



California Workplace Violence Prevention Program Requirements

Part 1: What Is New?

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Seyfarth Shaw LLP

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Speakers



Adam Young
Partner
Chicago



Ilana Morady
Counsel
San Francisco

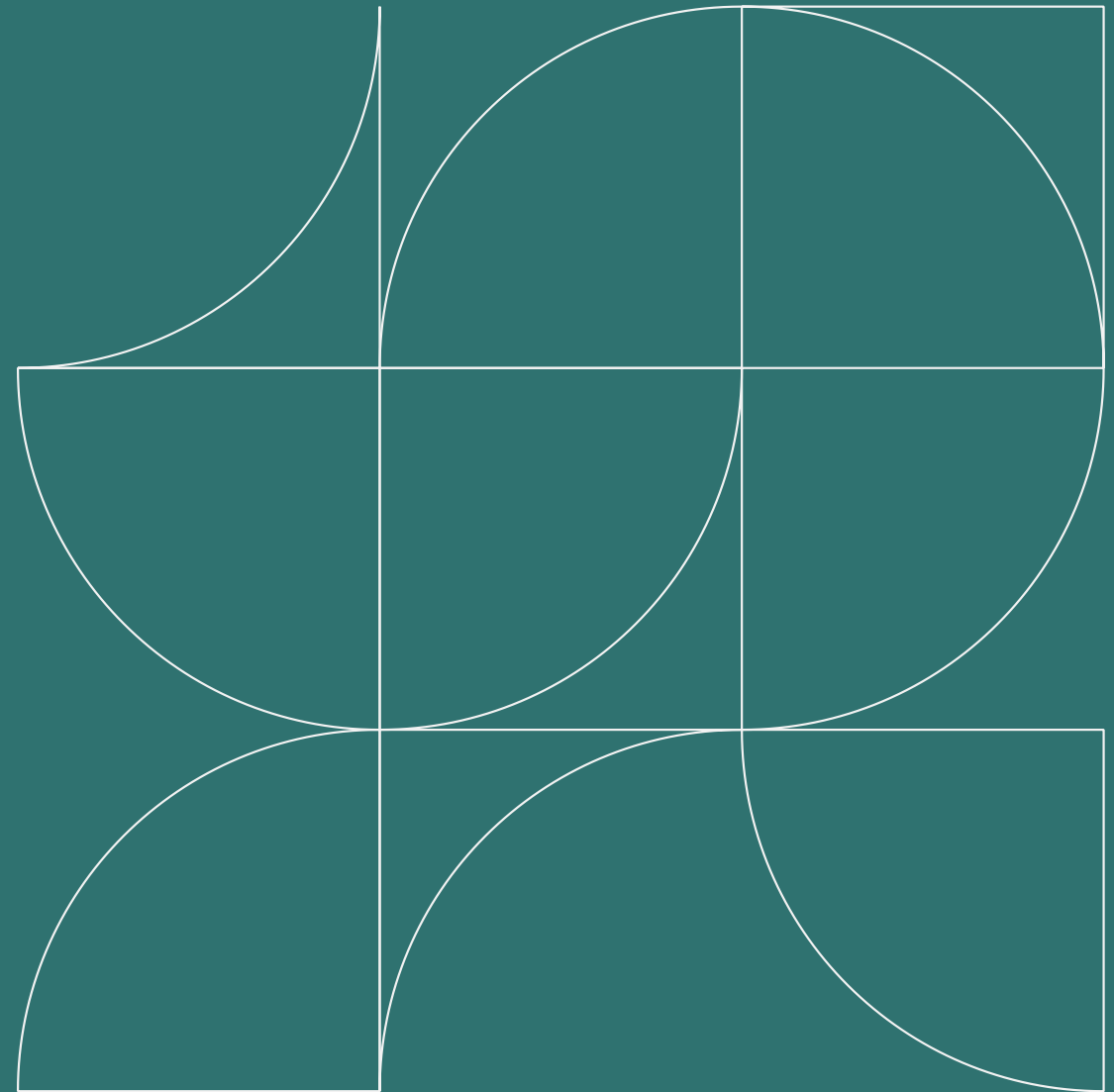


Daniel Birnbaum
Associate
Chicago

Program Objectives

- 01** Overview of Senate Bill 553
- 02** Who Is Covered?
- 03** What Conduct Is Covered?
- 04** What Is Required by Employers?
- 05** Training Requirements
- 06** Recording and Reporting Requirements

