



April 25, 2024



Best Practices for Implementing the New SB 553 Workplace Violence Prevention Plan Requirements

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Upcoming Webinar



May 15th, 2024
11am-Noon MDT/
10am-11am PDT

Tips and Tricks to Improve Mental Health and Wellness in the Workplace and Beyond

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Presenter

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Why are we here?

- SB 553 Workplace Violence Prevention Plan
 - Requires employers to have workplace violence prevention plans.
 - The Division of Occupational Safety & Health (DOSH) needs to develop a standard to meet the requirements of SB 553 by December 31, 2025, and adopt it by December 31, 2026.
 - However, the requirements of SB 553 are effective and enforceable by Cal-OSHA on July 1, 2024.

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Where are the New Requirements Found?

- Cal OSHA has developed a webpage to serve as an overview of the new requirements found in California Labor Code section 6401.9, resulting from Senate Bill 553 (Cortese):
 - <https://www.dir.ca.gov/dosh/Workplace-Violence/General-Industry.html>
- Cal OSHA is developing a workplace violence prevention standard that meets the requirements of Labor Code section 6401.9 and will submit it to the Occupational Safety and Health Standards Board (OSHSB) no later than December 31, 2025.
- OSHSB is required to adopt the standard no later than December 31, 2026.

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Educational Materials and Other Resources

- **Model Written Workplace Violence Prevention Plan for General Industry (Non-Health Care Settings)**
 - *Published:* February 2024.
 - Every employer will need to tailor it to their specific work area or operation.
- **Employer and Worker Fact Sheets**
 - General Industry
 - Agriculture
- **FAQ's about Workplace Violence Prevention in General Industry**
 - <https://www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html> (Updated: March 27, 2024)

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Where Do We Start?

Understand the Elements Needed in the Workplace Violence Prevention Plan.

Who in our organization needs to be included in the plan's development?

What is meant by "Effective Procedures" for employee training?

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Workplace Violence Prevention Plan – Labor Code 6401.9

- ✓ Responsibility
 - ✓ Active employee involvement and their authorized employee Representative, to include, but not limited to:
 - Participation in identifying, evaluating, and correcting workplace violence hazards.
 - Designing and implementing training.
 - Reporting and investigating workplace violence incidents.
- ✓ Workplace Violence Hazard Identification and Evaluation
 - Assessment for Workplace Violence Hazards (unsafe conditions and work practices).
 - Employee's reports and concerns.
- ✓ Workplace Violence Hazard Correction—refers back to Title 8 3203 IIPP

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Workplace Violence Prevention Plan – Labor Code 6401.9

- ✓ **Communication with Employees:**
 - Regarding workplace violence matter
 - How an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement with fear of reprisal.
 - How employees' concerns will be investigated and how employees will be informed of the results of the investigation and any corrective action

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Workplace Violence Prevention Plan – Labor Code 6401.9

- ✓ **Coordination with other Employers**
- ✓ **Workplace Violence Incident Reporting Procedures**
- ✓ **Emergency Response Procedures**
- ✓ **Procedures for Post Incident Response and Investigation**
- ✓ **Training and Instruction**
- ✓ **Employee Access to the written WVPP**
- ✓ **Recordkeeping**

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Workplace Violence Prevention Plan–Labor Code 6401.9–Emergency Response Procedures

- **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.**
 - **How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.**

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Four Workplace Violence Types

- (I) "Type 1 violence," which 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.
- (II) "Type 2 violence," which means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- (III) "Type 3 violence," which means workplace violence against an employee by a present or former employee, supervisor, or manager.
- (IV) "Type 4 violence," which 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.



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WPV SB 553: Definitions

"Threat of violence" means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

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

"Workplace violence" 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.

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Violent Incident Log

- Create and maintain a Violent Incident Log for every workplace violence incident.
- For multi-employer worksites, the employer or employers whose employees experienced the workplace violence incident shall record the information in a violent incident log.

