



Risk & Insurance | Employee Benefits | Retirement & Private Wealth

# The CA Workplace Violence Prevention Standard

California SB553/CA Labor Code  
Section 6401.9





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Pedroza has over 30 years experience in safety and risk control.

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# The History Behind SB 553

- In May 2021, a 57-year-old VTA employee, Samuel James Cassidy, shot and killed nine VTA employees before committing suicide. It was the deadliest mass shooting in the South Bay.
- The shooting took place at the VTA's Guadalupe Division facility, which is located in the Civic Center area, near the Santa Clara County Sheriff's Office and San Jose Police Department headquarters.
- Cassidy had a pattern of insubordination and had gotten into verbal altercations with coworkers on at least four separate occasions



# The History Behind SB 553

- State Sen. Dave Cortese authored Senate Bill 553.
- Starting July 1, 2024, the majority of employers in California must establish a Workplace Violence Prevention Plan that includes:



# Senate Bill 553 Key Requirements

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- Workplace Violence Prevention Plan
  - Employers must establish, implement, and maintain an effective WPV Plan tailored to the specific hazards within their organization.
- Recordkeeping
  - Employers are required to maintain a violent incident log for a minimum of 5 years (incident investigation, hazard identification, corrections, etc.)
- Employee Training
  - Employers must provide job-specific workplace violence training. Required initially, by July 1, and annually thereafter.

# Labor Code 6401.9

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- SB 553 adds Section 6401.9 to the California Labor Code
- Applies to “all employers, employees, places of employment, and employer-provided housing” with few exceptions
- Current law and regulations require that employers establish, implement, and maintain an effective IIPP
- Employers must now have a workplace violence prevention plan as either part of the IIPP or as an addendum

# Labor Code 6401.9

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- Applies to “all employers, employees, places of employment, and employer-provided housing” with a few exceptions:
  - Health care settings
  - Facilities operated by the Department of Corrections and Rehabilitation
  - Law enforcement
  - Telework – not under employer’s control
  - Places of employment with less than 10 employees not accessible to public and comply with IIPP regulation (still have to analyze hazards)
  - BUT → Cal/OSHA can issue an order to require exempt employers or places to have a workplace violence prevention plan

# Important Definitions

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- Engineering controls – “an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the worker and the hazard”
- Threat of violence – “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”

- Work practice controls – “procedures and rules which are used to effectively reduce workplace violence hazards”
- Workplace violence types:
  - Type 1 Violence: workplace violence by person who has no legitimate business at the worksite
  - Type 2 Violence: workplace violence by customers, vendors or visitors
  - Type 3 Violence: workplace violence against an employee by a present or former employee
  - Type 4 Violence: workplace violence by person who does not work there, but has or is known to have had a personal relationship with an employee

# Workplace Violence Prevention Plan

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- Establish, implement, and maintain an effective workplace violence prevention plan
- Plan must be in writing and must be customized to the location
- Accessible to all employees, authorized employee representatives, and Cal/OSHA
- Stand alone or part of IIPP

# Workplace Violence Prevention Plan

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- “Specific to the hazards and corrective measures for each work area and operation”
- What does this mean?
- Different areas may present different risks
  - Example: office area with public access vs. warehouse location
  - Example: winery tasting room vs. vineyard

# Written Workplace Violence Prevention Plan

- Names and job titles of those responsible for implementation
- Employee involvement in developing the plan
  - Identifying, evaluating, and correcting violence hazards
  - Designing and implementing training
  - Reporting workplace violence incidents
- Potential issues → What if employees or union demand certain procedures?



# Multi-Employer Worksites



- Coordination with other employers
- Multi-employer worksites
- Must communicate with other employers
- Who will be responsible?
- Examples of multi-employer worksites include construction sites, temp or agency employees assigned to a location, etc.



# Procedures (Non-Active Situation)



- Communicate with employees – reporting and investigations
- Identify and evaluate workplace violence hazards
  - Periodic inspections
  - When first established
  - After each incident
  - Any previously unrecognized hazards
- Correct hazards in a timely manner



# Procedures (Active Situation)

- Respond to actual or potential workplace violence
  - 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



# Employer Investigations



- Employee concerns
- Workplace violence incidents
- Tied to violent incident logs
- Inform employees of results
- Written investigation report – can create complex issues



# Violent Incident Logs

- Employer must prepare a very detailed log of all workplace violence incidents  
→ not a high-level summary
- Requirements similar to those in a police report
- Log entries based on investigation findings
- Privacy protection for witnesses
- Date, time, and location of the incident
- Types of violence (see definitions)
- Detailed description



# Violent Incident Logs

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- Who committed violence (i.e., employee, customer, family/friend, stranger, spouse, etc.)
- Where the incident occurred (i.e., workplace, parking lot, etc.)
- Specifics about type of incident (i.e., physical/verbal, weapons, threats, sexual assault, animal attack)
- Date, time, and location of the incident
- Was law enforcement contacted?
- What actions did employer take?

