

Compliance Bulletin



Preparing for California's Workplace Violence Prevention Law



On Sept. 30, 2023, California enacted the California Workplace Violence Prevention Law (WVPL), enforced by the California Division of Occupational Safety and Health (Cal/OSHA). The WVPL takes effect on **July 1, 2024**, and requires most employers in the state to comply with expansive workplace violence prevention requirements.

Most employers in California are already subject to several workplace safety requirements under the California Occupation Safety and Health Act, including a mandate to establish, implement and maintain an effective injury and illness prevention program ([IIPP](#)). Effective July 1, 2024, under the WVPL, most California employers will also be required to:

- Establish, implement and maintain a workplace violence prevention plan (WVPP);
- Train employees regarding the WVPP at the time it is first established and each year thereafter;
- Maintain a violent incident log for every occurrence of workplace violence; and
- Maintain records of workplace violence and employee training.

Action Steps

The WVPL includes extensive requirements employers must comply with by July 1, 2024. Employers should take steps now to ensure compliance with these new requirements by the effective date. This Compliance Bulletin provides an overview of the WVPL requirements and steps that employers can take to prepare.

Purpose of the WVPL

The purpose of the WVPL is to address workplace violence—which has been identified by the U.S. OSHA as the second leading cause of fatal occupational injuries in the United States, affecting more than 2 million American workers annually—by requiring California employers to implement basic protections for employees while at work.

“Workplace violence” is defined as any act of violence or threat of violence that occurs in a place of employment. This includes but is not limited to the following:

- The threat or use of physical force against an employee that results in or has a high likelihood of resulting in injury, psychological trauma or stress, regardless of whether the employee sustains an injury;
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury; and
- Any of the four types of workplace violence defined in California Labor Code Section 6401.9:
 - **Type 1**—Committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime;
 - **Type 2**—Directed at employees by customers, clients, patients, students, inmates or visitors;
 - **Type 3**—Committed against an employee by a current or former employee, supervisor or manager; or

Steps to Comply With the WVPL

Confirm Coverage Under the WVPL

The WVPL generally applies to all employers, employees, places of employment and employer-provided housing in California. However, most health care facilities, prisons and law enforcement agencies are exempt from the new requirements. Exemptions are also available for:

- Employees working remotely at a location that is not under the employer's control; and
- Workplaces that are not accessible to the public and in which fewer than 10 employees are working at any given time.

Nonetheless, Cal/OSHA may order an exempt employer to comply with any portion of the law.

Create a Workplace Violence Prevention Plan

Identify Individuals Responsible for Developing and Implementing the Plan

The WVPL requires employers to establish, implement and maintain an effective written WVPP. Employers should identify which individuals or job titles of persons who will be responsible for creating the plan. The new law does not provide specific guidance as to who should be responsible for plan design and implementation; however, employers may consider involving members of leadership and HR as well as safety officers or other parties responsible for workplace safety and security.

Encourage Employee Involvement

Cal/OSHA also advises employers to obtain the active involvement of employees and their authorized representatives in developing and implementing the plan. As an example of such active employee involvement, Cal/OSHA indicates that employers could consider holding monthly management-conducted safety meetings with employees and their representatives to identify, discuss and correct workplace violence-related concerns and hazards. The meetings could involve brainstorming sessions, discussions of recent incidents and reviews of safety procedures.

Plan Format and Content Requirements

Cal/OSHA has provided a customizable [model WVPP](#) that employers may but are not required to use to help develop their plans. The written plan may be incorporated in an employer's written IIPP required under California law or maintained as a separate policy. In any event, the plan must be:

- In writing;
- Available and easily accessible to Cal/OSHA, employees and their representatives at all times;
- In effect at all times and in all work areas; and
- Specific to the hazards and corrective measures for each work area and operation.

