



Risk & Insurance | Employee Benefits | Retirement & Private Wealth

# Client Name Workplace Violence Prevention SB 553

Date, 2024



CALIFORNIA-  
PACIFIC  
CONFERENCE

# Senate Bill 553

An overview on Senate Bill 553 and its key requirements.



# What is Senate Bill 553?

A California Senate Bill related to the Labor Code and Occupational Safety regarding Workplace Violence Prevention (WPV).

- **SB 553** applies to ALL employers.
  - Exempt Employers:
    1. Workplaces not open to the public with less than 10 employees
    2. Employees working remotely
    3. Healthcare facilities
    4. Law enforcement & correctional facilities
- Enforced by Cal/OSHA
  - ✓ Compliance deadline **July 1, 2024**

# 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



# Daingerfield church shooting

- The first mass shooting at a house of worship in the modern era occurred in 1980 during Sunday services at First Baptist Church in Daingerfield, Texas.
- Five people were killed, and 10 others were injured. The shooting was prompted by revenge involving a criminal domestic issue.



# Sikh Temple of Wisconsin Shooting

- In 2012, six people at the Sikh Temple of Wisconsin in the town of Oak Creek were shot to death by a 41-year-old white supremacist who had discussed a racial holy war.
- One of the injured victims died in 2020 from his head wound, becoming the seventh fatality.



# Sutherland Springs church shooting

- A family feud is believed to have prompted the deadliest mass shooting in modern Texas history, as well as at a house of worship, in 2017.
- Twenty-six people, half of them children and one unborn, were killed at First Baptist Church in Sutherland Springs, Texas.



# 2022 Laguna Woods shooting

- On May 15, 2022, the Geneva Presbyterian Church in Laguna Woods was hosting the Irvine Taiwanese Presbyterian Church for Sunday services. David Chou, a 68-year-old of Las Vegas, killed one person and wounded five others. He was arrested at the scene. Authorities alleged that the crime was committed out of political hatred of Taiwan. Chou was indicted on 98 federal charges including one count of murder and five counts of attempted murder, all with hate crime enhancements, and four counts of possessing an explosive device.



# 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

## 1. Hazard Assessment

Employers must conduct a hazard assessment to determine WPV hazards.

## 2. Workplace Violence Prevention Plan

Employers must establish, implement, and maintain an effective WPV Plan tailored to the specific hazards within their organization.

## 3. Recordkeeping

Employers are required to maintain a violent incident log for a minimum of 5 years (incident investigation, hazard identification, corrections, etc.)

## 4. Employee Training

Employers must provide job-specific workplace violence training. Required initially and annually thereafter.

# CA WPV Plan Required Training Elements

- WPV hazards specific to employees' jobs and corrective measures employer has implemented.
- Company's WPV Prevention Plan, how employees can obtain a copy at no cost, how to participate in development and implementation of employer's plan.
- Definitions and requirements of California's WPV prevention regulation.
- How to report WPV incidents or concerns to the employer or law enforcement without fear of reprisal.
- How to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The Violent Incident Log and how to obtain copies of employer WPV records.
- Opportunity for Employee Question and Answer session.



