section 3342 of Title 8 of the California Code of Regulations, certain facilities operated by the Department of Corrections and Rehabilitation, certain law enforcement agencies, employees teleworking from locations not under the control of the employer, and places of employment with less than 10 employees, among others.

## Are You Covered? California Employers Required to Adopt New Workplace Violence Prevention Plan

### Conclusion

By the end of 2026, Cal/OSHA will have finalized a workplace violence prevention regulation. At a minimum, the regulatory standard will include measures established by S.B. 553. Therefore, all California employers should take steps to develop and implement a compliant workplace violence prevention plan by July 1, 2024.

Are You  
Covered?  
California  
Employers  
Required to  
Adopt New  
Workplace  
Violence  
Prevention  
Plan