



California Workplace Violence Prevention Program Requirements

Part 2: How to Prepare and
Implement

May 9, 2024

Seyfarth Shaw LLP

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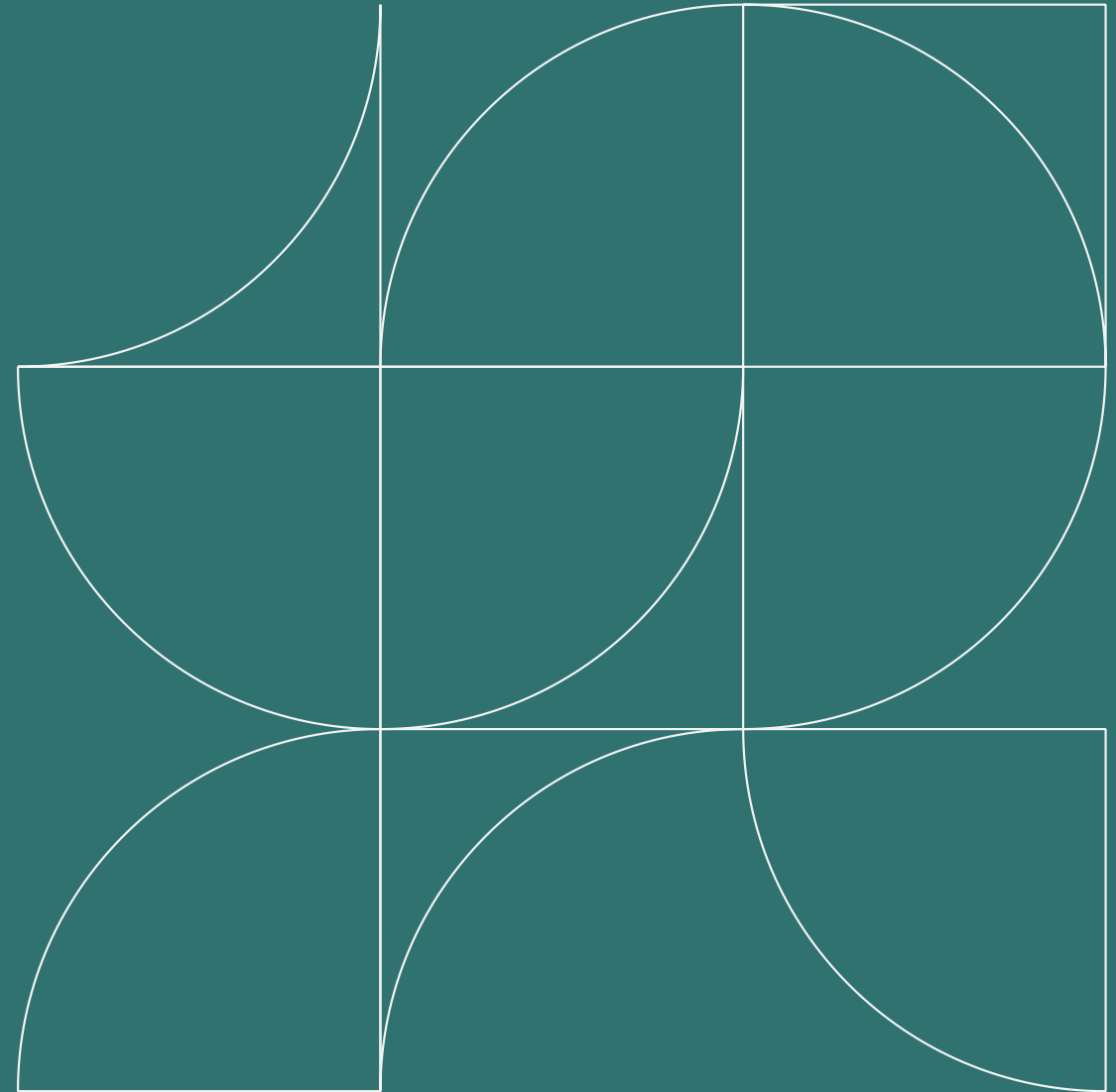