Overview of Senate Bill 553



Senate Bill 553

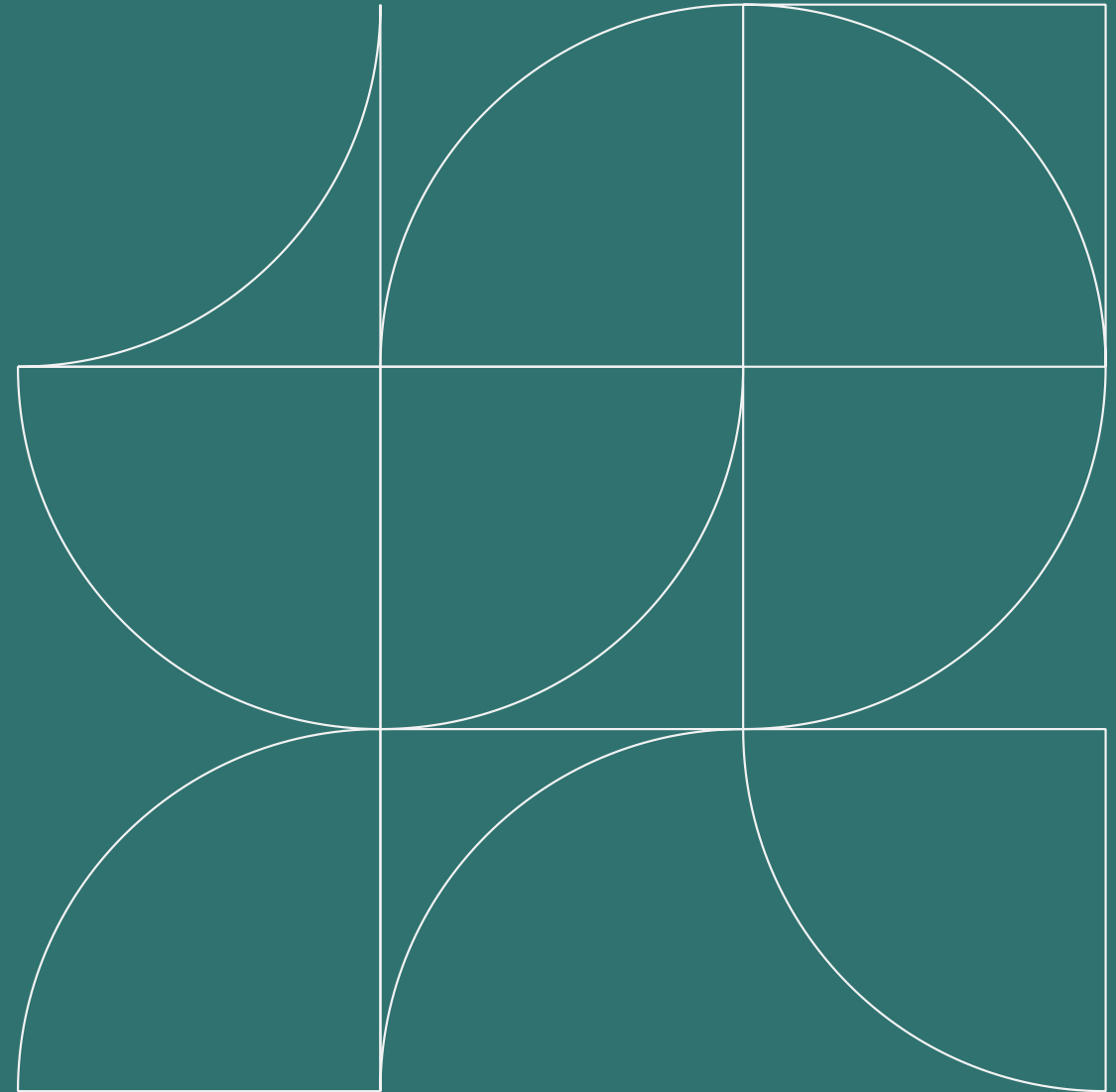
- Starting July 1, 2024, nearly all California employers must create, adopt, and implement:
 - a written Workplace Violence Prevention Plan that includes numerous elements;
 - annual workplace violence prevention training;
 - violent incident logs;
 - other various records.

