

## Workplace Violence Prevention in General Industry (Non-Health Care Settings) - Information for Employees

According to the Occupational Safety and Health Administration (OSHA), workplace violence affects almost 2 million American workers every year.

Your employer is required to establish, implement, and maintain an effective written Injury and Illness Prevention Program (IIPP), as well as other safety & health programs to reduce your risk of exposure to hazards and prevent injuries and illnesses in the workplace. As of July 1, 2024, your employer will also be responsible for establishing, implementing, and maintaining an effective written Workplace Violence Prevention Plan (WVPP).

This employee fact sheet will define workplace violence, explain the four types of workplace violence, identify required WVPP training, recommend how to prevent workplace violence, and list your rights under requirements of the WVPP.

### What is workplace violence?

“Workplace violence” means any act of violence or threat of violence that occurs in a place of employment.

### What are the four types of workplace violence?

“Type 1 violence”: 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.

“Type 2 violence”: Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

“Type 3 violence”: Workplace violence against an employee by a present or former employee, supervisor, or manager.



“Type 4 violence”: 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.

### Preventing workplace violence

Employers are required to provide training to employees on its WVPP when it is first established, during initial training, and every year after that. Additionally, training is required when a new or previously unrecognized workplace violence hazard is identified or there are changes made to an employer’s WVPP.

Workplace violence prevention training should include the following:

- How to involve employees and their representatives in developing and carrying out the WVPP.
- How to get a free copy of the written WVPP.
- How to report workplace violence incidents or concerns to your employer or law enforcement without fear of retaliation.
- What the workplace violence hazards are for the employees’ job.
  - How the employer will correct those hazards.
  - How the employee can get help to avoid or respond to violence.

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- Suggestions on how to avoid physical harm.

## **How can employees help prevent workplace violence?**

Inform your supervisor if you know of any incidents of workplace violence and/or if you suspect any incidents, which may include:

- Physical or verbal threats against an employee.
- Non-employees or strangers in the workplace who seem like they want to cause harm.
- Rumors of possible workplace violence.
- Arguments or physical fights between coworkers, clients and/or non-employees.

Become familiar with the procedures your employer has written on how to:

- Respond and report actual or potential workplace violence to your employer or law enforcement.
- Request a copy of the WVPP.
- Evacuate or take shelter in case of workplace violence emergencies.
- Avoid physical harm and workplace violence.
- Who to contact for questions and answers about the WVPP.

## **How does workplace violence prevention affect dual-employers and temporary (staffing) agencies?**

If you are a temporary worker, both your staffing agency and the host employer whose workplace you work at are responsible for your safety and health and must protect you against hazards in

the workplace. Staffing agencies and the host employer must provide you with workplace protections as required by Cal/OSHA, such as appropriate training and personal protective equipment.

## **What rights do employees have under the workplace violence prevention plan?**

Every employee has the right to:

- Be provided with training that they understand, in the language they understand.
- Obtain a free copy of the WVPP.
- Receive the following types of records related to workplace violence for copying and examination within 15 calendar days of the request:
  - Workplace violence hazard identification and evaluation
  - Training
  - Violent incident logs
- Report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of retaliation.

All workers have a right to a safe and healthful workplace, regardless of immigration status, and may file confidential complaints about workplace safety and health hazards with Cal/OSHA.

For work-related questions or complaints, contact the Cal/OSHA Call Center at 833-579-0927. Bilingual representatives are available to answer your questions.

## Workplace Violence Prevention in General Industry (Non-Health Care Settings) – Information for Employers

According to the Occupational Safety and Health Administration (OSHA), workplace violence affects nearly 2 million American workers annually. SB 553 addresses workplace violence by requiring employers to implement basic protections to protect employees while at work.

