

# California's Workplace Violence Prevention Law Goes Into Effect on July 1, 2024

## The Bottom Line

- California employers have until July 1, 2024 to comply with the State's new workplace violence prevention requirements.
- These requirements include preparing a written workplace violence prevention plan, setting up a program to train employees on the plan and other topics related to workplace violence prevention, and implementing recordkeeping procedures required by the new law.
- Failure to comply with the new workplace violence prevention law could result in significant monetary penalties to employers.

Under the new California Labor Code Section 6401.9 (which resulted from the passage of [Senate Bill 553](#) last year), California employers must have workplace violence prevention plans, training and recordkeeping processes in place by July 1, 2024.

## Coverage

The new law applies to nearly all California employers and employees, subject to a few narrow exceptions, including:

- Places of employment where there are fewer than 10 employees present at any given time and that are not accessible to the public;
- Employees telecommuting from a location of their own choosing that is not under the employer's control; and
- Certain healthcare facilities covered by California's existing workplace violence law for the healthcare industry.

## Workplace Violence Prevention Plan

Covered employers must have in place a workplace violence prevention plan by July 1, 2024. The plan must be in writing, easily accessible to employees at all times, and tailored to the hazards and corrective measures for each work area and operation of the workplace.

The plan must include the following:

- Name(s) or job title(s) of the individuals responsible for implementing the plan; if there are multiple individuals responsible for doing so, their roles must be clearly described;
- Procedures providing for the active involvement of employees (and if applicable, their representatives) in developing and implementing the plan, including their participation in hazard identification, training and reporting of workplace violence incidents;
- Methods the employer will use to coordinate the plan's implementation with other employers, if applicable;
- Procedures for the employer to accept and respond to reports of workplace violence and prohibit retaliation against any employee who files such a report;
- Procedures to ensure that employees comply with the plan;
- Procedures to communicate with employees regarding workplace violence matters, including how an employee can report a workplace violence concern to the employer or law enforcement and how such concerns will be investigated and addressed;
- Procedures to respond to actual or potential workplace violence emergencies, including how to alert employees of the location and nature of workplace violence emergencies, evacuation and/or sheltering plans, and how to obtain help in such situations;
- Training procedures;
- Procedures to identify and timely correct workplace violence hazards;
- Procedures for post-incident response and investigation; and
- Procedures for reviewing the plan's effectiveness and revising it as needed.

The plan must be reviewed on at least an annual basis, when a deficiency is observed or becomes apparent, and after a workplace violence incident. The State has issued a [model plan](#) employers may use, although use of the model plan is not required.

## Training

Covered employers must also provide employees with workplace violence training when the workplace violence prevention plan is first established and on an annual basis going forward. The training must be tailored to the education level, literacy and language of the employees receiving the training and cover the following topics:

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- The employer's plan (including how to obtain a copy) and how to participate in development and implementation of the plan;
- The definitions and requirements of the California workplace violence prevention law;
- How to report workplace violence incidents or concerns to the employer or law enforcement;
- Workplace violence hazards specific to employees' jobs, the corrective measures the employer has implemented with respect to the same, how to seek assistance to prevent or respond to violence and strategies to avoid physical harm; and
- The employer's violence incident log and how to obtain copies of certain workplace violence prevention records the employer is required to maintain.

The training must give employees an opportunity to ask questions and receive answers from an individual with knowledge of the plan. Furthermore, additional training must be provided each time a new workplace violence hazard is identified or changes are made to the plan (although this additional training can be limited to the new hazard and/or change(s)).

## Recordkeeping

The new law contains the following recordkeeping requirements.

- **Violent Incident Logs:** Employers must log all occurrences of workplace violence in a violent incident log. The information for each incident must include, among other things:
  - the date, time and location of the incident;
  - a detailed description of the incident;
  - the type of workplace violence the incident involved, as defined by four statutorily prescribed categories;
  - a classification of who committed the violence (e.g., client, stranger, employee, etc.);
  - circumstances present at the time of the incident; and
  - consequences of the incident (for example, whether security or law enforcement was contacted and any remedial measures taken).

No identifying information of any person involved in a violent incident (e.g., name, email address, etc.) may be included in the log. Violent incident logs must be maintained for at least five years.

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- **Training Records:** Records should include the training dates, contents or summary of the training sessions, names and qualifications of the individuals who conducted the training, and names and job titles of everyone who attended the training. Training records must be maintained for at least one year.
- **Records of Workplace Violence Hazard Identification and Correction:** Records must be maintained for at least five years.
- **Records of Workplace Violence Incident Investigations Conducted:** Records must be maintained for at least five years.

All the records described above must be made available to Cal/OSHA upon request, and certain records must also be made available to employees within 15 days of the employee's request.

## Penalties

Employers who do not comply with the law may be liable for penalties of up to \$25,000 (for violations considered to be "serious") or up to \$158,727 (for willful or repeated violations).

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## For More Information

Please contact the attorneys listed below or the Davis+Gilbert attorney with whom you have regular contact.

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## See you at the seminar

In-Person Event

Labor + Employment  
Tuesday, June 4 | Breakfast Seminar

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