



RISK CONTROL

Workplace Violence Prevention Plan FAQ

Background

As of September 30, 2023, California Senate Bill 553 (Cortese) became law, requiring employers falling within its scope to establish, implement, and maintain a written Workplace Violence Prevention Plan.

What's the compliance date?

The compliance date for California Labor Code section 6401.9 is July 1, 2024.

Who needs to comply?

Virtually all All employers, employees, places of employment, and employer-provided housing must comply with the new Labor Code requirements, except those listed in subsection b of the labor code 6401.9.

1. Employees teleworking from a location of the employee's choice, which is not under the control of the employer.
2. Places of employment where there are less than 10 employees working at the place at any given time and that are not accessible to the public, if the places are in compliance with Section 3203 of Title 8 of the California Code of Regulations.
3. Health care facilities, service categories, and operations covered by Section 3342 of Title 8 of the California Code of Regulations.
4. Employers that comply with Section 3342 of Title 8 of the California Code of Regulations in the health care setting.
5. Facilities operated by the Department of Corrections and Rehabilitation, if the facilities are in compliance with Section 3203 of Title 8 of the California Code of Regulations.
6. Employers that are law enforcement agencies that are a "department or participating department," as defined in the California Code of Regulations and meet other requirements.

The exceptions are very limited, and most employers in California will need to take steps to comply with SB 553's requirements by July 1, 2024.



What constitutes Workplace Violence?

According to Labor Code section 6401.9, “workplace violence” encompasses any act or threat of violence within a place of employment, including physical force causing injury or psychological trauma, incidents involving firearms or dangerous weapons, and specific types of workplace violence categorized as Type 1 through Type 4. Note: This does not include acts of lawful self-defense or defense of others.

What are the types of Workplace Violence as per Labor Code Section 6401.9?

Type 1: Violence perpetrated by individuals with no legitimate business at the worksite.

Type 2: Violence directed at employees by customers, clients, patients, etc.

Type 3: Violence against an employee by a current or former employee, supervisor, or manager.

Type 4: Violence committed by individuals with a personal relationship with an employee but not employed at the workplace.

What measures can be taken to mitigate Workplace Violence?

Employers should conduct an initial assessment to identify and evaluate workplace violence hazards, based on the various types of workplace violence present. This includes proactive measures to correct, respond to, or prevent workplace violence.

What is the Workplace Violence Prevention Plan (WVPP)?

Employers must incorporate essential elements and effective procedures into their written Workplace Violence Prevention Plan (WVPP) or include them as a separate section in their IIPP for Workplace Violence Prevention. This includes designating responsible individuals, involving employees in plan development, coordinating with other employers, providing training, establishing procedures for hazard identification and response, and ensuring post-incident investigation and plan review.

What records must employers maintain on Workplace Violence?

Employers are required to retain records related to workplace violence hazard identification, evaluation, correction, training, incident logs, and investigations for specified periods ranging from one to five years.

Who has access to Workplace Violence Records?

Employees and their authorized representatives have the right to access records related to workplace violence hazard identification, evaluation, training, and incident logs within 15 calendar days of a request. Additionally, all workplace violence records, including incident investigations, must be made available to the division upon request.

Resources

- [Cal/OSHA Publications webpage](#)
- [Cal/OSHA Workplace Violence Prevention Guidance and Resources](#)
- [Workplace Violence Prevention in General Industry \(Non-Health Care Settings\) Fact Sheet for Workers](#)
- [Workplace Violence Prevention in General Industry \(Non-Health Care Settings\) Fact Sheet for Employers](#)
- [Workplace Violence Prevention in Agricultural Operations Fact Sheet for Workers](#)
- [Workplace Violence Prevention in Agricultural Operations Fact Sheet for Employers](#)
- [Occupational Safety and Health \(OSHA\) Workplace Violence webpage](#)
- [Occupational Violence \(The National Institute for Occupational Safety and Health\) webpage](#)
 - [Washington State Department of Labor & Industries. Workplace Violence Awareness and Prevention for Employers and Employees.](#)
- [U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: Indicators of Workplace Violence, 2019 report.](#)
- [Center for Disease Control and Prevention, NIOSH Science Blog: Highlights from a New Report on Indicators of Workplace Violence, 2022.](#)
- [Center for Disease Control and Prevention, The National Institute for Occupational Safety and Health \(NIOSH\), Occupational Violence Resources webpage.](#)
- [U.S. Department of Labor, Women's Bureau: Gender-Based Violence and Harassment in the World of Work, 2023.](#)