

Workplace Violence Prevention Plans Required in California

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The passage of SB 553 (Cortese) in 2023 requires nearly all California employers to implement a Workplace Violence Prevention Plan (WVPP) either as part of their Cal/OSHA Injury and Illness Prevention Plan, or as a stand-alone policy. Unlike other Cal/OSHA requirements, which are found in Title 8 of the California Code of Regulations, the WVPP requirements are part of statute in Labor Code section 6401.9. The law was implemented on January 1, 2024, but has an implementation deadline for employers of July 1, 2024. WVPP statute defines several workplace violence terms, classifies workplace violence into different types, and requires employers to implement a written policy document, maintain a workplace violence investigation and correction procedure (which includes a specific violent incident log), train employees, and establish and retain specified records for set time periods.

WVPP Policy Document Requirements

Employers must establish, implement, and maintain an effective *written* WVPP that is specific to the potential/likely violence hazards which may occur in their workplace. The plan must be in effect at all times and be available and easily accessible to employees and/or their representatives.

The written plan must include:

- The names or job titles of the persons responsible for implementing the plan. If there are multiple persons responsible for the plan, their roles shall be clearly described.
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan, including, but not limited to, through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.
- Methods that 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. These methods shall ensure that all employees are provided the training required by subdivision (e) and that workplace violence incidents involving any employee are reported, investigated, and recorded.
- Effective procedures for the employer to accept and respond to reports of workplace violence, and to prohibit retaliation against an employee who makes such a report.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan in a manner consistent with paragraph (2) of subdivision (a) of Section 3203 of Title 8 of the California Code of Regulations.
- Effective procedures to communicate with employees regarding workplace violence matters, including, but not limited to, both of the following:
 - How an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of reprisal.

- How employee concerns will be investigated and how employees will be informed of the results of the investigation and any corrective actions to be taken.
- Effective procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:
 - Effective means to 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.
- Procedures to develop and provide the training (see training section below).
- Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections to identify unsafe conditions and work practices and employee reports and concerns. Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Procedures to correct workplace violence hazards identified and evaluated in subparagraph (l) in a timely manner consistent with paragraph (6) of subdivision (a) of Section 3203 of Title 8 of the California Code of Regulations.
- Procedures for post-incident response and investigation.
- Procedures to review the effectiveness of the plan and revise the plan as needed, including, but not limited to, procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan. The plan shall be reviewed at least annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident.
- Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees, pursuant to subdivision (h).

WVPP Training Requirements

Employers are required to provide effective training to employees, which must include training material appropriate in content and vocabulary to the educational level, literacy, and language of employees. Employers must provide employees with initial training when the plan is first established, and annually thereafter, on all of the following:

- 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.
- Specified WVPP term definitions and requirements of the WVPP law.
- 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.
- How to obtain copies of workplace violence incident reports, logs, and records.
- An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.

Additional training must be provided when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.

WVPP Recordkeeping Requirements

The employer is required to record information in a violent incident log for every workplace violence incident based on information solicited from the employees who experienced the workplace violence, on witness statements, and on investigation findings. The log must protect personal, identifying, and contact information of any person involved in the incident.

The information recorded in the log shall include all of the following:

- The date, time, and location of the incident.
- The workplace violence type or types, as specified in the law.
- A detailed description of the incident.
- A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
- A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
- A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- The type of incident, including, but not limited to, whether it involved any of the following:
 - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 - 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.
 - Animal attack.
 - Other.
- Consequences of the incident, including, but not limited to:
 - Whether security or law enforcement was contacted and their response.
 - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

- Information about the person completing the log, including their name, job title, and the date completed.

Training records shall be created and maintained for a minimum of one year and include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.

All training, the violent incident log, and investigation documents shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request.

A Few Exceptions to the Rule

There are few exceptions to the WVPP requirement for California employers. Employer WVPP provisions do not apply to employers already covered by California's existing workplace violence prevention standard for human healthcare, employees working outside the place of business from a location of their own choice ("teleworking") that is not under the employer's control, places of employment where there are fewer than 10 employees working at the place at any given time and that are not accessible to the public, and a few other small exceptions (mostly in the public sector). This means that essentially all veterinary practices in California are subject to the WVPP legal mandate.

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