According to Cal/OSHA, an effective written WVPP includes but is not limited to the following information:

- Names or job titles of the individuals responsible for implementing the plan and a description of their roles;
- Effective procedures for employee involvement in developing and implementing the plan;
- Methods to coordinate the implementation of the plan with other employers, when applicable;
- Procedures to ensure compliance from all employees (supervisory and nonsupervisory);
- Procedures to communicate and provide training to employees on workplace violence;
- Procedures to identify, evaluate and correct workplace violence hazards;
- Procedures on how to respond to actual or potential workplace violence and how to accept and respond to reports of workplace violence, including procedures to prohibit retaliation against employees for reporting workplace violence;
- Procedures for post-incident response and investigation;
- Procedures to respond to actual and potential emergencies;
- Procedures to review the WVPP for effectiveness and revise the plan as needed; and
- Any other procedure necessary for employee health and safety as required by the California Division and Standards Board.

Employers must implement their WVPP no later than **July 1, 2024**. Therefore, employers may want to start developing a plan as soon as possible to ensure compliance by the effective date.

Employers are also required to provide training to all employees at the time the WVPP first takes effect and **annually** thereafter. When new or previously unidentified workplace violence hazards are identified or the employer modifies the WVPP, the employer must administer additional training that focuses on the specific hazard or plan modifications. Any training materials must be easy to understand and align with employees' education levels, reading skills and language. The training should provide employees with the following:

- Familiarization with the WVPP, how to obtain a copy and how to participate in the development and implementation of the plan;
- Key definitions and requirements under the WVPL;
- How to report workplace violence incidents without fear of retaliation;
- Understanding of job-specific violence hazards and preventive measures;
- Purpose of the violent incident log and how to obtain related records; and
- Opportunities for interactive discussions with someone knowledgeable about the employer's plan.

In addition to ensuring all of the WVPP training requirements are met, employers may consider tailoring training to the specific safety concerns of a particular organization. For example, retail establishments may be more susceptible to burglary, so training could highlight measures to deter burglars and prevent theft.

Prepare to Implement Workplace Violence Incident Logs

Employers will also need to maintain a workplace violence incident log that includes information on every workplace violence incident based on employee statements and investigation findings. Employers must ensure that the log excludes any personal identifying information that would identify any person involved in a violent incident.

The model WVPP provides a sample violence incident log, which must include at least the following:

- The date, time and location of the incident;
- Name and job title of the individual completing the log;
- Date the log is completed;
- A detailed description of the incident;
- A classification of who committed the violence (e.g., client or customer, family or friend of a client or customer, co-worker, supervisor or manager, stranger, employee, partner or spouse, or parent or relative);
- The circumstances at the time of the incident;
- Description of where the incident occurred (e.g., in the workplace, near the workplace or in the parking lot);
- Specific incident characteristics, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents or other events;
- The consequences of the incident, including the involvement of law enforcement;
- The steps taken to protect employees from further threat or hazards; and
- Whether the workplace violence was "Type" 1, 2, 3 and/or 4 as defined in California Labor Code Section 6401.9 and as described above.

Establish Compliant Review and Recordkeeping Practices

Plan and Training Review

The WVPL requires all employers to review the effectiveness of and revise their WVPPs and training programs at the following times:

- As needed, but at least annually;
- Whenever a deficiency is observed or becomes apparent; and
- After any workplace violence incident.

The analysis should include a review of the employer's violent incident logs and special attention to the employer's procedures to obtain the active involvement of employees and authorized representatives in reviewing the plan.

Recordkeeping

The new law also establishes additional recordkeeping requirements. Employers must create each of the following records and

- Records of workplace violence hazard identification, evaluation and correction;
- Violent incident logs;
- Cal/OSHA Forms 300; and
- Records of workplace violence incident investigations.

Employers are also required to maintain training records (e.g., training dates, contents or summary of the training sessions, names and qualifications of the trainers, and names and job titles of the attendees) for a minimum of **one year**.

Employers must make all such records available to employees and their representatives upon request and without cost for examination and copying within **15 calendar days** of a request.

Monitor for Updates

Although employers have to comply with the new law by July 1, 2024, Cal/OSHA is still working on developing a workplace violence prevention standard that meets the requirements of the WVPL that it will submit to the Occupational Safety and Health Standards Board (OSHSB) no later than Dec. 31, 2025. The OSHSB then has until Dec. 31, 2026, to adopt the standard. Therefore, employers should monitor for the updated standards while using their reasonable best efforts to comply in the interim.

Provided to you by Risk Strategies

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