

Workplace Violence



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New Workplace Violence Prevention Requirements

- * On September 30, 2023, [California Senate Bill 553](#) was signed into law
- * California Labor Code section 6401.9 went into effect and became enforceable on July 1, 2024
- * Employers that fall within the scope of this law must establish, implement, and maintain an effective written Workplace Violence Prevention Plan and provide training to their employees.



Labor Code section 6401.9

- * Section (b): It applies to everyone except:
 - * Healthcare Facilities
 - * Employers that comply with Section 3342 of title 8 of code of regulations (violence prevention in healthcare)
 - * Facilities operated by Department of Corrections and Rehabilitation
 - * Employers that are law enforcement agencies
 - * Employees teleworking from a location of the employee's choice not under the control of the employer
 - * Less than 10 employees working at the place at any given time or place 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 (they have an injury and illness prevention plan).



Why?

Employees including supervisors and managers can be victims of workplace violence, which entails a substantial risk of physical and emotional harm. Some of these incidents of workplace violence result in fatal injury, and others result in nonfatal injuries, requiring medical treatment, missed work, lost wages, and decreased productivity.



What?

- * Per Labor Code section 6401.9, "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.
 - The four types of workplace violence defined in Labor Code section 6401.9.



What?

- * Note: "Workplace violence" does not include lawful acts of self-defense or defense of others.
- * According to the latest data, in 2021, 57 working people died from acts of workplace violence in California. In the United States, an average of 1.3 million nonfatal violent crimes in the workplace occurred annually from 2015 to 2019. For further details see [Indicators of Workplace Violence, 2019 \(published 2022\)](#).



How?

All California employers must identify and correct workplace hazards in a timely manner and provide effective training to their employees to prevent injuries from occurring as a result of their employment. In addition, every employer must immediately report to Cal/OSHA any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment, and this includes incidents resulting from workplace violence.



The Four Types

- * Types of Workplace Violence Per Labor Code Section 6401.9
- * When examining the circumstances associated with workplace assaults in California, acts of workplace violence events include four major types. However, workplaces may be subject to more than one type.
- * Type 1 Violence
 - * "Type 1 Violence" means workplace violence 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.
 - * Examples include:
 1. Retail robberies
 2. Workplaces where employees or proprietors have face-to-face contact and exchange money with the public.
 3. Robberies of delivery, taxicab, and ride-hailing drivers.
 4. Janitors/maintenance workers
 5. Threats and acts of violence directed at security guards.



The Four Types

- * Type 2 Violence

- * "Type 2 violence" means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- * Examples of workplaces include:
 1. Social welfare service providers in unemployment offices, welfare eligibility offices, homeless shelters, probation offices, and child welfare agencies;
 2. Social welfare service providers while onsite and during visits at residences.
 3. Teaching, administrative, and support staff in schools where students have a history of violent behavior; and
 4. Other types of service providers, e.g., justice system personnel, customer service representatives, and delivery personnel.



The Four Types

- * Type 3 Violence

- * A "Type 3 violence" means workplace violence against an employee by a present or former employee, supervisor, or manager.
- * The primary target of a Type 3 event can be a co-employee, a supervisor, domestic partner, or manager of an individual who may be seeking revenge for what they perceive as unfair treatment at the workplace.



The Four Types

- * **Type 4 Violence**
 - * "Type 4 violence" means workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.
- * **Multiple Types of Workplace Violence Events**
 - * Some occupations and workplaces may be at risk of more than one type of workplace violence event.
 - * For example, retail establishments at risk for Type 1 events, like convenience stores, can also be at risk for Type 3 events. A convenience store employee can be fatally injured at the workplace during a robbery (Type 1), or because of a personal dispute with a non-employee (Type 3).



The Four Types

- * Initial Assessment and Evaluation of Risk Factors
 - * Any preventive measure and procedure taken by an employer to correct, respond to, or prevent workplace violence, must be determined based on a thorough understanding of the risk factors and/or hazards associated with the various types of workplace violence that exist in the workplace.
 - * Every employer must perform an initial assessment to identify and evaluate workplace violence hazards which have been shown to, or that may contribute to the risk of violence in the workplace.



