

Understanding SB 553:
California's New
Workplace Violence
Prevention
Requirements



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Background History

2017: SB 1299 – Health care facilities have been subject to Cal/OSHA workplace violence prevention regulations since April 2017 (8 CCR Section 3342)

1299

2017- present

Cal/OSHA has worked on developing similar regulations for general industry for the past six years (Cal/OSHA occupied with response to COVID-19 pandemic)

The Origins of SB 553

- Sponsored by the United Food and Commercial Workers (UFCW) Western States Council
- Recent well-publicized incidents of workplace violence:
 - May 2021 – Santa Clara Valley Transportation Authority employee killed 9 co-workers in San Jose
 - January 2023 – mushroom farm employee killed 7 co-workers in Half Moon Bay
 - COVID pandemic related safety concerns in California
- Signed into law on September 30, 2023
- Earlier drafts contained more burdensome requirements (e.g., active shooter drill training) but the final version adopted a more standard IIPP style framework
- **Effective Date: July 1, 2024**



SB 553: Changes to Workplace TROs

- In addition to the workplace violence prevention regulations, SB 553 also adds several employee-friendly protections to the process by which employers petition for temporary restraining orders (TROs)
- Collective bargaining representatives may now petition for workplace violence TROs on behalf of represented employees
- Employee names to be withheld from the TRO papers
- Permits employers to seek a TRO on behalf of their employees for *harassment*, rather than just violence or threats of violence
- Expands upon the actionable conduct giving rise to a TRO



KEY COMPONENTS OF THE WORKPLACE VIOLENCE PREVENTION REGULATIONS

COVERED
EMPLOYERS &
WORKPLACES

WORKPLACE
VIOLENCE
PREVENTION PLAN

WORKPLACE
VIOLENCE
INCIDENT LOG

EMPLOYEE
TRAINING

RECORDKEEPING

CONSEQUENCES
FOR NON-
COMPLIANCE



Covered Employers & Workplaces

- The law covers *all* employers and workplaces in California *except* for:
 - Health care facilities and other operations already covered by or complying with the Workplace Violence Prevention in Health Care Regulations
 - Places of employment with less than 10 employees working at any given time ***and*** are not accessible to the public, provided the workplace has a compliant IIPP
 - Employees teleworking from a location of the employee's choice, which is not under the control of the employer.
 - Certain facilities operated by the Department of Corrections and Rehabilitation and certain law enforcement agencies



Workplace Violence Prevention Plan



A top-down view of a desk with a smartphone, pencil, notebook, glasses, keyboard, and coffee cup.

Workplace Violence Prevention Plan

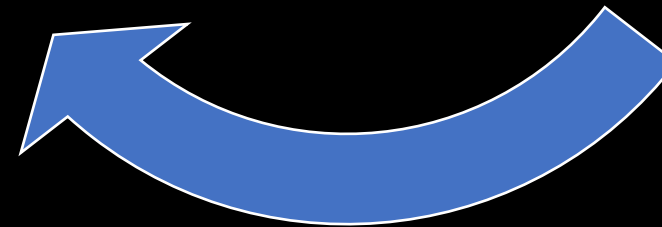
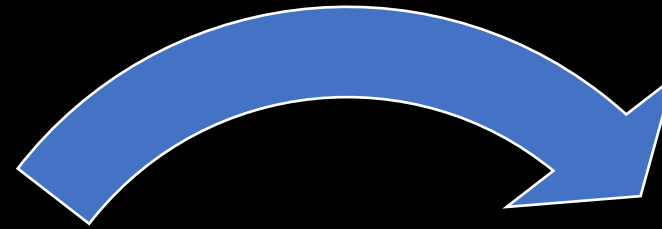
- All covered employers and workplaces must have an effective Workplace Violence Prevention Plan by **July 1, 2024**
- The Plan must be in writing and
 - Incorporated into an existing IIPP as a standalone section;
 - or maintained as a separate document altogether (e.g., COVID-19 Prevention Plans)
- Like an IIPP, it must be available and easily accessible to employees, authorized employee representatives, and Cal/OSHA