# Questions?

# What is Workplace Violence

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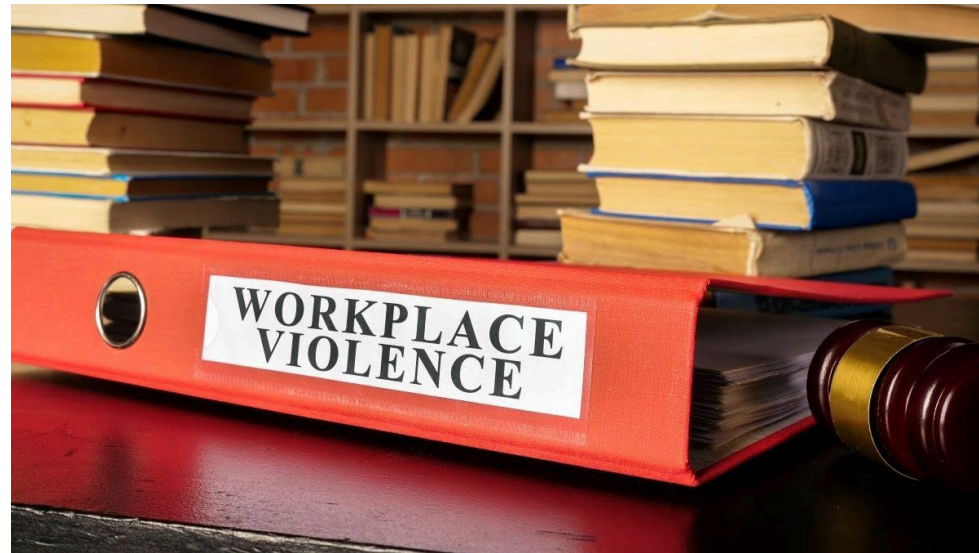
# Workplace Violence Defined

## Per Labor Code 6401.9 Workplace violence is:

- 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.

# Workplace Violence Defined

The four types of workplace violence defined in Labor Code section 6401.9.



# Workplace Violence Defined

## Type 1 Violence – Criminal Intent

"Type 1 Violence" 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.

### Examples include:

1. Retail robberies
2. Workplaces where employees or proprietors have face-to-face contact and exchange money with the public.
3. Robberies of delivery, taxicab, and ride-hailing drivers.
4. Janitors/maintenance workers
5. Threats and acts of violence directed at security guards.

# Workplace Violence Defined

## Type 2 Violence – Customer/Client

"Type 2 violence" means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

### Examples of workplaces include:

1. Social welfare service providers in unemployment offices, welfare eligibility offices, homeless shelters, probation offices, and child welfare agencies;
2. Social welfare service providers while onsite and during visits at residences.
3. Teaching, administrative, and support staff in schools where students have a history of violent behavior; and
4. Other types of service providers, e.g., justice system personnel, customer service representatives, and delivery personnel.

# Workplace Violence Defined

## Type 3 Violence – Worker-on-Worker

A "Type 3 violence" means workplace violence against an employee by a present or former employee, supervisor, or manager.

The primary target of a Type 3 event can be a co-employee, a supervisor, domestic partner, or manager of an individual who may be seeking revenge for what they perceive as unfair treatment at the workplace.

# Workplace Violence Defined

## Type 4 Violence – Personal Relationship

"Type 4 violence" 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.

# Workplace Violence Defined

"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.

# Questions?

# Indicators of Potential Violence & Conflict De-Escalation



# Indicators of Potential Violence by an Employee or Other Individual

- Employees/individuals typically do not just “snap,” but display indicators of potentially violent behavior over time.
- If these behaviors are recognized, they can often be managed and treated.



# Indicators of Potential Violence

Potentially violent behaviors by an employee/individual may include one or more of the following (this list of behaviors is not comprehensive, nor is it intended as a mechanism for diagnosing violent tendencies):

- Increased use of alcohol and/or illegal drugs
- Unexplained increase in absenteeism; vague physical complaints
- Noticeable decrease in attention to appearance and hygiene
- Depression / withdrawal
- Resistance and overreaction to changes in policy and procedures
- Repeated violations of company policies
- Increased severe mood swings

# Indicators of Potential Violence

- Noticeably unstable, emotional responses
- Explosive outbursts of anger or rage without provocation
- Suicidal; comments about “putting things in order”
- Behavior which is suspect of paranoia, (“everybody is against me”)
- Increasingly talks of problems at home
- Escalation of domestic problems into the workplace; talk of severe financial problems
- Talk of previous incidents of violence
- Empathy with individuals committing violence
- Increase in unsolicited comments about firearms, other dangerous weapons and violent crimes



# Steps to Diffuse a Potential Situation

## Verbal De-Escalation

### Escalation:

Disagreement can lead to frustration to anger to aggression or irrational behavior

### Verbal De-Escalation:

Using calm language, along with other communication techniques, to diffuse, re-direct or de-escalate a conflict situation.