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Program Objectives

- 01** Overview of Senate Bill 553 (Part 1)
- 02** Workplace Violence Prevention Plan
- 03** Training Requirements
- 04** Recording and Reporting Requirements
- 05** Other Considerations

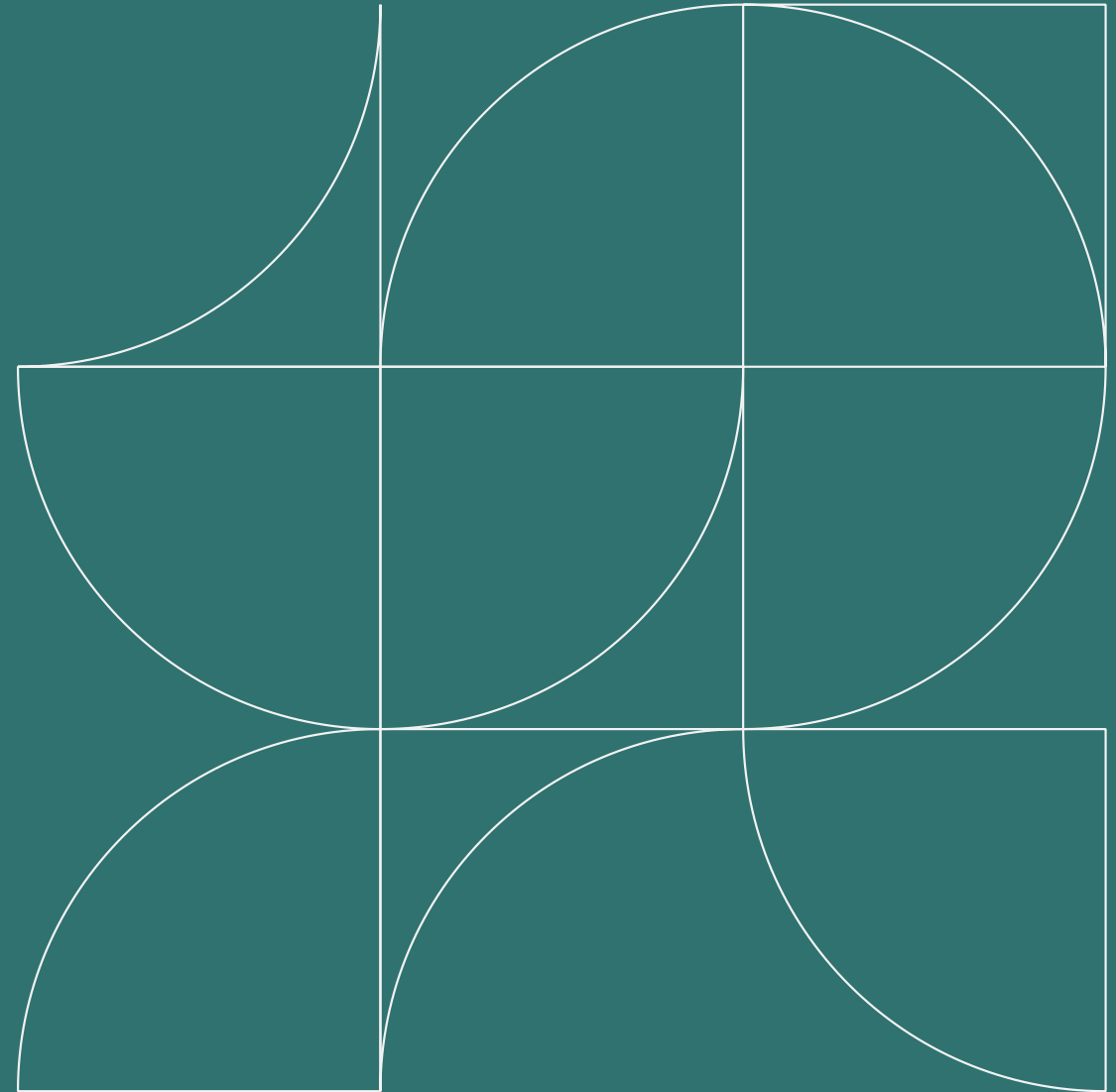
Overview of Senate Bill 553



Senate Bill 553

- Covered in Part 1
- 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 prevention training;
 - violent incident logs;
 - other various records.