Workplace Violence Prevention Plan

Must be reviewed:

- (i) annually;
- (ii) when a deficiency is observed or becomes apparent; and
- (iii) after a workplace violence incident

Must be specifically tailored to the hazards and corrective measures at the workplace



Key Definitions

“Workplace Violence” means any act of violence or threat of violence that occurs in a place of employment and includes, but is not limited to, the following:

(i) 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;

(ii) 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; and

(iii) the 4 types of workplace violence

Key Definitions

Threats of Violence means any verbal or written statement, including, but not limited to:

- Threats; or
- Electronic messages, social media messages, or other online posts, or
- Any behavioral 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

Workplace violence does NOT include lawful acts of self-defense or defense of others

Key Definitions

The 4 Types of Workplace Violence:

Type 1 – (total stranger) - 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

Type 2 – (third party relationship with someone at the workplace) - workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors

Type 3 – (employees) workplace violence directed against an employee by a present or former employee, supervisor, or manager

Type 4 – (relationship with an employee)- 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

Required Components of the Plan

The names or job titles of those responsible for the Plan's implementation

Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan

Methods for coordinating implementation with other employers present in the workplace

Procedures to receive reports of workplace violence incidents or hazards

Required Components of the Plan

Procedures to ensure compliance with the Plan

Workplace violence training information and procedures

Procedures to identify and evaluate workplace violence hazards

Procedures to timely correct identified workplace violence hazards

Procedures to respond to workplace violence incidents

Procedures to Obtain Active Employee Participation

- A key component of the law is active employee participation
- Must include procedures to obtain employee involvement in:
 - (i) identifying, evaluating, and correcting workplace violence hazards;
 - (ii) designing and implementing training; and
 - (iii) reporting and investigating workplace violence incidents



Procedures to Obtain Active Employee Participation

- Ask employees to report workplace violence hazards, to share feedback on training, and to assist in investigations and corrective actions
- Send emails soliciting involvement,
- Postings on company intranet or bulletin boards,
- Creating a designated committee; and
- Establishing regular meetings to discuss concerns



Coordinating With Other Employers

Multi-employer worksites must coordinate implementation and provide methods of coordination in the Plan. Examples:

Providing other employees with copies of the Plan;

Asking employees to report any workplace violence incidents or hazards;

Holding meetings or inclusion in your workplace safety meetings, etc.

Must ensure that all employees at the worksite are provided with the required workplace violence training

Must ensure that all workplace violence incidents involving any employee are reported, investigated, and recorded.

Coordinating With Other Employers

Must provide a copy of workplace violence incident log to the controlling employer

Must ensure that all workplace violence incidents involving any employee are reported, investigated, and recorded

Must provide a copy of workplace violence incident log to the controlling employer

Receiving Reports of Workplace Violence

- Must provide effective procedures to accept and respond to reports of workplace violence
- Provide method for employees to report incidents of workplace violence or threats thereof
- Prohibit retaliation against employees for reporting incidents of workplace violence to the employer or law enforcement
- E.g., anonymous hotline or other method of reporting incidents or concerns



Procedures to Ensure Compliance with Plan

Implement effective procedures to ensure that both supervisory and non-supervisory employees comply with the Plan

“Substantial compliance” includes:

(i) recognition of employees for following the Plan;

(ii) training and retraining programs for employees as needed; and

(iii) disciplining employees for failures to comply

Procedures to Identify & Evaluate Workplace Violence Hazards



Must schedule periodic inspections to identify unsafe conditions, work practices, and employee reports and concerns



Must also conduct inspections when: (i) the Plan is first established; (ii) after the occurrence of a workplace violence incident; and (iii) when the employer is made aware of a new or previously unrecognized hazard