### Do:

- Remain calm
- Show respect
- Focus on problem
- Alert co-workers
- Report the incident

### Don't:

- Argue or raise your voice
- Mimic an angry person's behavior

# De-Escalation

## Type I: Criminal Intent –

- Comply as much as possible, do not challenge or argue

## Type II: Customer/Client –

- “I’d be upset too, if I felt unfairly treated.”
- “You have a strong sense of right and wrong”

## Type III: Worker-on-Worker –

- “So I can (better understand, help), what do you want or need in order to get this situation resolved?”

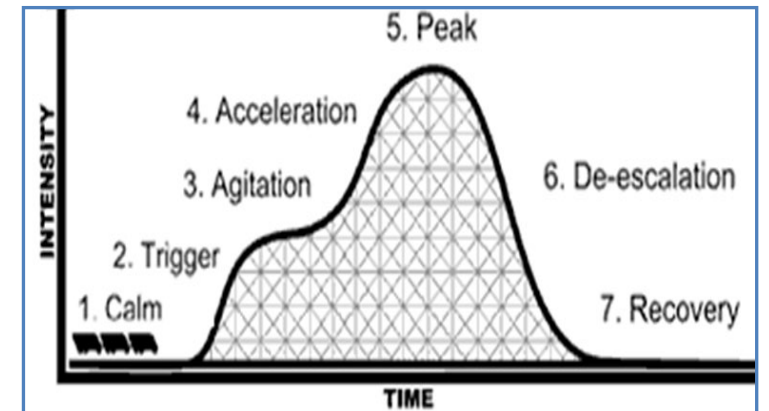
## Type IV: Personal Relationship –

- Threat Assessment



# 7 stages of behavior escalation

1. Calm – Person relatively calm / cooperative.
2. Trigger - Person experiences unresolved conflicts. This triggers the person's behavior to escalate.
3. Agitation – Person increasingly unfocused / upset.
4. Acceleration - Conflict remains unresolved. Person FOCUSES on the conflict.
5. Peak - Person out of control / exhibits severe behavior.
6. De-escalation – Vents in the peak stage, person displays confusion. Severity of peak behavior subsides.
7. Recovery - Person displays willingness to participate in activities.