Workplace Violence Prevention Plan



Workplace Violence Prevention Plan



- Consider policies that already address workplace violence
 - Harassment, Discrimination, Workplace Conduct
 - Workplace Investigations
 - Emergency Contact Information
 - Active Shooter
 - Emergency Exit Routes
- Conduct gap analysis
 - what current policies already meet the new requirements
 - what additional policies must be developed

Workplace Violence Prevention Plan



- Consider format of new Plan
 - Integrated into existing IIPP
 - Standalone document (Recommended)
 - Work off a template (example available from [Cal/OSHA](#))
- Company-wide plan vs. individual plan for each site
 - Balancing general policies with specific information
 - Referring to internal documents
 - Does Plan adequately cover how to address workplace hazards at site?

Workplace Violence Prevention Plan



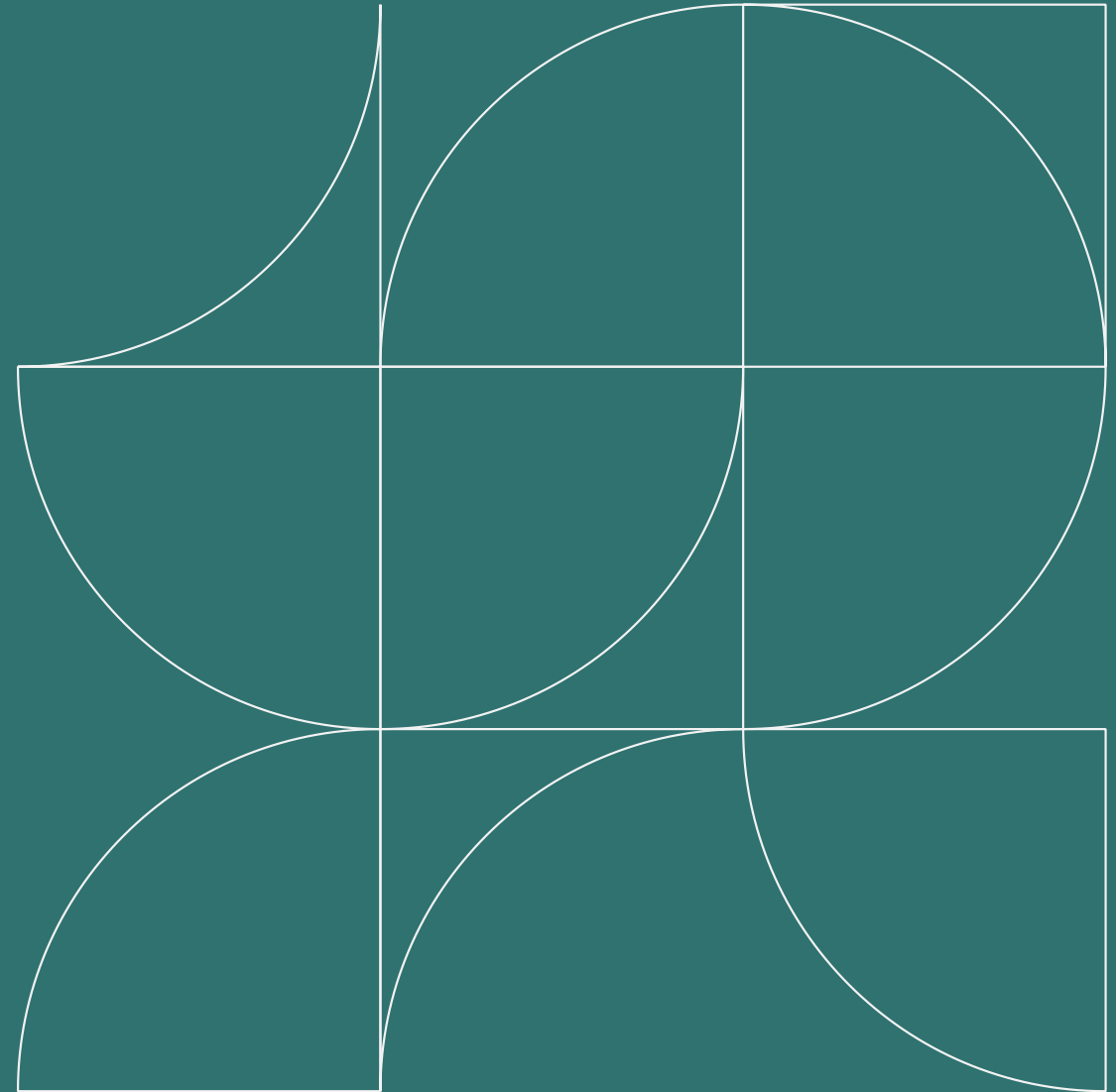
- Identify the individuals responsible for implementing the Plan
 - On-site? Remote?
 - HR / Security / EHS / Management
- Solicit input from employees in developing and implementing the Plan:
 - Posting in common area where other postings are made
 - Including draft plan as part of email to workforce
 - Available on sharesite or similar electronic database
 - Training feedback questionnaire