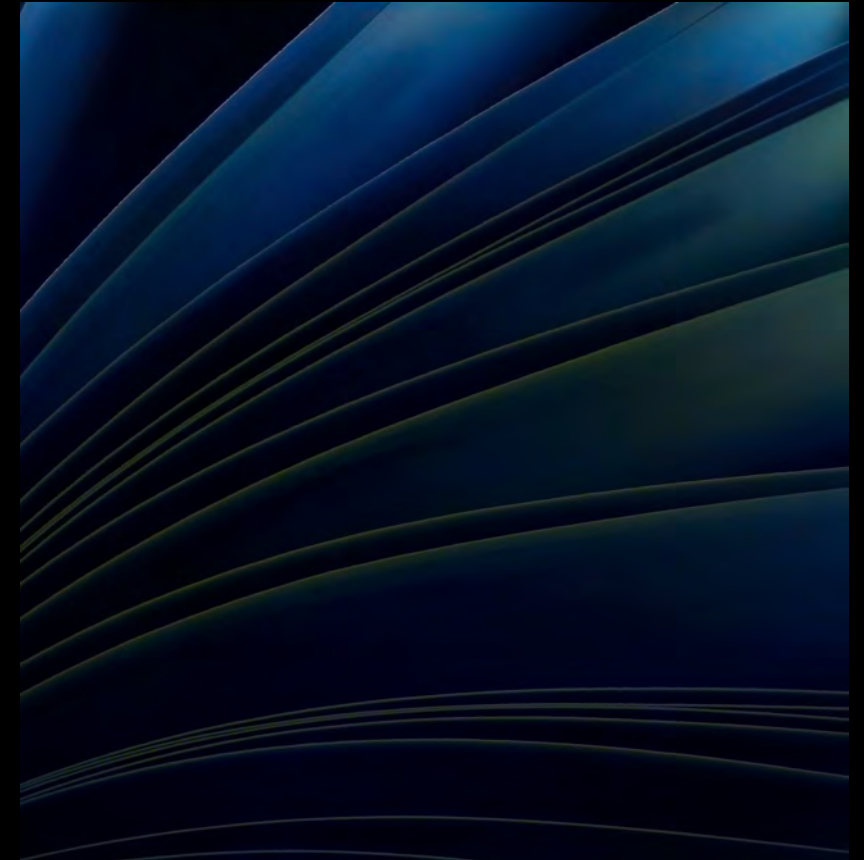


Ask employees to immediately report any actual or potential workplace violence hazards

The Inspection That Starts It All (identifying and evaluating Workplace Violence hazards)

Cal-OSHA gives the following examples to be included in inspections:

- The attractiveness of the exterior and interior of the workplace to robbers
- Need for violence surveillance measures, such as mirrors and cameras
- Procedures for employee response during a robbery or other criminal act
- Procedures for reporting suspicious persons or activities
- Effective location and functioning of emergency buttons and alarms
- Posting of emergency telephone numbers for law enforcement, fire, and medical services
- Whether employees have access to a telephone with an outside line
- Whether employees have effective escape routes from the workplace
- Adequacy of workplace security systems
- Etc.



Correcting Identified Workplace Violence Hazards Before Something Happens



- Must implement procedures for correcting workplace violence hazards that have been identified and evaluated
- Hazards must be corrected in a timely manner based on the severity of the hazard
- When an imminent hazard exists which cannot be immediately abated without endangering employees and/or property, must remove all exposed personnel except those necessary to correct the hazard

Responding to Reports and Incidents of Workplace Violence

- Evaluate and correct any reported workplace violence hazards
- Must ask employees to participate in the investigation and inform them of the results thereof and any corrective actions taken
- Describe procedures for investigating incidents of workplace violence
 - review of surveillance footage,
 - interviewing witnesses,
 - review of electronic communications (emails, text messages, social media) etc.