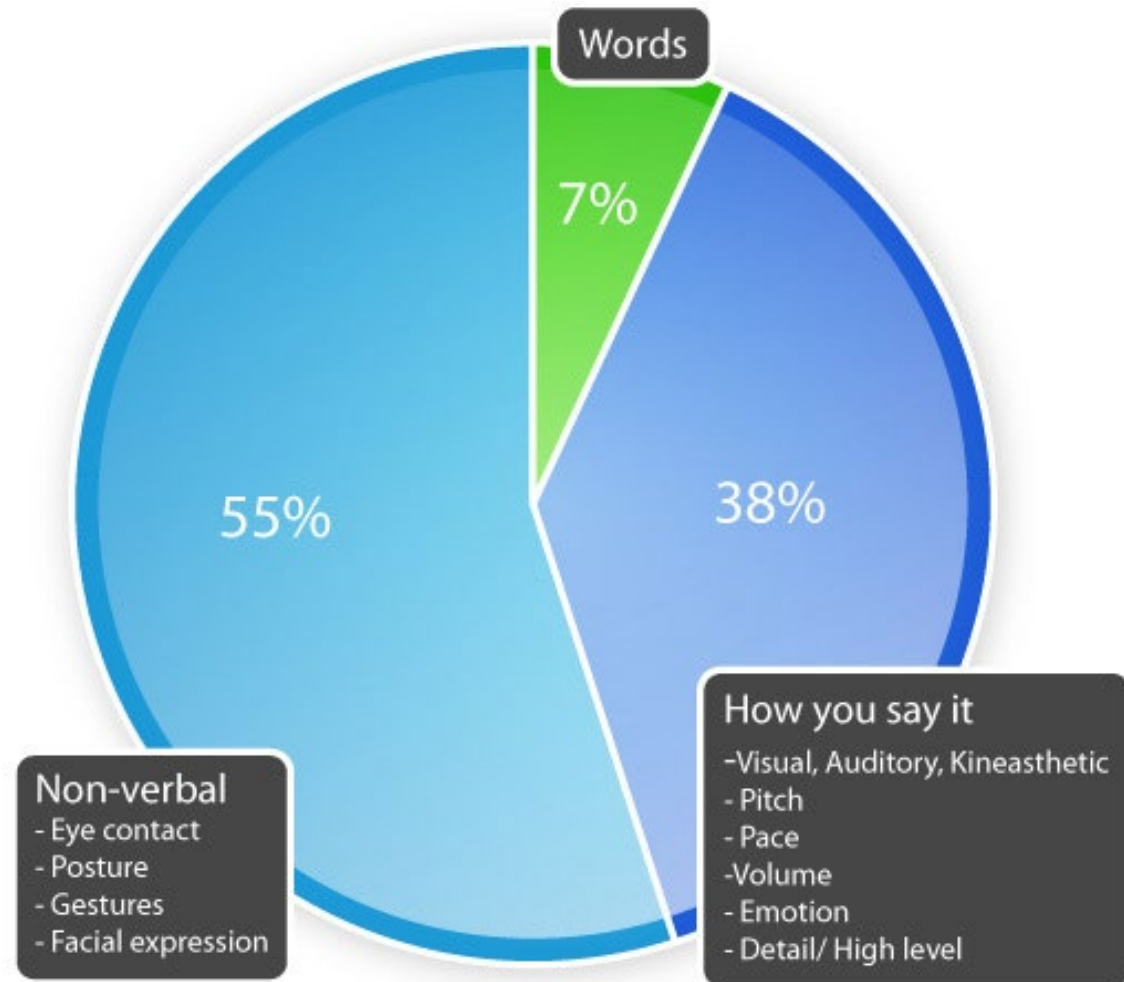


Colvin, G., & Sugai, G. (1989). *Understanding and Managing Escalating Behavior (ppt)*. Retrieved 22 January 2012 from <http://www.pbis.org/common/pbisresources>.