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Training per LC 6401.9

- (e)(1) The employer shall provide effective training to employees, as specified in paragraphs (2) and (3). *Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used.*
- (2) The employer shall provide employees with initial training when the plan is first established, and annually thereafter, on all of the following:
 - (A) The employer's plan, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.
 - (B) The definitions and requirements of this section.
 - (C) How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
 - (D) 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.
 - (E) The violent incident log required by subdivision (d) and how to obtain copies of records required by paragraphs (1) to (3), inclusive, of subdivision (f).
 - (F) An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.
- (3) Additional training shall 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 changes to the plan.

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Best Practices for Developing the Workplace Violence Prevention Plan

- Needs to be specific to the hazards and corrective measures for each work area and operation.
 - Separate plans or sections for each facility – depending on the hazards.
- Active involvement of employees and their authorized employee representatives in developing and implementing the plan.
 - Safety Committees (if all staff have an opportunity to attend).
 - Invite staff to attend in-person/virtual meetings on different days/times to accommodate all work schedules.
- Communication with Employees – how employees can report a violent incident, threat, or other workplace violence concern (without fear of reprisal).
 - Similar to how safety hazards are reported as part of your IIPP.
- Workplace Violence Incident Reporting Procedure.
 - Employer investigations – Determine who will be involved.
 - How will we get back to employees?

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Best Practices for Developing the Workplace Violence Prevention Plan

- > Workplace Violence Hazard Identification and Evaluation
 - Who will be responsible for conducting the assessments? Someone familiar with the location.
 - Determine what controls are already in place.
- > Document how you developed your plan
 - Checklists
 - Assessments
 - Safety Committee Minutes

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How can we help?

- > We developed a WPV security hazard assessment.
- > We can guide your team on their roles and responsibilities.
- > Assist with the review of a WPV draft.
- > Assist in the development of a WPV Plan.
- > Assist in developing a training program based on the newly created plan.
- > Assist in conducting training on the new WPV plan.
- > Answer Questions.

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Questions?

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Frequently Asked Questions

Q: Are animal attacks considered workplace violence?

A: Yes, per LC 6401.9 (a)(A), "Workplace violence" includes any act of violence or threat of violence that occurs in a place of employment. This includes animal attacks.

Further, per LC 6401.9 (d)(2)(G)(v), employers are required to document in their violent incident log whether the type of incident was an animal attack.

From Cal OSHA: <https://www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html>

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Frequently Asked Questions

Q: Do employers have to include their WVPP in their **Injury and Illness Prevention Program (IIPP)**?

A: No, employers can include their written WVPP as a stand-alone section in the written IIPP or maintain it as a separate document.

From Cal OSHA: <https://www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html>

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Frequently Asked Questions

Q: Does the employee-involvement requirement in a company's workplace violence plan also apply to non-union worksites?

A: Yes, the requirements of LC 6401.9 apply to all California employers, employees, places of employment, and employer-provided housing except those covered in LC 6401.9 (b)(2)(A) through (F).

Q: Does each work location need a dedicated plan, or can an organization use a corporate plan for all sites?

A: Employers are required to ensure that their written WVPP is specific to the hazards and corrective measures for each work area and operation.

From Cal OSHA: <https://www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html>

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Frequently Asked Questions

Q: Does each work location need a dedicated plan, or can an organization use a corporate plan for all sites?

A: Employers are required to ensure that their written WVPP is specific to the hazards and corrective measures for each work area and operation.

Q: I'm seeking guidance on whether school districts should document all incidents related to special education students in their violent incident logs. Based on our interpretation of LC 6401.9, any violent interactions with students would fall under "Type 2 violence". However, we feel that incidents involving special needs students (such as bites, scratches, and hair pulls) are unintentional and therefore should not be tracked, even though they occur regularly. Therefore, are school districts required to include all incidents involving special education students in their violent incident log?

A: In this scenario, regardless of whether the act was intentional or not, this would be categorized as a "Type 2 Violence" workplace violence incident and the employer is required to record it in the violent incident log.

From Cal OSHA: <https://www.dir.ca.gov/dosh/Workplace-Violence/FAQ.html>

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