Reducing Workplace Violence

- * Potential factors that could exist in workplaces that may increase the risk of workplace violence include, but not limited to:
 1. Exchange of money.
 2. Working alone.
 3. Working at night and during early morning hours.
 4. Availability of valued items, e.g., money and jewelry.
 5. Guarding money or valuable property or possessions.
 6. Performing public safety or social welfare functions in the community.
 7. Working with clients, passengers, customers, or students known or suspected to have a history of violence; or
 8. Employees with a history of assaults or who have exhibited belligerent, intimidating, or threatening behavior to others.



What's in the Workplace Violence Prevention Plan?

- * Employers are required to address workplace violence hazards to protect employees and comply with the regulatory requirement of establishing, implementing, and maintaining an effective written workplace violence prevention plan (WVPP). See [Cal/OSHA's Model written Workplace Violence Prevention Plan for General Industry \(Non-Health Care settings\)](#) , which is available for use by employers as a resource guide.



What's in the Workplace Violence Prevention Plan?

- * Per LC 6401.9, employers must include the following required elements and effective procedures in their establishment's written Workplace Violence Prevention Plan (WVPP) or include them as a separate section in their IIPP for Workplace Violence Prevention:
 - Names/Titles of persons responsible for implementing the written WVPP.
 - Procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the WVPP.
 - Methods the employer will use to coordinate implementation of the plan with other employers.
 - Procedures to ensure that all employees (supervisory and nonsupervisory), comply with the WVPP.



What's in the Workplace Violence Prevention Plan?

- **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 review WVPP for effectiveness and revise the plan as needed.
- Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees.



What's in the Workplace Violence Prevention Plan?

- Employers can prevent and reduce the risk of workplace violence with an established, effectively implemented, and maintained WVPP, along with strong management commitment and the day-to-day involvement of all employees and their authorized representatives.



What's in the Workplace Violence Prevention Plan?

- * It must be in writing
- * Easily Accessible to employees, authorized employee representatives and representatives of the division at all times.
- * Can be stand alone or in an injury and illness prevention program



What Should Employers Do If an Employee Is Injured Due To Workplace Violence?

- Ensure employees receive timely and appropriate medical treatment.
 - Employers must ensure all needed medical care is provided through the employer's workers compensation insurance provider.
 - Employers must give employees notice of workers' compensation eligibility within one working day of a workplace violence incident.
 - See further information from the [Division of Workers Compensation](#) .
- Record required information about the violent incident in the employer's violent incident log.
- Investigate and evaluate the workplace violence incident and determine and implement changes needed to reduce workplace violence hazards in the workplace.
- Review the effectiveness of the written workplace violence prevention plan and revise the plan if necessary.



What Should Employers Do If an Employee Is Injured Due To Workplace Violence?

- Report all serious injuries and deaths, as defined in [title 8, section 330\(h\)](#) , to Cal/OSHA in accordance with [title 8, section 342\(a\)](#) .
- Complete the "[Employer's Report of Occupational Injury or Illness](#)" ([Form 5020](#)) for each injury or illness that results in lost time beyond the date of the incident or requires medical treatment beyond first aid.
- Record all cases on the [Cal/OSHA Form 300](#) .



Record Keeping

- Records of workplace violence hazard identification, evaluation, and correction, for a minimum of five years.
- Workplace violence prevention plan training records for a minimum of one year.
- Violence Incident Logs for a minimum of five years.
- Records of workplace violence incident investigations for a minimum of five years.
- Cal/OSHA Form 300 for five years.



Training

- Employers must provide effective training and ensure that training materials are easy to understand and match the workers' education, reading skills, and language.
- Employers must provide employees with an initial training and annually thereafter.
- The training is required to cover various aspects, including the following:
 - Familiarizing employees with the plan, how to obtain a copy, and how to participate in the development and implementation of the employer's plan.
 - Definitions and requirements of Labor Code Section 6401.9
 - 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.
 - Opportunities for interactive discussions with someone knowledgeable about the employer's plan.

When new or previously unidentified workplace violence hazards are discovered, or changes are made to the plan, the employer must provide additional training that focuses on the specific hazard or plan modifications.



Contact Information

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