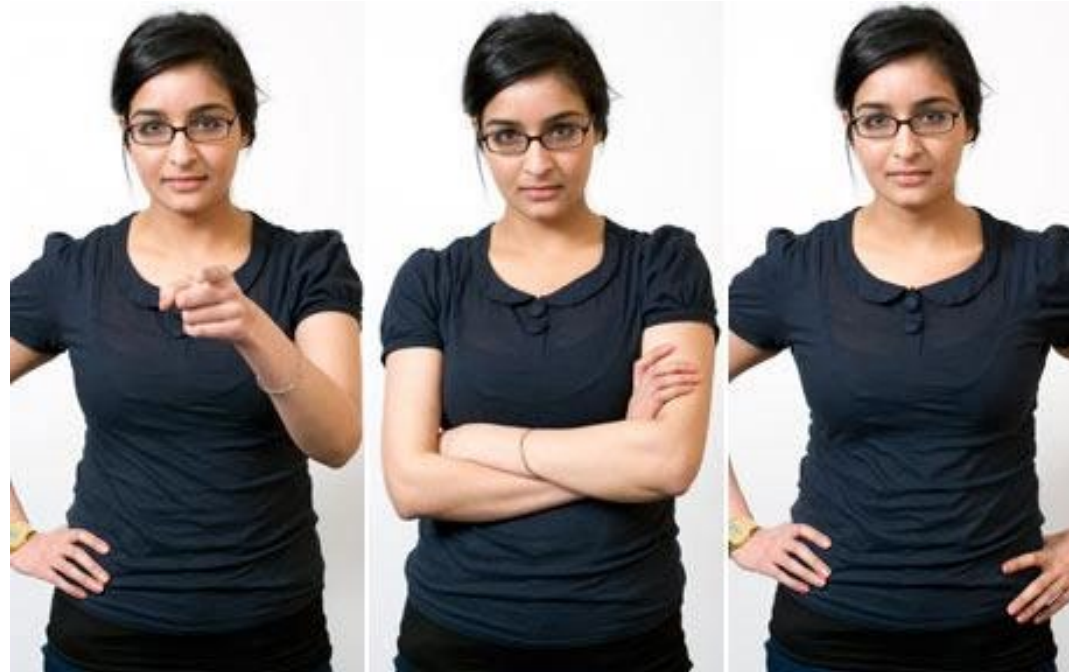
# Aspects of Communication

- Body language
- Tone
- Word choice

**Which has the most influence?**



# Body Language – 55% of Communication is Non-Verbal



What is her body language saying?

# Crossing the Line Into Crisis Situation

- It is important to develop strategies for ensuring personal safety in potentially problem situations
- In any conflict, you have a choice.
- ✓ **Escalate the incident further**
- ✓ **De-escalate the situation.**
- Active Threat – Run, Hide, Fight video ( insert and play now if wanted)



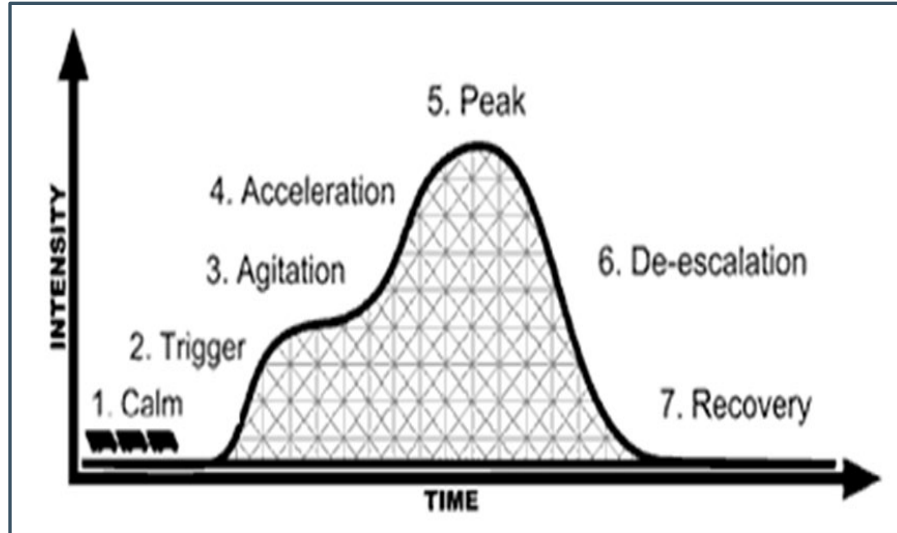


# Recognize the Signs of Immediate Threat

- Threatening words or moves
- Raising voice level
- Abusive language
- Appearance
- Rapid speech
- Pacing
- Excessive Sweating
- Excessive hand gestures
- Fidgeting
- Aggressive posture



# What are the stages of *escalation*?



- Aggression can be unpredictable.
- A person may quickly move from slightly agitated to full scale aggression.
- Identification of escalation's early stages will help you to respond effectively.

**Non-Crisis Thinking:**  
**Logical**  
**Abstract**  
**Reasonable**

**Crisis Thinking:**  
**Illogical**  
**Concrete**  
**Unfocused**



# Verbal De-Escalation Tips – Core Conditions

- **Do not be defensive** even if comments, curses, or insults are directed at you. They are not about you.
- **Be honest.** Lying to calm someone down may lead to future escalation if the dishonesty is discovered. If possible, wait to convey further upsetting news.
- **Explain limits and rules** in an authoritative, firm, but respectful tone.
- **Give choices**, where possible, in which both alternatives are safe ones.

