

Everything You Always Wanted to Know About California's Workplace Violence Prevention Plan (But Were Afraid to Ask) Some Updated Answers to Frequently Asked Questions On California's New Law

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Beginning July 1, 2024, a new California law ([SB 553](#)) will require most California employers to establish workplace violence prevention plans. We update some answers to frequently asked questions about the new law below.

1. What is a violence prevention plan?

A violence prevention plan provides a roadmap for employers and employees to address actual and potential incidents of workplace violence. The goal of a workplace violence prevention plan is to identify and mitigate against workplace violence incidents or threats. Workplace violence is any action of violence or threat (excluding lawful acts of self-defense and defense of others) that occurs at a worksite. A model workplace violence prevention plan released by California's Occupational Safety and Health Administration (the agency responsible for enforcing this new law) can be found [here](#).

2. What does a violence prevention plan need to include?

- Names or job titles of individuals responsible for the plan;
- Procedures to obtain the active involvement of employees and employee representatives in developing and implementing the plan, including hazard identification and evaluation, training, and incident reporting;
- Methods the employer will use to coordinate implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles, as provided in the plan;
- Procedures for the employer to accept and respond to reports of workplace violence and to prohibit retaliation;
- Procedures to ensure that supervisory and nonsupervisory employees comply with the plan;
- Procedures to communicate with employees regarding workplace violence matters, including how employees can report violent incidents, threats, or other workplace violence concerns, how employee concerns will be investigated, and how employees will be informed of investigation results and corrective actions;
- Procedures to respond to actual or potential workplace violence emergencies, including: how employees will be alerted, evacuation and sheltering plans, and how to obtain staff and law enforcement assistance;
- Training procedures;

- Procedures to identify, evaluate, and correct workplace violence hazards, including periodic inspections;
- Procedures for post incident response and investigation; and
- Procedures to review the effectiveness of the plan itself, including potential revisions.

3. Who does this law apply to?

This law generally applies to all employers, employees, and places of employment except for the following:

- Health care facilities and employers already covered by California's **existing requirements** for the healthcare industry;
- Certain facilities operated by the Department of Corrections and Rehabilitation
- Certain law enforcement agencies;
- Employees teleworking from a location of the employee's choice, which is not under the control of the employer; and
- 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, if the place of employment has a compliant **Injury and Illness Prevention Plan** (which is a workplace safety guide that is intended to ensure that employees comply with safe and healthy work practices).

Although there is no requirement for non-California-based managers who supervise California based employees to be trained on the plan, it is a best practice for those managers to have a high-level understanding of the plan and knowledge of the relevant individuals who can answer questions on the plan in case they receive questions on the plan from the employees they supervise.

4. How do I draft a violence prevention plan?

Begin by using the model violence prevention plan **released by Cal/OSHA** as a template. Then, identify the key stakeholders at each relevant worksite and discuss with those stakeholders the pertinent risks and hazards for each worksite to tailor the violence prevention plan accordingly. Next, review any existing relevant policies or plans, such as Injury and Illness Prevention Plans, general workplace safety guidelines, or active shooter policies, to incorporate into the violence prevention plan as needed. Finally, if new hazards are discovered or anticipated, or procedural changes need to be made, revise the plan accordingly.

5. What do I need to do by July 1, 2024 to comply with the new law?

Unless exempted, all employers must create **and** implement a workplace violence prevention plan and train employees on that plan by July 1, 2024. Training on the plan must be provided thereafter annually.

6. Is there a grace period for that July 1, 2024 deadline?

No. The new law is effective on July 1, 2024.

7. What type of training is required?

As an initial matter, the training, and training materials, must be easy to understand, and match employees' education, reading skills, and language.

The training must cover various topics, including, but not limited to:

- Familiarizing employees with the plan, how to obtain a copy of the plan, and how to participate in the development and implementation of the plan;
- The definitions and requirements of the new law;
- How employees can report workplace violence incidents without fear of retaliation;
- Assisting employees in understanding job-specific violence hazards and preventive measures;
- Discussing the purpose of the violent incident log and how to obtain related records; and
- Providing 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, employers must provide additional training that focuses on the specific hazard or plan modifications.

Furthermore, because the new law does not require that trainings be given in person, trainings may be conducted virtually. But note that employers are required to create and maintain records of those trainings for a minimum of one year.

8. Can I combine the workplace violence prevention plan training with other required training, such as sexual harassment training?

No. The workplace violence prevention plan training has distinct requirements and should be given independently from other required trainings.

9. Does this law apply to employees and places of employment outside of California?

No. The new law only applies to California employees and California worksites.

10. I already have an existing injury and illness prevention program. Can this violence prevention plan be added to that?

Yes, the new law permits the workplace violence prevention plan to be incorporated as a stand-alone section in an existing injury and illness prevention program or maintained as a separate document.

11. I have multiple worksites in California. Do I need a separate plan for each worksite?

Depending on the nature of the different worksites, an individually tailored plan may be required. However, if multiple worksites share the same risks and hazards, the plans for such worksites can likely be similar. For instance, if an employer has a warehouse where it stores its merchandise that is not open to the public, and also has multiple retail stores that are open to the public, the plans between the worksites may have some similar elements, but ultimately, given the different risks and hazards each worksite poses, the plans will likely require a higher level of customization for each worksite.

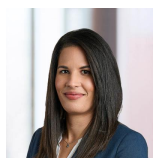
Mintz's Employment Practice will continue to monitor any future key developments and remains ready to assist California employers preparing to comply with this new law.

Authors



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Jennifer B. Rubin is a Mintz Member who advises clients on employment issues like wage and hour compliance. Her clients range from start-ups to Fortune 50 companies and business executives in the technology, financial services, publishing, professional services, and health care industries.



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