This fact sheet is an overview of the **California Senate Bill 553** (SB 553), which was signed into law on September 30, 2023. SB 553 amended Labor Code section 6401.7 to require employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section **6401.9**, which sets out the requirements for the plan. Starting July 1, 2024, the majority of employers in California must establish, implement, and maintain a Workplace Violence Prevention Plan that includes:

- Prohibiting employee retaliation.
- Accepting and responding to reports of workplace violence.
- Employee workplace violence training and communication.
- Emergency response.
- Workplace violence hazard assessments.
- Other requirements, such as maintaining a Violent Incident Log.

### What must employers know?

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 Labor Code 6401.9.

This fact sheet only provides an overview. Employers should review the full requirements of **California Senate Bill 553** (SB 553), which includes Labor Code section 6401.9.



### Creating a workplace violence prevention plan

Labor Code section 6401.9 outlines the elements of a workplace violence prevention plan required by section 6401.7:

- Every covered employer is required to establish, implement, and maintain an effective workplace violence prevention plan.
- The plan needs to include the following:
  - The names of persons responsible for its implementation.
  - Effective procedures for employee involvement in developing and implementing the plan.
  - Methods to coordinate implementation of the plan with other employers, when applicable.
  - Procedures for employers to handle and respond to reports of workplace violence, while ensuring no retaliation against the reporting employee.
  - Procedures to ensure compliance from employees, including supervisors.
  - Procedures to communicate with employees regarding workplace violence matters.

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- Emergency response protocols.
- Training provisions.
- Procedures to identify and evaluate workplace violence hazards that include inspections with the following frequency:
  - When the plan is first set up.
  - Periodically scheduled.
  - After violent incidents.
  - Whenever a new hazard becomes known.
- Procedures to timely correct workplace violence hazards identified and evaluated.
- Procedures for post-incident response and investigation.
- Procedures that allow for plan review
  - Annually.
  - When a deficiency is observed or becomes apparent.
  - After a workplace violence incident.
- Any other procedure necessary for employee health and safety as required by the Division and Standards Board.
- The plan must be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.
- The written plan may be incorporated as a stand-alone section in the 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.

## Violent incident log requirements

Employers must maintain a log of all incidents of workplace violence even if the incident did not result in injury. This log must include information on every workplace violence incident, based on employee statements, witness statements, and investigation findings. Incident information must include at least the following:

- Incident date, time, location.
- Workplace violence "Type" (1, 2, 3, and/or 4).
- Detailed description of the incident.
- Classification of who committed the violence.
- The circumstances at the time of the incident.
- Where the incident occurred.
- Specific incident characteristics, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents, or other events.
- What the consequences of the incident were, including any involvement law enforcement.
- What steps were taken to protect employees from further threat or hazards.
- Who completed the log, including their name, job title, and the date completed.

Note: Employers must exclude personal identifying information that would identify any person involved in a violent incident.

## Training employees on workplace violence

- 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.

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- 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.

### **Employer responsibilities with workplace violence recordkeeping requirements**

- The plan must be in writing and easily accessible to employees, authorized employee representatives, and Cal/OSHA representatives.
- Records of workplace violence hazard identification, evaluation, and correction must be created and maintained for a minimum of five years.
- Training records must be created and maintained for a minimum of one year.
- Violent incident logs must be maintained for a minimum of five years.
- Records of workplace violence incident investigations under must be maintained for a minimum of five years.



### **Additional information and resources**

As required by **title 8, section 342(a). Reporting Work-Connected Fatalities and Serious Injuries**, Employers have a legal responsibility to immediately report to Cal/OSHA any serious injury or illness, or death (including any due to workplace violence) of an employee occurring in a place of employment or in connection with any employment.

Additional regulations that may apply to workplace violence and exposure can be found in the following title 8 sections:

- **Section 342** (Reporting Work-Connected Fatalities and Serious Injuries).
  - For instructions on reporting, go to **Report a Work-Related Accident – Employers**.
- **Section 3203** (Injury and Illness Prevention).
- **Section 14300** (Employer Records-Log 300).
  - For information on The Log of Work-Related Injuries and Illnesses (Cal/OSHA Form 300), go to **Brief Guide to Recordkeeping Requirements**.