- Workplace Violence in general industry traditionally falls under the IIPP Standard.
- The Division of Occupational Safety and Health (Cal/OSHA) has been working on a general industry workplace violence standard since 2017.
- New law requires the Division to start enforcing new workplace violence requirements that are largely modeled on Cal/OSHA's existing draft standard.
- Under the new law, by December 31, 2025, Cal/OSHA must propose, and the Cal/OSHA Standards Board is required to adopt workplace violence standards codifying SB 553 no later than December 31, 2026. But regulations or not, Cal/OSHA is empowered and directed to start enforcing SB 553 under the Labor Code on July 1, 2024.

OSHA Liability Basics



Who Is Covered?

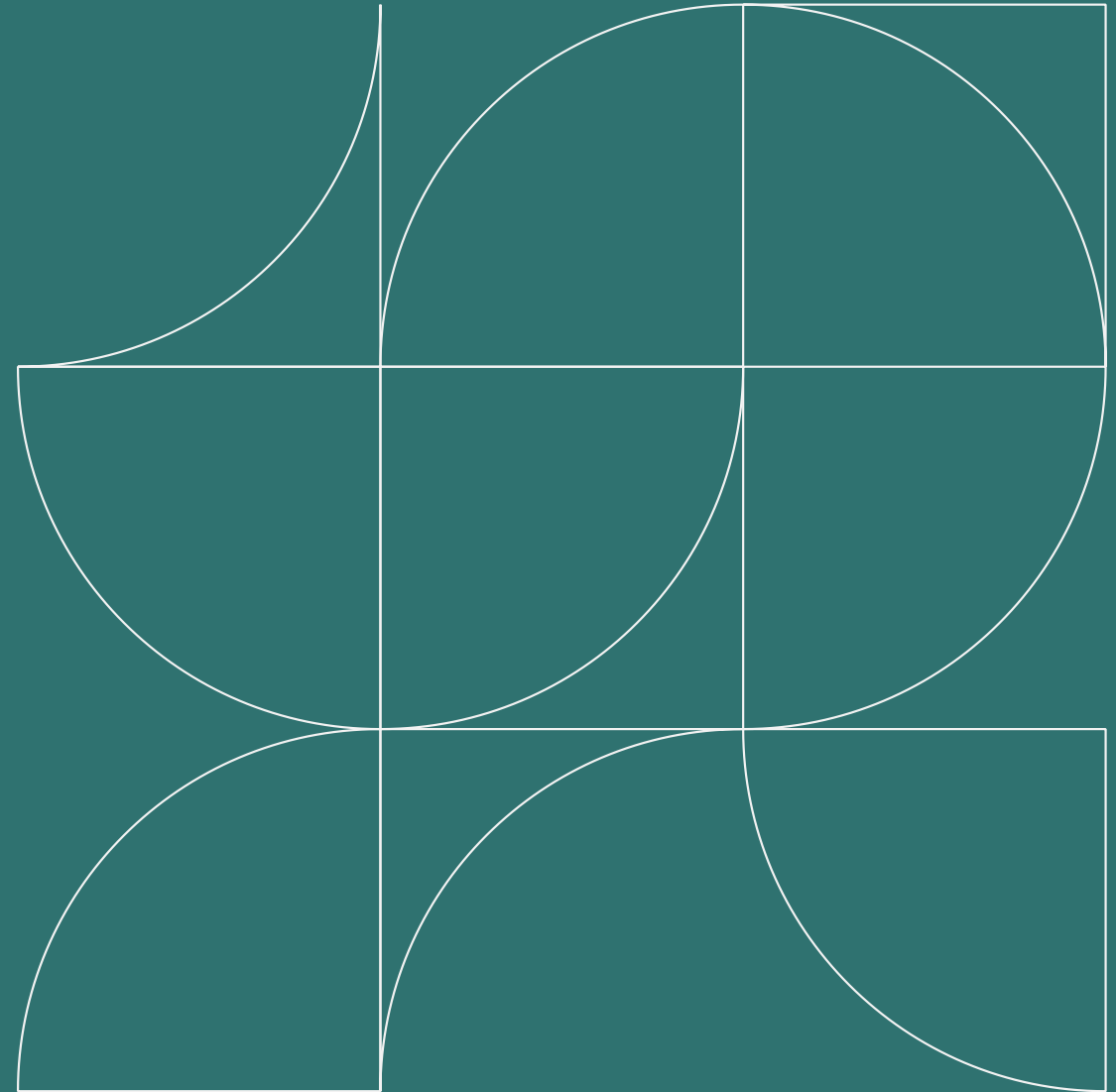


- The requirement for a Workplace Violence Prevention Plan applies to all employers and employees in the State, with a few limited exceptions:
 - Employers already covered by [Cal/OSHA's Violence Prevention in Health Care standard](#)
 - Employees who telework from a location of their choosing that is outside the control of the employer
 - Locations not open to the public where fewer than 10 employees work at a given time
 - Department of Corrections and Rehabilitation and law enforcement agencies

**Nearly Every
Employer is
Covered**



What Conduct Is Covered?



What Is Considered Workplace Violence?

Defined broadly as any act of violence or threat of violence that occurs in a place of employment.

Active Shooter
Homicide
Use of Firearms (even with no injury)
Fighting
Sexual Assault
Verbal or Written Threats
(*subjective*)
Intimidation
Bullying
Gestures

Types of Violence (includes but is not limited to)

Type 1

- Individual with no connection to the workplace commits a crime

Type 2

- Violent act by an individual directed to an employee at the workplace by a customer or client

Type 3

- Violent act by an employee directed at another employee

Type 4

- Violent act at the workplace by another person who has a relationship with an employee