Responding to “Workplace Violence Emergencies”

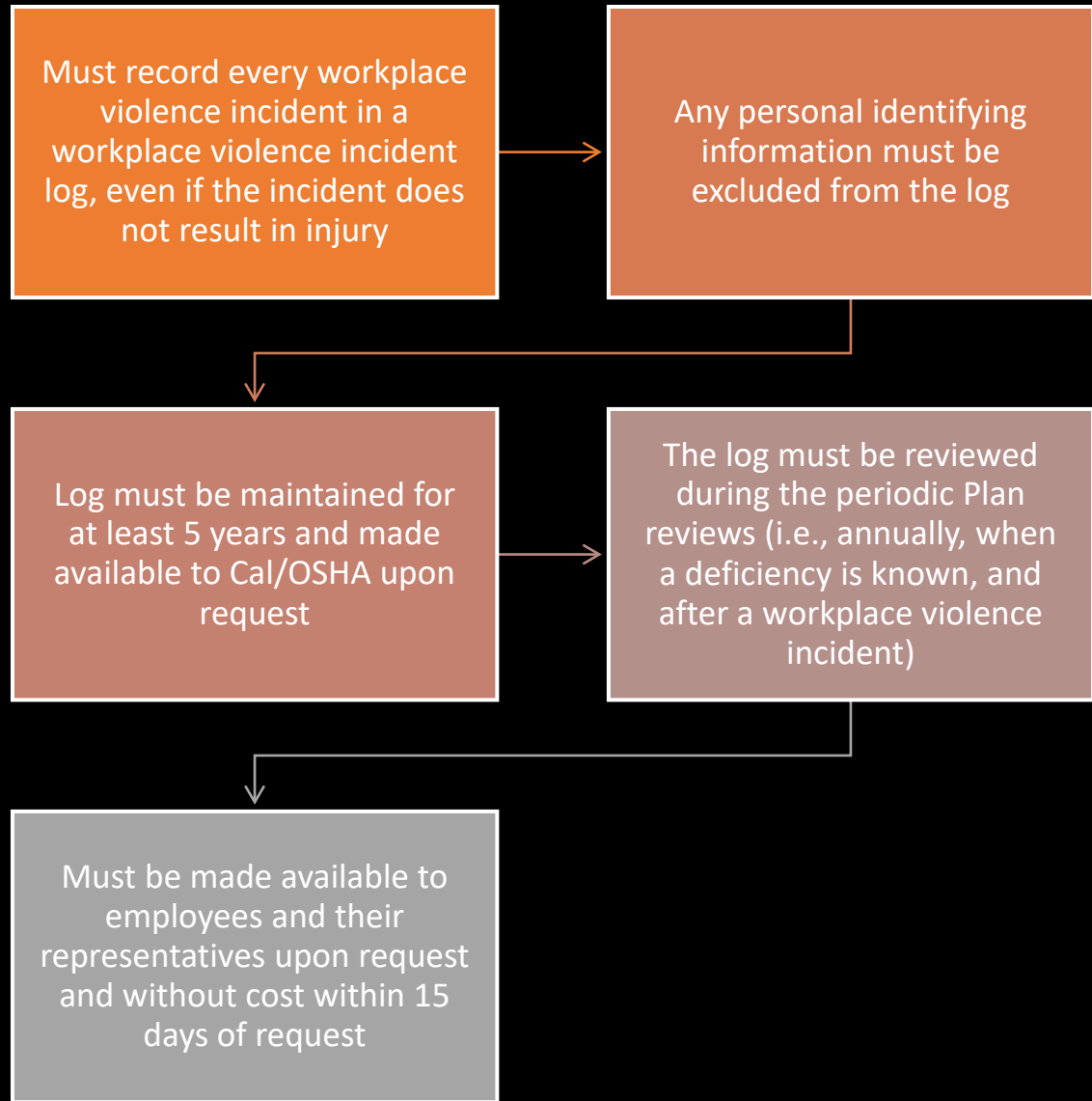
Must implement effective measures to respond to actual or potential “workplace violence emergencies”

- (1) Means to alert employees of the presence, location, and nature of the emergency
 - E.g., intercom, email, mobile alerts, etc.
- (2) Evacuation or sheltering plans that are appropriate and feasible for the worksite
 - E.g., maps of evacuation routes, emergency exit locations, sheltering in place instructions
- (3) How to obtain help from staff assigned to respond to workplace violence emergencies (if any), security personnel (if any), and law enforcement
 - E.g., provide contact information for designated response team, post contact information in common areas, etc.

