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# COMPREHENSIVE GUIDE TO CA SB 553 COMPLIANCE

# The New Law

CA Senate Bill No. 553 amended the California Labor Code to make California the first state to impose a broad requirement on nearly every employer to implement a written Workplace Violence Prevention Plan and to comply with additional mandates -- all by **July 1, 2024**.

Separately, the bill expanded existing laws to permit collective bargaining representatives, in addition to employer-organizations, to obtain a restraining order to protect the workplace.

(These changes involve California Labor Code sections **6401.7** and **6401.9**, and Code of Civil Procedure section **527.8**)

## Covered Employers

The new requirements apply to **all employers, except:**

- Employers already covered by Cal/OSHA regulations for healthcare workers
- Employees who telework from locations outside the control of the employer
- Locations with fewer than 10 employees working at one time and that are not open to the public, if the employer has an Illness and Injury Prevention Program (IIPP) already established
- Facilities operated by the Department of Corrections and certain law enforcement agencies, if they have an IIPP already established

## Key Requirements of the New Law

### Written Plan

A written Workplace Violence Prevention Plan (WVPP) that meets specific requirements

### Incident Log

A log of violent incidents that have occurred

### Training

Employee-wide training that meets specific requirements

### Record-Keeping

Broader recordkeeping related to the WVPP

# Workplace Violence

The new law broadly defines “workplace violence” to encompass both overt acts of physical violence and threats occurring in the workplace. The law applies a widely-accepted typology in categorizing different forms of workplace violence. The typology highlights not only the breadth and complexity of “workplace violence,” but the fact that different workplaces will experience risks from different types of violence, requiring different approaches.

## Definitions under the new law:

### ● “Workplace violence” 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, regardless of whether the employee sustains an injury
- An incident involving a threat or use of firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury

### ● “Threat of violence” further includes:

any verbal or written statement, including but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavior 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

## Types of workplace violence:

<b>Type I</b>	Workplace violence committed by a person who has no legitimate business at the worksite, including violent acts by someone who enters the workplace or approaches workers with the intent to commit a crime
<b>Type II</b>	Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors
<b>Type III</b>	Workplace violence against an employee by a present or former employee, supervisor, or manager
<b>Type IV</b>	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



## A. The Workplace Violence Prevention Plan

The new law requires a written WVPP, either as a stand-alone document or as part of an existing IIPP. In its effort to promote effective prevention and response practices, the new law sets out a long list of requirements for the WVPP. The new law requires employee input into the development of the plan. It pushes for clarity and transparency. In typical workplace-safety fashion, it emphasizes the need to inspect for and correct hazards. It also mandates training, protections against retaliation, and comprehensive record keeping.

Cal/OSHA provides a Model WVPP. However, some employers will find that the Model WVPP, as Cal/OSHA itself allowed, “may not meet your establishment’s exact needs.” Therefore, using the model plan is not required. Additionally, use of the model plan doesn’t ensure compliance with the new law.

### The WVPP must include:

- Names or job titles of the people responsible for implementing the WVPP. With multiple people, their roles must be clearly described
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the Plan. This includes through their participation in identifying, evaluating, and correcting workplace violence hazards; in designing and implementing training; and in reporting and investigating workplace violence incidents
- In co-employer scenarios, methods the employer will use to coordinate the implementation of the plan with other employers to ensure that those employers and employees understand their respective roles under the plan. Those methods must ensure that all employees are provided the training required by the new law, and that WPV incidents involving any employee are reported, investigated, and recorded
- Effective procedures for receiving and responding to reports of workplace violence, and to prohibit retaliation against reporting employees

- Effective procedures to ensure that supervisory and non-supervisory employees comply with the plan
- Effective procedures to communicate with employees about workplace violence matters, including:
  - How to report an incident, threat, or concern to the employer or law enforcement, without fear of reprisal
  - How employee reports will be investigated
  - How employees will be informed about both the results of an investigation, and any corrective actions taken based on those results
- Effective procedures for responding to actual or potential workplace violence emergencies, including:
  - How employees will be alerted to the existence, location, and nature of the emergency
  - Appropriate and feasible evacuation or sheltering-in-place plans
  - How to obtain help from staff designated to respond to emergencies, if any; security personnel, if any; and law enforcement
- Procedures to develop and provide employee training required by the new law
- Procedures to identify, evaluate, and timely correct workplace violence hazards, including provisions for inspections to identify unsafe conditions 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 for post-incident response and investigation
- Procedures to review the effectiveness of the plan and revise the plan when needed, including provisions to involve employees and authorized employee representatives in reviewing the plan. The plan must be reviewed at least annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident. The review must include a review of the log
- Any other information necessary and appropriate to protect the safety of employees from violence



## B. Incident Log

The new law requires that, following every workplace violence incident, employers must record information about the incident, collected from reporting employees and witnesses and through its investigation of the incident.

### ● The incident log must include:

- The date, time and location of the incident
- Whether the incident involved Type I, II, III, or IV workplace violence, or a combination
- A detailed description of the incident
- A classification of who committed the violence
  - E.g., 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, spouse, parent, or relative of an employee, or other perpetrator
- The circumstances at the time of the incident
  - E.g., 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
- Where the incident occurred
  - E.g., the workplace, parking lot or other areas outside the workplace, or other area



- The type of incident, including, but not limited to, whether it involved:
  - A physical attack without a weapon, or with a weapon or object
  - A threat of physical force or of the use of a weapon or other object
  - A sexual assault or threat, including unwanted verbal or physical sexual contact
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- Any other information necessary and appropriate to protect the safety of employees from violence
- Consequences of the incident, including:
  - Whether security personnel or law enforcement were contacted, and their response
  - Actions taken to protect employees from a continuing threat or from any other hazard identified as a result of the incident
- The name and job title of the person completing the log, and the date completed

#### **Other requirements:**

- The log must omit all personal identifying information of the employees reporting or otherwise involved in the incident.
- In co-employer scenarios, incident information must be recorded by the employer or employers whose employee experienced the incident, and a copy of the log must be provided to the controlling employer.

## C. Annual Training

The new law requires employers to provide training when the WVPP is first established, annually afterwards, and whenever necessary to address newly-recognized hazards or changes in the WVPP. It must be delivered in a manner appropriate to employees' education level, literacy, and language.

### ● **Training must address:**

- The employer's WVPP, how to obtain a copy of it at no cost, and how to participate in the development and implementation of the WVPP
- The definitions and requirements under this new 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
- The violent incident log and additional records that the new law requires employers to maintain, and how to obtain a copy of them
- An opportunity for interactive questions and answers with a person knowledgeable about the WVPP

## D. Broader Record-keeping

The new law imposes ongoing record keeping requirements.

### ● **Records must be created and maintained as follows:**

- Records of "workplace violence hazards identification, evaluation, and correction": a minimum of five years
- Training records, including 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: a minimum of one year
- Incident logs: a minimum of five years
- Records of workplace violence incident investigations: a minimum of five years

### ● **All required records must be made available as follows:**

- To Cal/OSHA: upon request for examination and copying
- To employees and their representatives: upon request and without cost, for examination and copying within 15 calendar days of a request



## Ongoing Obligations

- To review the WVPP annually and when otherwise required to address new hazards or a reported incident
- To amend the WVPP when needed to capture newly-recognized hazards
- To log incidents and to share the log with co-employers as needed
- To train employees annually and when otherwise required to address new hazards or changes to the WVPP
- To properly maintain required records for the specified time periods
- To provide information to Cal/OSHA and to employees when requested

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Looking for legal guidance  
around CA SB 553 compliance?

Contact Speer Associates at  
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