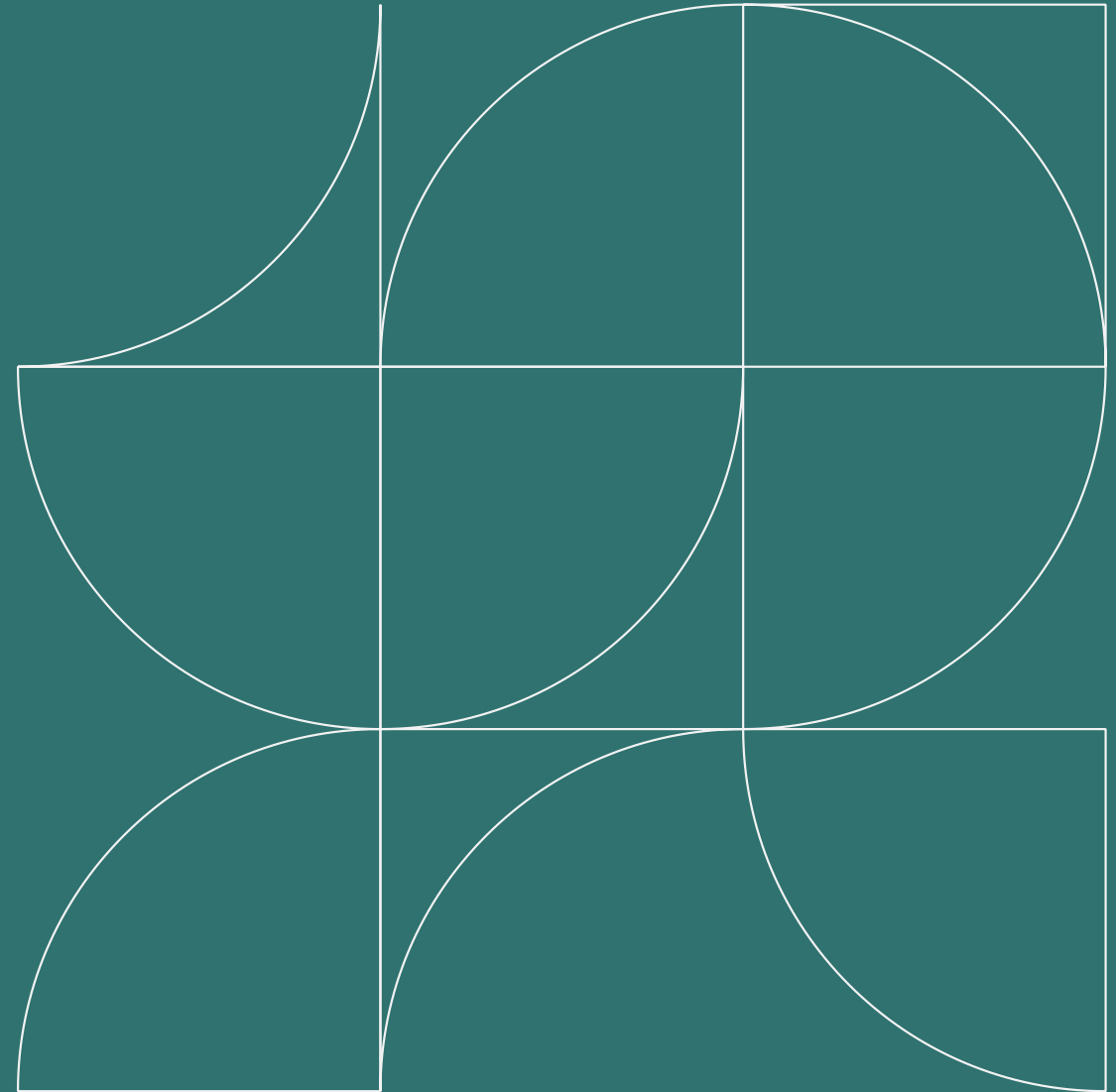
Other Included Acts

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.

Animal attacks.

What Is Required by Employers?



Workplace Violence Prevention Plan



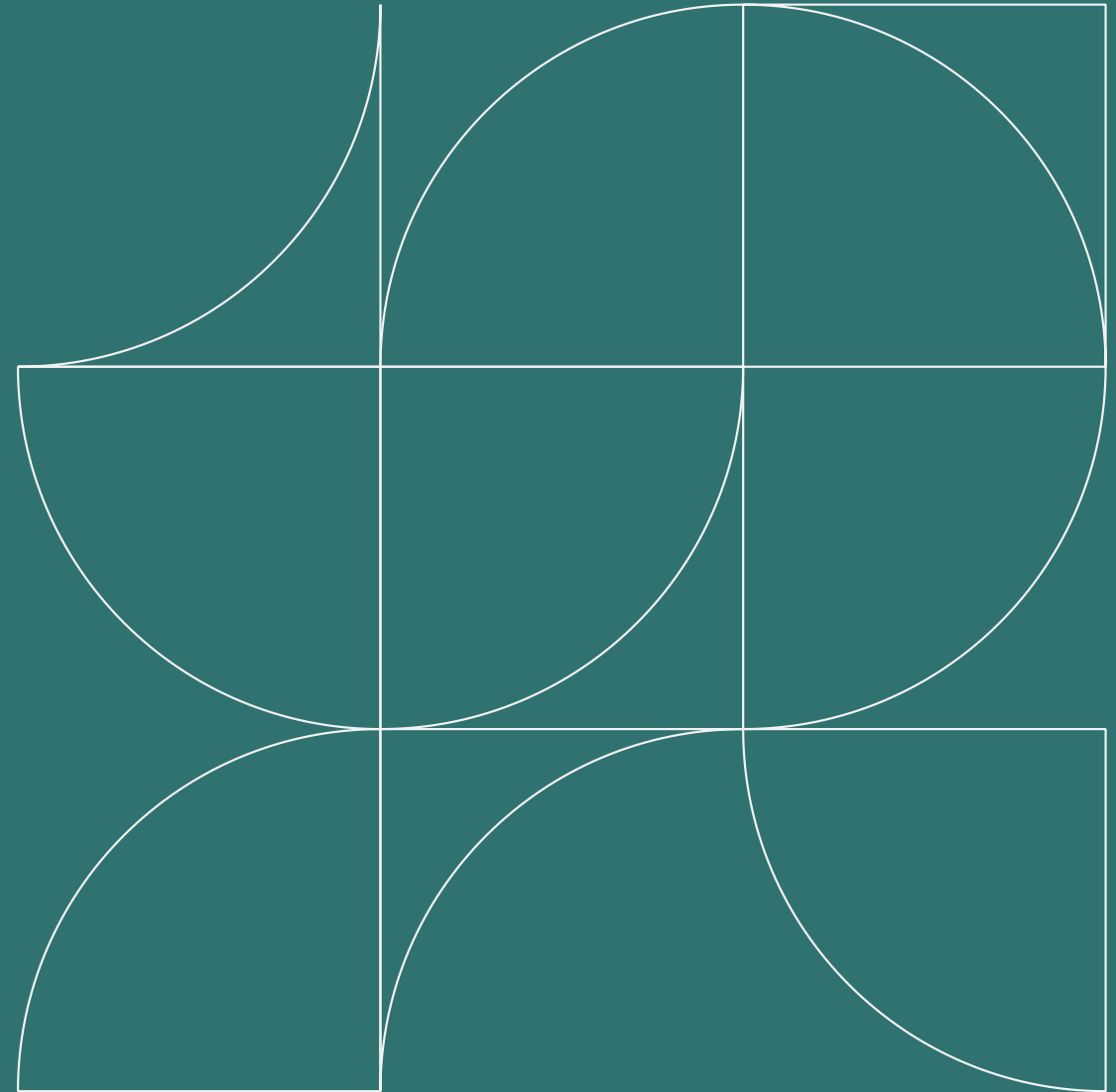
- Identify the individuals responsible for implementing the Plan.
- Include the following procedures:
 - Involving employees in the development and implementation of the Plan
 - Coordinating implementation of the Plan and training with other employers such as staffing agencies
 - Accepting and responding to reports of workplace violence, and prohibiting retaliation against reporting employees
 - Ensuring employees comply with the Plan

