California Employers Have Until July 1 to Comply With Workplace Violence Requirements

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Employers in California will be required to maintain an effective workplace violence prevention plan after Governor Gavin Newsom signed Senate Bill 553 ("SB553") on Sept. 30, 2023. Many of SB533's requirements, including a written violence prevention plan, shall become effective on July 1, 2024, and will be enforced via the California Division of Occupational Safety and Health. Further, SB533 requires the Division to propose standards addressing workplace violence by Dec. 31, 2025, and the Standards Board is required to adopt such standards by Dec. 31, 2026. The Division recently published a model Workplace Violence Prevention Plan, which can be found here.

The workplace violence plan is required to be in writing, and it must be available and easily accessible to employees and their authorized representatives. The written plan may be incorporated as a stand-alone section in the employer's written injury and illness prevention program (required by Section 3203 of Title 8 of the California Code of Regulations) or maintained as a separate document. The plan is required to be specific to the hazards and corrective measures for each work area and operation. The plan is required to include the following:

- Names or job titles of the persons responsible for implementing the plan. If there are multiple persons responsible for the plan, their roles are required to be clearly described.
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan, including, but not limited to, through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.
- Methods the employer will use to coordinate implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles, as provided in the plan. These methods shall ensure that all employees are provided the required training and that workplace violence incidents involving any employee are reported, investigated, and recorded.
- Effective procedures for the employer to accept and respond to reports of workplace violence, and to prohibit retaliation against an employee who makes such a report.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan, including recognition of employees who follow safe and healthy work practices, training and retraining programs, disciplinary actions, or any other such means to ensure employee compliance with safe and healthy work practices.
- Effective procedures to communicate with employees regarding workplace violence matters, including, but not limited to:
    - How an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of reprisal; and
    - How employee concerns will be investigated as part of the employer's responsibility of identifying and evaluating workplace violence hazards, and how employees will be informed of the results of the investigation and any corrective actions to be taken.

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- Effective procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:
  - Effective means to alert employees of the presence, location, and nature of workplace violence emergencies;
  - Evacuation or sheltering plans that are appropriate and feasible for the worksite; and
  - How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.
- Procedures to develop and provide the required employee training for workplace violence.
- Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections to identify unsafe conditions and work practices and employee reports and concerns. Inspections are required to be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Procedures to correct the identified workplace violence hazards in a timely manner.
- Procedures for post-incident response and investigation.
- Procedures to review the effectiveness of the plan and revise the plan as needed, including, but not limited to, procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan. The plan is required to be reviewed at least annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident.
- Procedures or other information required by the Division and the Standards Board as being necessary and appropriate to protect the health and safety of employees.

Additionally, SB553 requires employers to:

- Record certain specific information in a violent incident log for every workplace violence incident; and
- Provide effective employee training including on workplace violence hazards specific to the employees' jobs, the corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.

California Employers must comply with SB533 by July 1, 2024 and ensure that their written workplace violence prevention plans comport with the new requirements.

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