- All employees
- Each employee must understand the plan, procedures, and their roles
- Training materials – content and vocabulary to the educational level, literacy, and language of employees must be used
- When first established
- Annually
- Previous unrecognized hazard



# Training Topics

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- 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.
- The definitions and requirements of this section.
- 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 violent incident log required by subdivision (d) and how to obtain copies of records required by paragraphs (1) to (3), inclusive, of subdivision (f).
- An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.

# Record Keeping

- Inspection records → 5 years!
- Violent incident log → 5 years!
- Workplace violence investigations → 5 years!
- Training records → 1 year
- All records must be made available to Cal/OSHA upon request
- Employees or union can obtain certain records – 15 days



# 2024 – What Is Next?



- Cal/OSHA has posted workplace violence resources online
- Enforcement by inspections is coming
- Document requests will include a request for your written workplace violence prevention plan
- Inspection employee interviews may include questions about your program
- Your plan and training must be in place by July 1



## Best Practices – Start Now

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- Work with stakeholders and employees
- Adopt a written plan
- Customize for all work areas
- Provide training at onboarding and periodically
- Document your plan and your work towards compliance
- Determine recordkeeping and investigation processes and procedures
- Conduct drills and revise plan as needed
- Take reports of violence seriously

# Next Step...Develop Your WPV Plan!



- Cal/OSHA provides resources at <https://www.dir.ca.gov/dosh/Workplace-Violence/General-Industry.html>
- Check with your insurance broker for additional resources
- Law firms are also developing WPV kits and training materials

## Cal/OSHA Workplace Violence Prevention for General Industry (Non-Health Care Settings)

Cal/OSHA has developed this webpage to serve as an overview of the new requirements found in [California Labor Code section 6401.9](#), resulting from of [Senate Bill 553 \(Cortese\)](#). This webpage will also provide employers covered by these new requirements with guidance on how to protect their employees from workplace violence.

Cal/OSHA is currently working on 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.




# Additional Cal/OSHA SB553 Resources



California Department of Industrial Relations  
Division of Occupational Safety & Health  
Publications Unit  
**SAFETY & HEALTH | FACT SHEET**

**Workplace Violence Prevention in General Industry (Non-Health Care Settings) – Information for Employers**

According to the Occupational Safety and Health Administration (OSHA), workplace violence is the second leading cause of fatal occupational injuries in the United States, affecting nearly 2 million American workers annually. SB 553 addresses workplace violence by requiring employers to implement basic protections to protect employees while at work.




This fact sheet is an overview of the California Senate Bill 553 (SB 553), which was signed into law on September 30, 2023. SB 553 amended Labor Code section 6401.7 to require employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section 6401.9, which sets out the requirements for the plan. Starting July 1, 2024, the majority of employers in California must establish, implement, and maintain a Workplace Violence Prevention Plan that includes:

- Prohibiting employee retaliation.
- Accepting and responding to reports of workplace violence.
- Employee workplace violence training and communication.
- Emergency response.
- Workplace violence hazard assessments.
- Other requirements, such as maintaining a Violent Incident Log.

**What must employers know?**  
All employers, employees, places of employment, and employer-provided housing must comply with the new Labor Code requirements, except those listed in subsection (b) of Labor Code 6401.9.

This fact sheet only provides an overview.

*(continued on next page)*



Cal/OSHA Publications Unit  
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**WORKPLACE VIOLENCE PREVENTION PROGRAM**  
for **[Name of Employer]**

- SB553 CA Legislative Information
- Cal/OSHA WPV Prevention in General Industry
- Cal/OSHA WPV Publications
- ASIS International WPV & Response Standard



# HUB SB553 WPV Toolkit









HUB Risk Services Division

## California Workplace Violence Prevention Toolkit

Revised March 2024



<b>WPV Prevention Plan</b>	The written WPV Prevention Plan includes details on who has overall responsibility to implement the plan, how the employer will assess and correct WPV hazards, how employees can report WPV incidents, and steps the employer will take to investigate and address WPV incidents and threats.	 WPVP Template
<b>WPV Assessment</b>	WPV Assessments are required when the WPV Prevention Plan is first established, after each WPV incident, and when the company is made aware of new or previously unrecognized hazard.	 WPV Assessment
<b>WPV Incident Log</b>	Employers are required to record information for every WPV incident on a WPV Incident Log. Information regarding the incident should be solicited from affected employees, witnesses, and investigation findings. The log should omit any personally identifiable information about the affected employee(s). The log should be reviewed annually at a minimum.	 WPV Incident Intake Log   WPV Log Sheet
<b>WPV Training</b>	WPV Prevention training is required when the plan is implemented and annually thereafter. Training material should be appropriate in content and vocabulary to the educational level, literacy, and language of the employees. Additional training is required when a new or previously unrecognized workplace violence hazard has been identified.	 CA WPV Training Requirements   Senate Bill 553 Text



# Thank you.