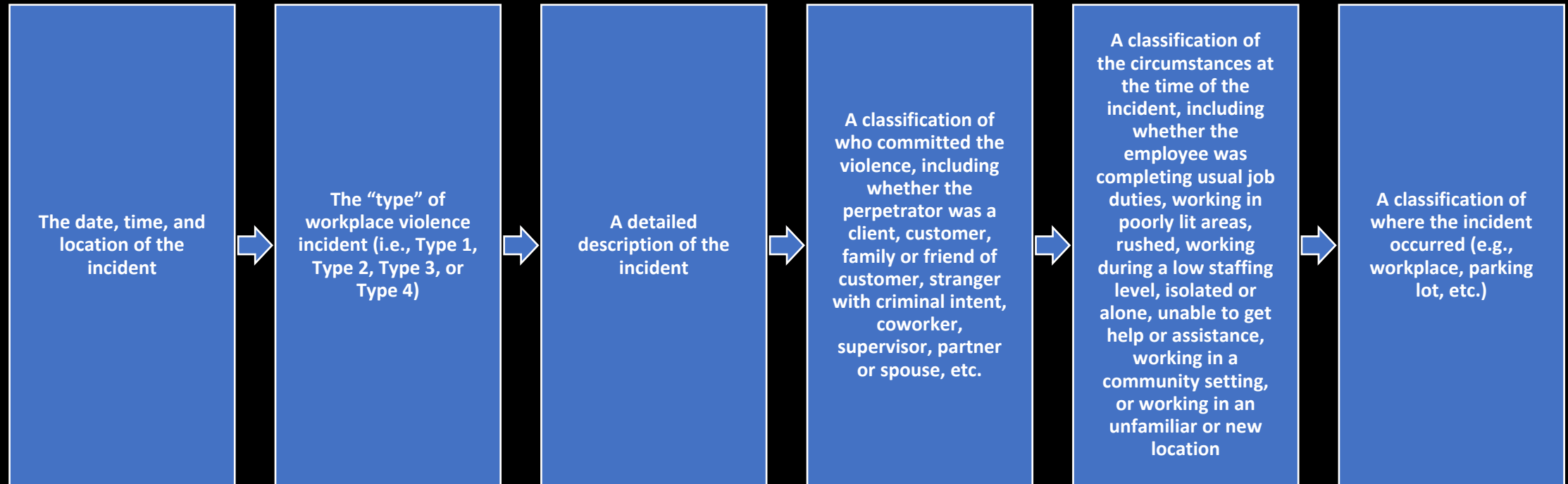


Workplace Violence Incident Log

Workplace Violence Incident Log

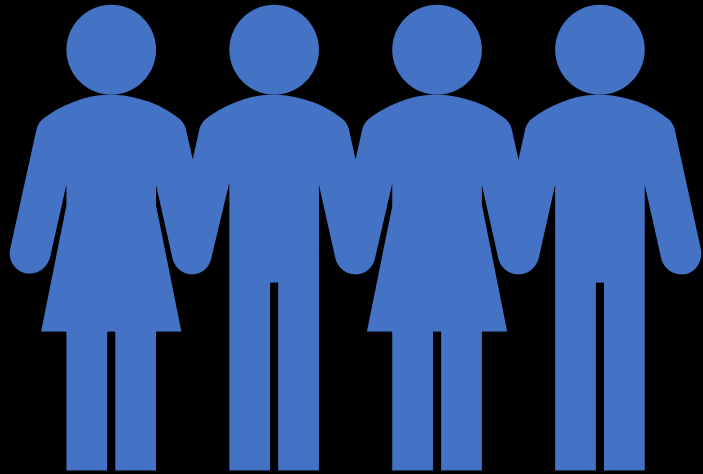


Workplace Violence Incident Log



Workplace Violence Incident Log

- Whether the incident involved: (i) a physical attack without a weapon; (ii) attack with a weapon or object; (iii) threat of physical force or threat of using a weapon; (iv) sexual assault or threat; (v) animal attack; and/or (vi) other
- The consequences of the incident, including: (i) whether security or law enforcement was contacted and their response; and (ii) actions taken to protect the employee
- The name and job title of the person completing the log