Workplace Violence Prevention Plan



- Coordination with staffing agencies
 - Host employer generally responsible for site-specific issues
 - Who to call during emergency (and how to call)
 - Emergency procedures
 - Staffing agency still responsible for basic or general plan and ensuring employees receive site specific plan from host employer
- Required review of Plan
 - Annually
 - When deficiency is apparent
 - After a workplace violence incident

Training Requirements



- Initial training by July 1 and annual trainings thereafter
 - Can consider modified training in light of upcoming deadline
- Performance Standard
 - No specific “magic words”, length, or format required, so long as effective
 - Referring to Plan likely not sufficient – must include content of plan

Training Requirements



- Does **not** need to be in-person or live
- Need opportunity for interactive questions / answers
 - Consider a way to submit questions following training
 - Consider anonymous submission in light of retaliation provisions
- **All** employees working at site must receive training
 - Challenges: employee from other location who travels to CA for a day
 - Provide training in advance of visit
 - Provide training and information upon check-in
 - Be generous with what you consider “training”

Training Requirements

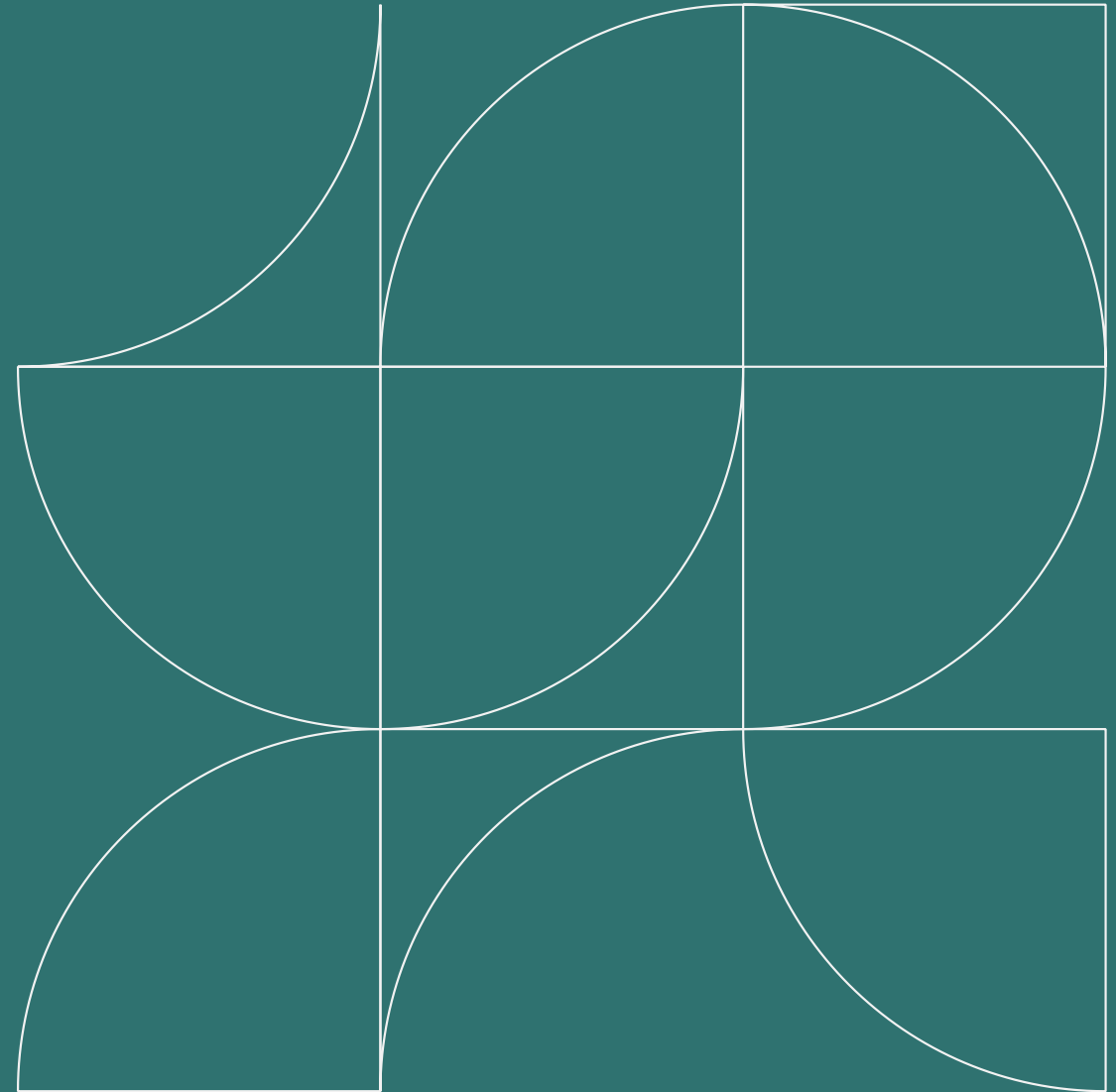


- Coordination with staffing agencies
 - Host employer generally responsible for site-specific training (who to call, emergency procedures)
 - Staffing agency still responsible for basic or general training and ensuring employees receive site specific training from host employer

Training Requirements



Recording and Reporting Requirements



Reporting and Recording Requirements

- Must create violence incident log separate from other recordkeeping logs
- Focus is on a **physical** threat or attack



Reporting and Recording Requirements

- Examples of types of workplace violence provided by Cal/OSHA:
 - **Threat** of **physical force** or threat of the **use** of a weapon or other object
 - Sexual assault or **threat**, including, but not limited to, rape, attempted rape, physical display, or **unwanted verbal** or physical sexual contact



Reporting and Recording Requirements

- Cannot use personally identifying information in log descriptions
 - Use titles such as Employee 1, Customer, Client, etc. Do not use initials of individuals.
- Log can be created by Company (so long as it covers all elements) or can use example provided by [Ca/OSHA](#)



Reporting and Recording Requirements

- All employees are entitled to view and copy the log within 15 calendar days of a request
 - Includes employees not involved in incident
- Covers all workplace violence at the worksite
 - Employees working in the field / off-site
- Providing a description of the incident for purposes of log vs. privileged and confidential investigation of incident
 - Two separate files

