

## California's New Workplace Violence Prevention Plan Requirements

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By July 1, 2024, all California employers with one or more employees must establish, implement, and maintain an "effective" workplace violence prevention plan ("WVPP"). The WVPP may be incorporated into an employer's existing Injury & Illness Prevention Plans, or may be a stand-alone document.

### Elements of the WVPP

The WVPP must specifically address the hazards and corrective measures for each work area and operation. It must be in writing, and include certain information, such as:

- Names or job titles of the person(s) responsible for implementing the WVPP
- Effective procedures for obtaining the active involvement of employees and authorized representatives in developing the WVPP
- Methods the employer will use to coordinate WVPP implementation with other employers, where necessary
- Effective procedures for employers to:
  - Accept and respond to reports of workplace violence
  - Prohibit retaliation against reporting employees
- Effective procedures to ensure supervisory and non-supervisory employees comply with the WVPP
- Effective procedures to communicate with employees regarding workplace violence matters
- Effective procedures to respond to actual or potential workplace violence emergencies
- Procedures for developing mandatory training
- Effective procedures for identifying and evaluating workplace violence hazards
- Procedures to correct workplace violence hazards in a timely manner based on the severity of the hazard
- Procedures for responding to and investigating reports of workplace violence
- Procedures for reviewing the effectiveness of the WVPP and revising the WVPP as needed
- Other procedures or information required by Cal/OSHA (Cal/OSHA must propose WVPP standards by 12/31/25, and adopt standards by 12/31/26)

### Violent Incident Logs

In addition to the WVPP, employers must record a "violent incident log" for every workplace violence incident, and keep records of those logs for five years. The law imposes specific requirements and definitions for what must be included in violent incident logs.

Workplace violence is, any act of violence or threat of violence that occurs in a place of employment, regardless of whether the employee sustains an injury. It includes 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, as well as any incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons.

In addition to detailed information about the workplace violence incident and those involved, the violent incident log must reflect the type of workplace violence involved, using the following categories:

- “Type 1 violence:” committed by a person who has no legitimate business at the worksite; includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime
- “Type 2 violence:” directed at employees by customers, clients, patients, students, inmates, or visitors
- “Type 3 violence:” workplace violence against an employee by a present or former employee, supervisor, or manager
- “Type 4 violence:” committed in the workplace by a person who does not work there, but who has or is known to have had a personal relationship with an employee

### Training Requirements

Employers must train employees when the WVPP is first established and annually thereafter, as well as when a new or previously unrecognized workplace violence hazard is identified. Those training sessions may be limited to addressing the new hazard or the resulting changes to the WVPP. Again, the law imposes requirements regarding what information must be included in the training programs, including an opportunity for interactive questions and answers with a person knowledgeable about the WVPP.

### Recordkeeping Requirements

Employers must create and maintain records of workplace violence hazard identification, evaluation, correction; workplace violence incident investigations; and violent incident logs for five years. Employers must keep training records for one year.

Upon request, the employer must make records available to Cal/OSHA, employees, and employee representatives.

### Exempt Employers and Worksites

The following employers and worksites are not subject to these new requirements:

- Worksites where less than 10 employees are working at any given time, and the location is not accessible by the public. The location must also be in compliance with Cal/OSHA’s Injury and Illness Prevention Program Standard
- Healthcare facilities subject to Cal/OSHA’s Violence Prevention in Health Care standard (8 C.C.R. § 3342)
- Facilities operated by the Department of Corrections & Rehabilitation
- Law enforcement agencies in compliance with the Commission on Peace Officer Standards and Training Programs
- Employees teleworking at the employee’s chosen location

### Conclusion

Although July 1, 2024 sounds far away, we all know how quickly that compliance deadline will arrive. Employers should get started now – a good first step is getting employee input on the workplace violence hazards in their workplaces.

For more information, see Cal/OSHA's model WVPP and Fact Sheets, [here](#). You can read the new law [here](#).