Workplace Violence Prevention Plan



- Include the following procedures:
 - Communicating with employees about: (1) how to report violent incidents, threats, or workplace violence concerns to employer or law enforcement and (2) how concerns will be investigated, and results communicated
 - Responding to actual and potential workplace violence emergencies
 - Identifying and evaluating workplace violence hazards
 - Post incident response and investigation
 - Reviewing Plan effectiveness annually, when deficiency is apparent, or after a workplace violence incident

Training Requirements



- Employers must provide employees with initial training when the Plan by July 1 and continue to conduct annual trainings thereafter.

Training needs to cover the following topics:

- The employer's Plan, how employees can obtain a free copy of the Plan, and how to participate in development and implementation
- The definitions and requirements of SB 553
- How to report workplace violence hazards and workplace violence incidents
- Workplace violence hazards specific to employee jobs, and corrective measures the employer has implemented
- How to seek assistance to prevent or respond to violence
- Strategies to avoid physical harm
- Information about the violent incident log and how employees can obtain a copy
- Opportunity for interactive questions/answers

Training Requirements

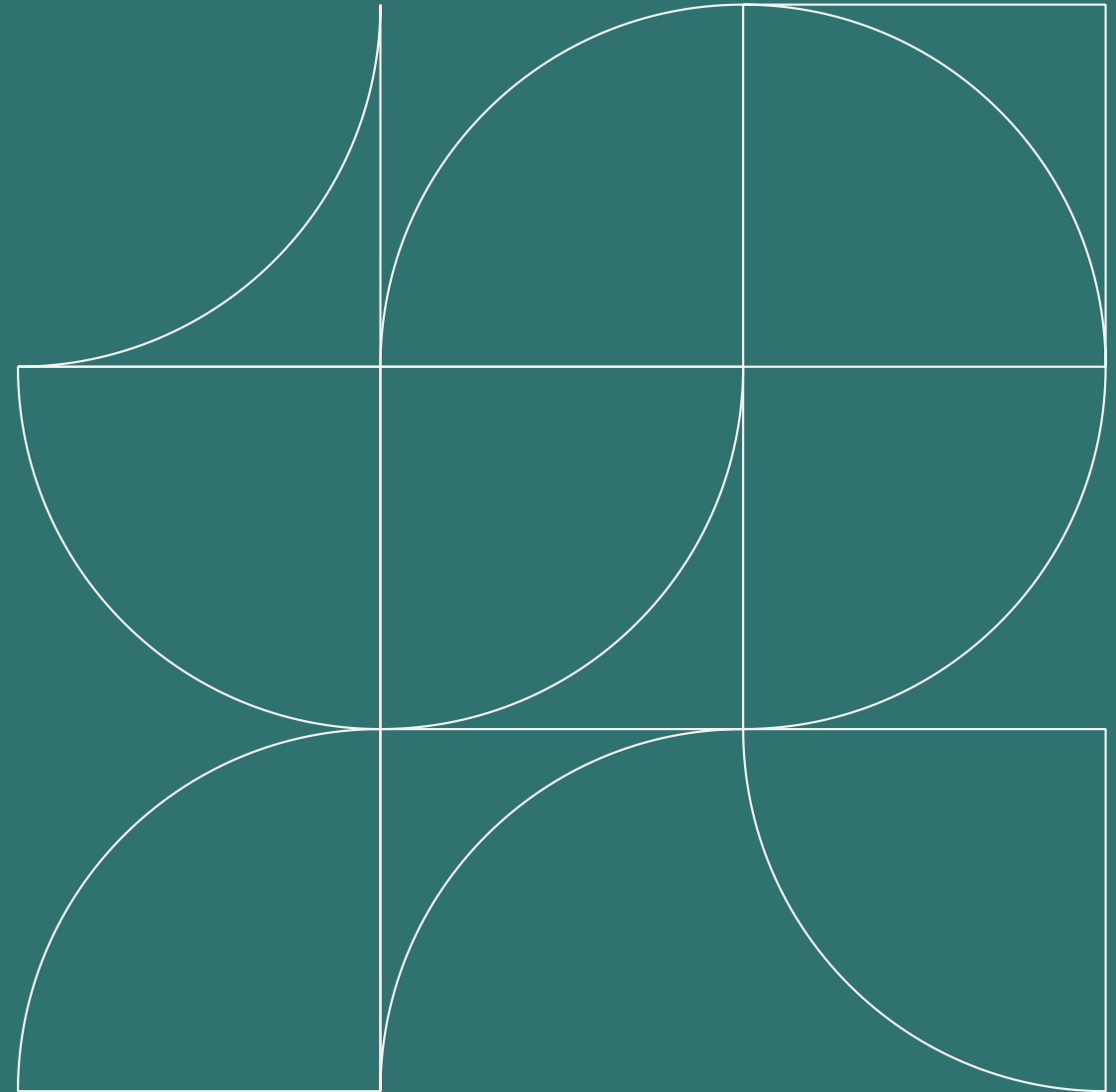


- Additional training is required when new or previously unrecognized workplace violence hazards are identified, or when there are changes to the Plan.
- Employers must retain training records for at least 1 year.
- Any employees who work in California must receive training