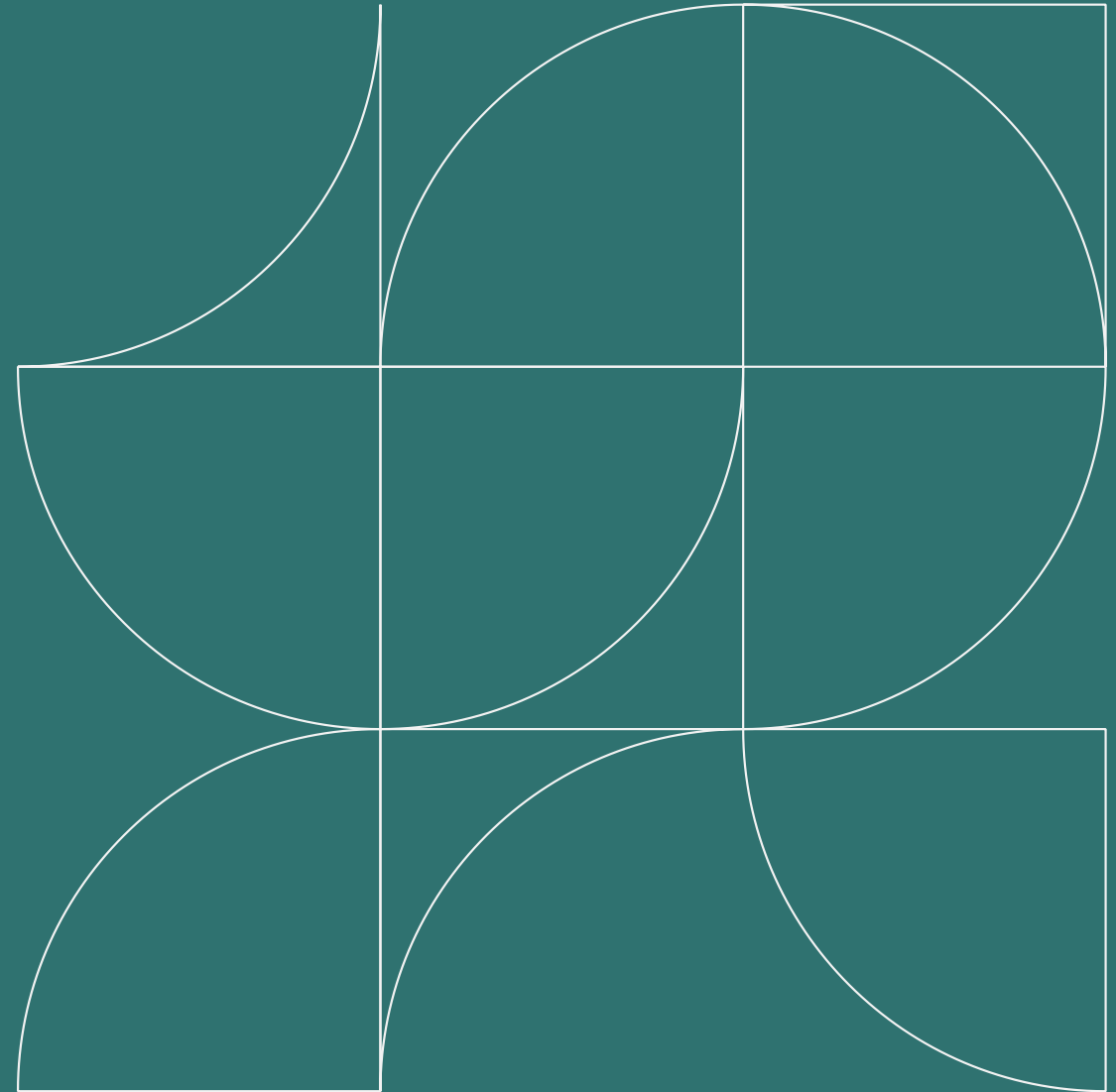


Reporting and Recording Requirements

- Record retention requirements:
 - Records of workplace violence hazard identification, evaluation, and correction – **5 years**
 - Violent incident logs – **5 years**
 - Records of workplace violence incident investigations – **5 years**
 - Training records – **1 year**



Other Considerations



Coverage of Smaller Workspaces

- New regulations do not cover: “Places of employment where there are less than 10 employees working at the place **at any given time** and **that are not accessible to the public.**”
 - “Accessible to the public” is not defined by the regulation
 - Consider:
 - Types of violent actors (individual with no connection to workplace, customer or client, personal relationship).
 - Does public have expectation of accessing space?
 - Can they in fact access the space?



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Questions?

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