

California Workplace Violence Prevention Plan

On July 1, 2024, nearly all California employers will be required to establish, implement, and maintain an effective Workplace Violence Prevention Plan (WVPP). Plan development involves identifying potential risks and implementing measures to prevent and respond to violence in the workplace. Signed into law on September 30, 2023, California Senate Bill 553 (SB 553)¹ requires employers to develop a WVPP, which will be enforced by the California Division of Occupational Safety and Health (Cal/OSHA)². The implementation of SB 553 aims to provide consistent protection from workplace violence for all employees, similar to safeguards already granted to healthcare workers in California.

Exempted Employers

The requirement for a WVPP applies to all employers in California, except:

- Employers already covered by Cal/OSHA's Violence Prevention in Health Care Standard.
- Employees who work remotely from a location outside the employer's control, such as an employee's home workspace.
- Workplaces that are not open to the public and where fewer than ten employees work at a given time.

Program Requirements

The WVPP must address the following primary elements in a formal and written program, accessible to employees. These elements include:

- Establishing, implementing, and maintaining an effective workplace violence prevention plan.
- Performing a violence-specific hazard assessment of the workplace and operations.
- Conducting examinations of every incident of workplace violence and generating investigation reports.
- Creating and maintaining Violent Incident Logs to track incidents of workplace violence.
- Providing annual interactive training sessions for employees and supervisors on violence prevention.
- Maintaining program-related records that can be produced upon request for specified periods of time.

These requirements aim to ensure that employers in California take necessary measures to prevent and respond to workplace violence incidents efficiently and effectively.

A Model Workplace Violence Prevention Plan³ has been developed by Cal/OSHA to assist employers in developing their plans. It is critical that employers customize the model WVPP for their specific workforce.

Hazard Assessment

A comprehensive and documented risk assessment must be completed to identify all potential violence-specific hazards present in the workplace, including determining who might be affected and assessing the harm that could occur.

Regularly reviewing and updating risk assessments is key to ensuring that hazards are properly identified and implemented controls remain relevant and effective. Changes in the workplace, the emergence of new hazards, or advancements in safety practices may warrant updates to the assessment.

Hazard assessments should be done:

- When the plan is set up
- After violent incidents
- When there is knowledge of a new hazard
- Annually

Sample workplace violence hazard identification, evaluation, and correction content can be found in the Model Workplace Violence Prevention Plan.³

Employees must be educated on reporting workplace violence incidents without fear of retaliation.

Investigations

A process for conducting documented investigations into every incident of workplace violence or reported employee concerns is required. The response may include visiting the incident scene, interviewing involved parties, reviewing security footage, and examining the workplace for risk factors associated with the incident.

The goal is to determine the cause and take corrective action to prevent similar incidents. The objective of an investigation is to ensure corrective actions are identified, implemented, and documented on the Violent Incident Log.

Violent Incident Logs

Employers must keep a record of all occurrences of workplace violence, regardless of whether any injuries occurred. This record must encompass details of each incident, as gathered from employee accounts, witness testimonies, and investigation findings. A sample incident log can be found in the Model Workplace Violence Prevention Plan.³

There are four different types of workplace violence.

- **Type 1:** Workplace violence committed by a person who has no legitimate business at the worksite.
- **Type 2:** Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- **Type 3:** Workplace violence against an employee by a present or former employee, supervisor, or manager.
- **Type 4:** 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.

The Violent Incident Logs should include:

- Date, time, and location of each occurrence, as well as identifying the type of workplace violence.
- A comprehensive description of the incident and associated circumstances, including details on who committed the violence, weapons present, threats made, etc.
- Consequences of the incident, including interactions with law enforcement and the actions implemented to safeguard employees from further threats or hazards.
- The name, job title, and date of the person completing the log (for accountability).

Training Employees

Employers are responsible for providing thorough and effective training programs that cater to their workers' education levels, reading abilities, and language proficiency. Training materials must be easily understandable and tailored to meet these individual needs. The training should be conducted initially when an employee joins the organization and repeated annually.

The training should include:

- Specifics on the WVPP
- How to obtain a copy of the WVPP
- How to participate in the development of the plan
- How to report a workplace violence incident
- Examples of hazards specific to job roles and preventative measures to mitigate the risks
- Purpose of the Violent Incident Logs
- Definitions and requirements as outlined by California Labor Code section 6401.9.⁴

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Connect With Us

Chubb provides workplace violence prevention services as a sold service through Chubb Global Risk Advisors. To obtain information about Chubb's workplace violence prevention services, contact Chubb Global Risk Advisors at globalriskadvisors@chubb.com or visit www.chubb.com/CGRA.

Recordkeeping

The WVPP must be documented in writing and readily accessible to employees, authorized employee representatives, and Cal/OSHA representatives. Program-related records must be maintained and produced upon request.

Employers are required to maintain the following records for five years:

- Records pertaining to workplace violence hazards
- Violent Incident Logs
- Records relating to workplace violence incidents

Training records should be maintained for a minimum of one year.

To support this new requirement, Cal/OSHA created a Model Workplace Violence Prevention Plan³, Fact Sheet⁵, and Frequently Asked Questions⁶ resources. Although the model program includes all the necessary components, each employer must review and modify the program to fit their specific operations.

Additional Resources

- **Federal Bureau of Investigation (FBI)**
Workplace Violence: Issues in Response,
www.fbi.gov/file-repository/stats-services-publications-workplace-violence-workplace-violence/view
- **US Department of Labor (DOL)**
Workplace Violence Program,
www.dol.gov/agencies/oasam/centers-offices/human-resources-center/policies/workplace-violence-program
- **Occupational Safety and Health Administration (OSHA)**
Workplace Violence Fact Sheet
www.osha.gov/sites/default/files/publications/factsheet-workplace-violence.pdf
Workplace Violence Portal
www.osha.gov/workplace-violence
- **National Institute for Occupational Safety and Health (NIOSH)**
About Workplace Violence
www.cdc.gov/niosh/violence/about/?CDC_AAref_Val=https://www.cdc.gov/niosh/topics/violence/
- **Cybersecurity and Infrastructure Security Agency (CISA)**
Active Shooter Preparedness
www.cisa.gov/topics/physical-security/active-shooter-preparedness
- **Chubb**
Preventing and responding to workplace violence,
www.chubb.com/us-en/businesses/resources/preventing-and-responding-to-workplace-violence.html
Preventing Workplace Violence: Take and Use Guide,
www.chubb.com/content/dam/chubb-sites/chubb-com/us-en/business-insurance/forefront-portfolio-3-0-workplace-violence-expense-insurance/documents/pdf/wpv-take-use-guide.pdf

1. Senate Bill No. 553, leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2023202405B553

2. Workplace Violence Prevention Guidance and Resources, www.dir.ca.gov/dosh/Workplace-Violence.html

3. Model Workplace Violence Prevention Plan, view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dir.ca.gov%2Fdosh%2Fdosh_publications%2FModel-WPV-Plan-General-Industry.docx&wdOrigin=BROWSELINK

4. California Labor Code section 6401.9, leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6401.9.&lawCode=LAB

5. Workplace Violence Prevention Fact Sheet, www.dir.ca.gov/dosh/dosh_publications/WPV-General-Industry-for-employers-fs.pdf

6. Workplace Violence Prevention FAQ, www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html