Workplace Violence Employee Training

Employee Training: Timing Requirements

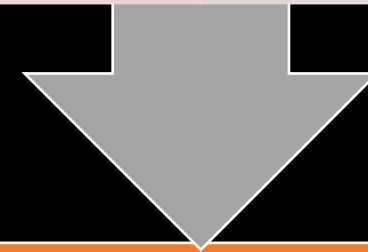
Employees must receive workplace violence training as follows:

When the Plan is first established;

Annually thereafter;

If a new or previously identified workplace violence hazard is discovered; and

If changes are made to the Plan



Training following the identification of new hazards or changes to the Plan may be limited to those subjects

Employee Training: Content

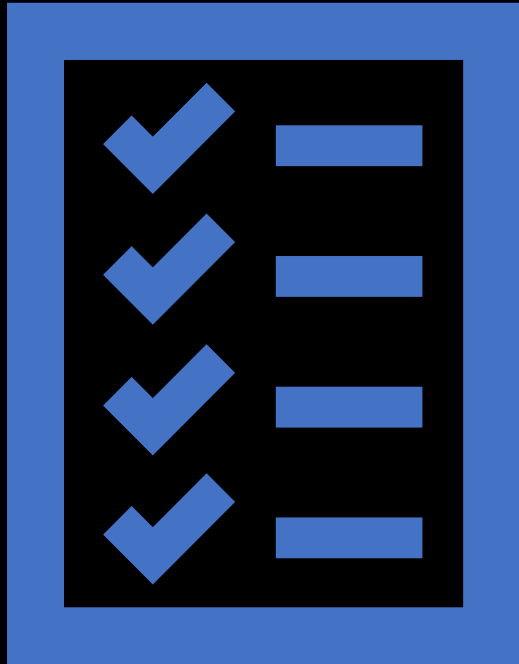
Training materials must be appropriate in content and vocabulary to the educational level, literacy, and language of the employees

The training must provide an opportunity for interactive questions and answers with a person knowledgeable about the employer's Plan

Employee Training: Subjects Covered

- The employer's Plan, how to obtain a copy of the Plan at no cost, and how to participate in the development and implementation of the Plan
- The definitions and requirements of the 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, corrective measures implemented by the employer, how to seek assistance in preventing or responding to violence, and strategies to avoid physical harm
- The violent incident log and how to obtain copies of records





Recordkeeping

Recordkeeping Requirements

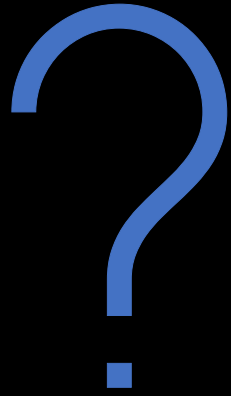
- Maintain the following records for at least 5 years:
 - Records pertaining to workplace violence hazard identification, evaluation, and correction methods
 - Records of any workplace violence incident investigations
 - Workplace violence incident logs
- Training records must be kept for at least 1 year and include training dates, contents or a summary of the training, names and qualifications of the person(s) conducting the training, and names and job titles of everyone in attendance
- All must be made available to employees or their representatives upon request within 15 days, except for investigation records



Consequences For Non-Compliance

- Cal/OSHA will enforce the law through its standard inspection, citation, and penalty framework
- Civil penalties according to violation classification (regulatory, general, serious, willful, repeat)
- General & Regulatory violations – up to **\$15,873**
- Serious violations – up to **\$25,000**
- Repeat and willful violations – up to **\$158,000**





Questions?

