

# Employment Law Summary

## Workplace Violence Prevention Plan and Training Law



In addition to the workplace protections provided to employees under federal law, California affords broad workplace safety protections under the state's Occupational Safety and Health (Cal/OSH) Act and related laws.

Most employers in California are subject to several workplace safety requirements under Cal/OSH. These include a mandate to establish, implement and maintain an effective injury and illness prevention program ([IIPP](#)). In addition, **as of July 1, 2024**, a new law, [Senate Bill \(SB\) 553](#), requires employers to include a written **workplace violence prevention (WVP) plan** as a component of their IIPPs. SB 553 also requires employers to:

- Keep a record of certain workplace incidents in a **violent incident log**;
- Provide **annual WVP training** to all employees; and
- Create and maintain certain records.

This Employment Law Summary provides additional information about these new requirements.

### COVERED EMPLOYERS

SB 553 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.

Nevertheless, the California Division of Occupational Safety and Health (Cal/OSHA), which is the agency that enforces Cal/OSH, may order any exempt employer to comply with the new law.

### WRITTEN WVP PLAN

SB 553 requires employers to establish, implement, and maintain an "effective" WVP plan. This may be incorporated as a stand-alone section in an employer's existing IIPP or maintained as a separate document. Either way, the WVP plan must be **in writing** and:

- 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.

### CONTENT REQUIREMENTS

The law's minimum content requirements for an effective WVP plan include the names and job titles of individuals responsible for implementing the plan, along with the items listed in the table below.

<b>Plan Procedures</b>	<b>WVP written plan must explain how the employer will:</b>
<b>Employee Involvement</b>	Obtain employees' active involvement in developing and implementing the plan.
<b>Employer Coordination</b>	Coordinate implementation with other employers, when applicable, to ensure compliance.
<b>Incident Reporting</b>	Accept and respond to reports of workplace violence and prohibit retaliation against an employee who makes a report.
<b>Employee Compliance</b>	Ensure that both supervisory and nonsupervisory employees comply.
<b>Employee Communication</b>	Communicate with employees about workplace violence matters.
<b>Emergency Response</b>	Respond to actual or potential workplace violence emergencies.
<b>Employee Training</b>	Develop and provide the required WVP training.
<b>Hazard Identification</b>	Conduct periodic and incident- or hazard-specific inspections to identify unsafe conditions and work practices.
<b>Incident and Hazard Response</b>	Respond to, investigate and correct reports of workplace violence and hazards.
<b>Plan Review and Revision</b>	Review the effectiveness of and revise the plan as needed, annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident.

The WVP plan must also include any procedures or other information required by Cal/OSHA as being necessary and appropriate to protect the health and safety of employees.

## **VIOLENT INCIDENT LOG**

Employers must record information in a violent incident log for every workplace violence incident. Information that is recorded in the log for each incident must be based on information solicited from the employees who experienced workplace violence, on witness statements and on investigation findings.

Employers must omit any element of personal identifying information sufficient to allow identification of any person involved in a violent incident. This includes the person's name, address, electronic mail address, telephone number, Social Security number or other information that, alone or in combination with other publicly available information, reveals the person's identity.

The table below lists the information that must be included in each WVP log entry.

<b>Violent Incident Log</b>
Date, time and location of the incident
Types of workplace violence involved in the incident (identified in the law as types 1-4, generally depending on the relationship between perpetrator and victim)
Detailed description of the incident
Classification of who committed the violence
Classification of circumstances at the time of the incident, such as whether the employee was completing usual job duties or working in poorly lit areas
Classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace
Type of incident, such as physical attack with or without a weapon
Consequences of the incident, including actions taken to protect employees from a continuing threat or from any other hazards identified
Name and job title of the person completing the log, along with the date completed

## WVP TRAINING PROGRAM

SB 553 requires employers to provide effective WVP training to each employee at the following times:

- When the employer's WVP plan is first established; and
- Every year thereafter.

Additional training must be provided when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or plan changes.

Training material must be appropriate in content and vocabulary to the educational level, literacy and language of the employees. The table below lists the minimal required content items for a WVP training program.

WVP Training program must include:	
The employer's plan, how to obtain a copy of the employer's plan at no cost, and how to participate in the development and implementation of the employer's plan	
The definitions and requirements of SB 553	
How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal	
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	
The employer's violent incident log and how to obtain copies of related records as required	
An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan	

## RECORDKEEPING

The table below provides the minimum periods of maintenance required for these records.

Minimum Maintenance Periods for WVP Records	
<b>One year</b>	WVP training records, including: <ul style="list-style-type: none"><li>• WVP training dates;</li><li>• Contents or a summary of the training sessions;</li><li>• Names and qualifications of persons conducting the training; and</li></ul>
	Names and job titles of all persons attending the training sessions.
<b>Five years</b>	Hazard identification, evaluation and correction records
	Violent incident logs
	Violent incident investigation records

All WVP-related records must be made available to employees and their representatives upon request and without cost for examination and copying within **15 calendar days** of a request.

## ENFORCEMENT

SB 553 is enforced by Cal/OSHA, which may issue citations to and impose penalties on noncompliant employers. Under the new law, Cal/OSHA is required to propose additional standards for WVP plans and training programs by Dec. 31, 2025. These standards must then be adopted no later than Dec. 31, 2026.

## MORE INFORMATION

For more information on California's workplace safety laws, please consult Poms & Associates Insurance Brokers LLC or visit the Cal/OSHA website.

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