Training Requirements



Recording and Reporting Requirements

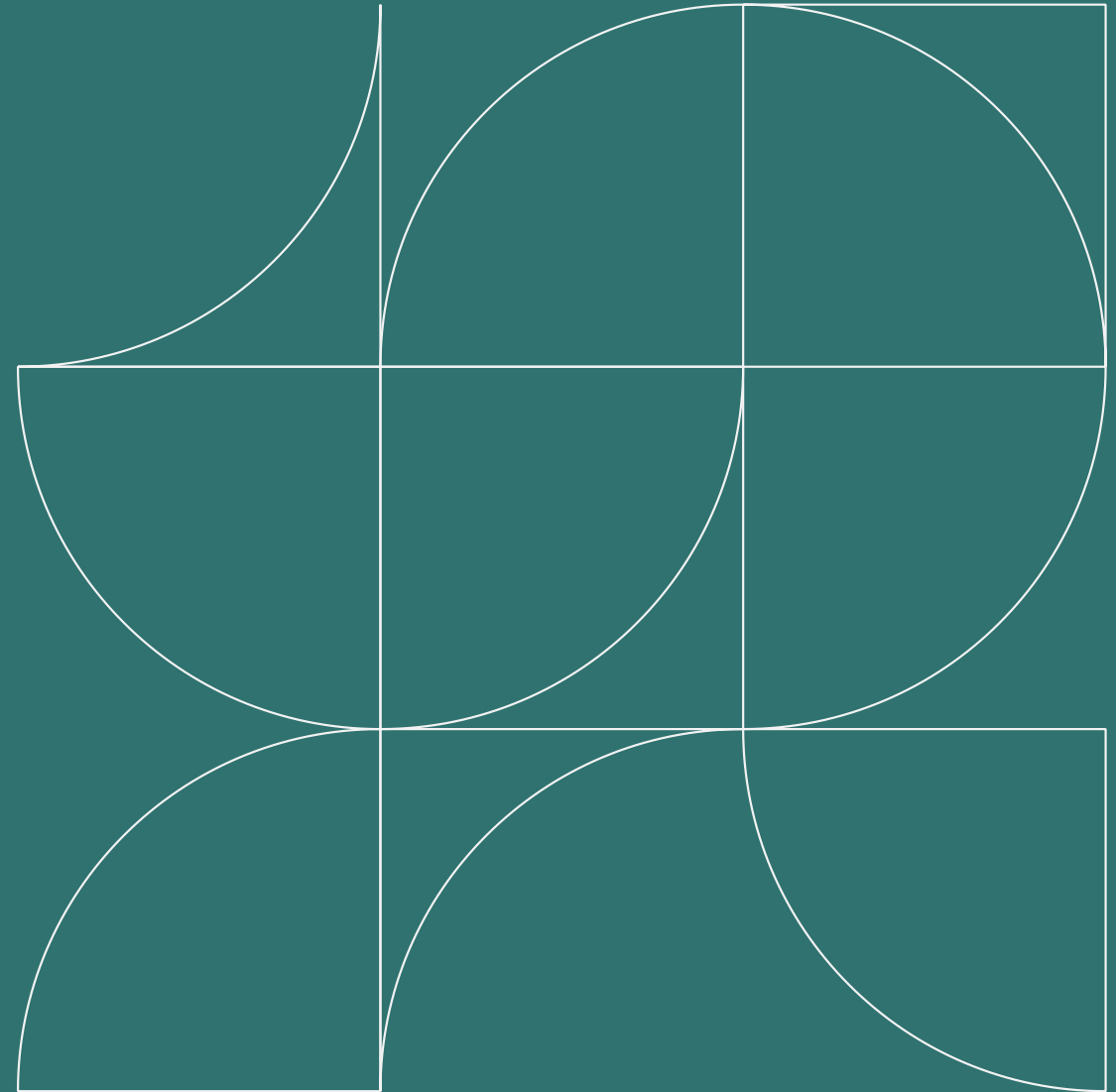


Reporting and Recording Requirements

- Employers are required to record every workplace violence incident in a violent incident log including but not limited to:
 - Date, time, and location of the incident
 - Detailed description of the incident
 - Classification of who committed the violence
 - The violence type including whether it was a physical attack or threat, whether weapons or other objects were involved, or whether it was a sexual assault
 - Consequences of the incident including whether security or law enforcement was contacted and whether actions were taken to protect employees from a continuing threat
- Employers must retain the log for 5 years and omit personal identifying information. Employees are entitled to view and copy the log within 15 calendar days of a request.



New Requirements Regarding Temporary Restraining Orders



Seeking Temporary Restraining Orders on Behalf of Employees

- Collective bargaining representatives, not just employers, may now petition for TROs on behalf of employees, allowing even more relief for employees faced with threats and violence.
- Employee names are now withheld from the TRO papers, providing anonymity for victims.
- SB 553 also expands upon the actionable conduct necessary to give rise to a TRO and allows employers to seek a TRO on behalf of their employee where the employee suffers *harassment*—and not simply violence or threats of violence.



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For more information please contact:

Adam Young

Email: ayoung@seyfarth.com

Phone: (312) 460-5538

Ilana Morady

Email: imorady@seyfarth.com

Phone: (415) 544-1007

Daniel Birnbaum

Email: dbirnbaum@seyfarth.com

Phone: (312) 460-5129