*“This is disruptive to others. Would you like to continue our discussion calmly, or would you prefer to discuss away from the others”*



# Trust your instincts



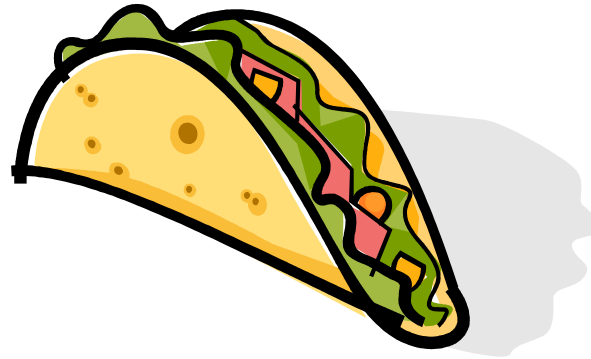
If de-escalation is not working, **STOP!**

If situation feels unsafe, **LEAVE / CALL FOR HELP!**

## T.A.C.O.S.

- Threaten
- Argue
- Challenge
- Order
- Shame

## 5 De-escalation Don'ts



Drew Guest: *Blitz Martial Arts Australian Magazine*, 2008.

# Questions?

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# Client Name Hazard Assessment

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# Client Name Hazard Assessment

- Conduct hazard assessment at all locations
- Provide overview of protection features - such as Alarm System overview and special consideration, such as Panic Buttons
- Detail any unique threat considerations and safety policies.



# Emergency Evacuation Example

- Santa Ana UMC at 2121 N. Grand Ave. Santa Ana, CA 92705
- This church campus includes a charter school
- Many entrances and exits
- Where would it be best to shelter in place during an active incident?



# Questions?

# Client Name

# Written WV

# Prevention Plan

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# Written Workplace Violence Prevention Plan

**Employers must establish, implement, and maintain an effective written Workplace Violence Prevention Plan that includes but is not limited to the following:**

- Identifying who is responsible for implementing the plan
- Involving employees and their representatives
- Accepting and responding to reports of workplace violence and prohibit employee retaliation
- Communicating with employees regarding workplace violence matters
- Responding to actual and potential emergencies
- Developing and providing effective training
- Identifying, evaluating, and correcting workplace violence hazards
- Performing post incident response and investigations



# Written Workplace Violence Prevention Plan

- Have identified the WPV Plan administrators
- Detail how they get access to review, and how they can provide feedback



# Questions?

# Client Name

# Violent Incident

# Log

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# Client Name Violent Incident Log & Intake Sheet

## Workplace Violence Incident Log

### Section 1: Information About the Individual Completing This Log

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date Completed: \_\_\_\_\_

### Section 2: Information About the Incident

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Classify the nature of the location (e.g., workplace, parking lot, area outside of workplace, or other area):

\_\_\_\_\_

Workplace Violence Type (Check one box):

- Type 1 – Violence committed by a person who has no legitimate business at the workplace.
- Type 2 – Violence committed by a customer, client, patient, student, inmate or visitor.
- Type 3 – Violence committed by a present or former employee, supervisor or manager.
- Type 4 – Violence committed by a nonworker with a personal relationship with the employee.

Classify the type of person committing the violence (e.g., customer/client or their family member, coworker, spouse, parent or other family member or stranger with criminal intent):

\_\_\_\_\_

Type of Incident (Check all boxes that apply):

- Physical attack without a weapon (e.g., punching, kicking, spitting, biting, choking, grabbing or pushing).
- Attack with a weapon or other object (e.g., firearm or knife).
- Threat of physical force or use of weapon or other object.
- Sexual assault or threat of sexual assault (e.g., rape, attempted rape, or physical display).
- Animal attack.
- Other: \_\_\_\_\_

Describe the incident in detail\* (use additional sheets as needed):

\_\_\_\_\_

# Violent Incident Log

To obtain copies of employer WPV records please contact (the HR Manager.) \*insert appropriate

Hot line for anonymous reporting

# Questions?

# Thank you

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