

Compliance Checklist: What to Know About California's New Workplace Violence Prevention Law

A new safety law aimed at protecting California workers from foreseeable violence introduces significant responsibilities for employers. As the country's first general industry workplace violence prevention law, it's likely to influence similar legislation pending in other states.

[California Labor Code Section 6401.9](#) began its life as Senate Bill 553 and went into effect July 1, 2024, affecting almost all California employers. Its definition of workplace violence includes any act or threat of violence likely to result in injury, psychological trauma or stress. This ranges from bullying, harassment and intimidation to physical aggression and active shooter situations.

While businesses have always been required to prioritize workplace safety, this law specifies what that should entail and imposes steep penalties for noncompliance. It mandates written violence prevention plans, regular risk assessments, employee training, and clear incident reporting and response procedures.

Here's a checklist for attorneys guiding their clients through the process, including pointers for creating a workplace violence prevention plan, logging violent incidents and training employees to respond to emergencies.



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What's the consequence of noncompliance?

First, your clients should understand the consequences of noncompliance, as it can come with a hefty price tag. General or regulatory violations can cost businesses up to \$15,873, while serious violations can result in fines up to \$25,000. Willful and repeat violations could set employers back by as much as \$158,727 – and that's on top of the potential license revocations and litigation risk that can stem from a violent incident in the workplace.

Financial risks aside, the impact of workplace violence in itself can be devastating for employees and the wider community. This law was enacted in response to a 2021 mass shooting at the Santa Clara Transportation Authority rail yard in San Jose, where a disgruntled employee killed nine people. What's more, almost a third of all active shooter incidents in the U.S. last year happened in places of commerce – and California saw the highest total number of incidents, [according to the FBI](#).



Check whether the requirements apply to your client

Public and private employers with California employees are subject to the new law, but there are a few limited exceptions.

The requirements do not apply to:

- Workplaces with fewer than 10 employees unless the workplace is publicly accessible
(These employers must still comply with [California Code of Regulations \(CCR\) Title 8 Section 3203](#), which mandates a written illness and injury prevention program.)
- Remote employees who work from a place of their choosing that their employer doesn't control (e.g., a home office)
- Certain healthcare facilities that are already covered by [CCR Title 8 Section 3342](#)
- Department of Corrections and Rehabilitation facilities as long as they comply with CCR Title 7 with Section 3203, and law enforcement agencies that comply with the Commission on Peace Officer Standards and Training (POST) Program requirements and CCR Title 7 with Section 3203



Create a written plan

If your client doesn't fall into one of the above categories, they must develop a written workplace violence prevention plan immediately. Aimed at identifying, evaluating and controlling risk, this plan should be easily accessible to all affected employees and specific to each work area's hazards, corrective measures and operations. The plan can be a standalone document or become part of the injury and illness prevention program required under CCR Title 8 Section 3202.

Here are 13 key elements the plan must include:

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| <ul style="list-style-type: none"> <input type="checkbox"/> Names of those responsible for implementing the plan <input type="checkbox"/> Effective procedures for involving employees in creating and implementing the plan <input type="checkbox"/> Methods for coordinating implementation with other employers when necessary <input type="checkbox"/> Procedures for addressing and responding to workplace violence reports while protecting employees from retaliation <input type="checkbox"/> Procedures to ensure compliance from all employees, including supervisors <input type="checkbox"/> Procedures for communicating with employees about workplace violence <input type="checkbox"/> Training provisions <input type="checkbox"/> Steps to promptly correct workplace violence hazards that have been identified and evaluated | <ul style="list-style-type: none"> <input type="checkbox"/> Steps to identify and evaluate workplace violence hazards, including inspections: <ul style="list-style-type: none"> • When the plan is first set up • On a regular schedule • After violent incidents • Whenever a new hazard is identified <input type="checkbox"/> Emergency response protocols <input type="checkbox"/> Procedures for responding to and investigating incidents <input type="checkbox"/> Procedures reviewing the plan: <ul style="list-style-type: none"> • Annually • When a deficiency is observed or becomes apparent • After a workplace violence incident <input type="checkbox"/> Any other necessary procedures for employee health and safety as required by the Division and Standards Board |
|---|---|



For a full template of the workplace violence prevention plan, see the California Division of Occupational Safety and Health's (CalOSHA's) [example](#).



Develop an employee training process

Employees must be trained as soon as the initial plan is established and again each year to ensure everyone understands and complies. Additional, focused training is necessary when new or previously unidentified hazards are discovered or changes are made to the plan.

Anyone knowledgeable about the workplace violence prevention plan can administer the training, and records of it must be kept for one year. Employers must ensure the training is easy to understand and suitable for the workers' education, language and reading skills.



The training must:

- Familiarize employees with the plan, how to obtain a copy and participate in its development and implementation
- Explain the definitions and requirements of Labor Code Section 6401.9
- Demonstrate how to report workplace violence incidents without fear of retaliation
- Breakdown job-specific violence hazards and preventive measures
- Detail what the violent incident log is for and how to obtain related records
- Include opportunities for interactive discussions with someone knowledgeable about the plan



Establish a recordkeeping system

Under the new law, employers must maintain records for all aspects of their workplace violence prevention program. This includes logging all training sessions, recording any identified hazards, reporting incidents and tracking any resulting investigations. These records must be made available to OSHA upon request, and employees must receive free copies within 15 days of asking for them.

Here's a breakdown of what each set of records should include and how long they should be kept:

1
year

Training records. Records of workplace violence prevention plan training must be maintained for at least one year. The records should include training dates, contents or summaries of the sessions, names and qualifications of the trainers and everyone in attendance.

5
years

Hazards identified. Records of all workplace violence hazards, including identification, evaluation, and corrections, must be kept for at least five years.

5
years

Violent incidents. All workplace violence incidents must be logged, regardless of whether they resulted in an injury. Employers should maintain these logs for at least five years – and be sure to exclude any personal information identifying those involved. Records of investigations must also be kept for at least five years.



Here's what information must be included about each violent incident:

- Incident date, time and location
- Workplace violence type
 - Type 1: Committed by someone with no legitimate business at the workplace, such as those intending to commit a crime
 - Type 2: Directed at employees by customers, clients, patients, students, inmates or visitors
 - Type 3: Directed at an employee by a current or former employee
 - Type 4: Committed by a non-employee with a personal connection to an employee
- A detailed description of the incident
- Classification of who committed the violence
(For confidentiality purposes, only include their classification; for example, a customer, coworker, spouse of an employee or stranger with criminal intent.)
- The circumstances at the time of the incident
- Where the incident occurred
- Specific characteristics of the incident, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents or other events
- The consequences of the incident, including any law enforcement involvement
- Steps taken to protect employees from further threats or hazards
- Who completed the log, including their name, job title and the date it was completed



Regularly review and update the plan

Conduct a thorough workplace violence risk assessment to identify potential hazards and vulnerable areas, and regularly consult employees for insights into potential risks.

Schedule regular reviews and updates of the workplace violence prevention plan, incorporating feedback from employees and incident reports. Make sure the plan is updated based on changes in the workplace or new risks. CEB's [DailyNews feature](#) is a useful tool for keeping up with industry updates and best practices, while CEB's employment law practice guide includes a [deep dive into OSHA regulations](#).





What else should attorneys know?

Attorneys with clients in other states should prepare to stay updated on varying state regulations and potential legal changes. Dozens of workplace violence bills were introduced last year in 27 states, many of which are expected to follow California's lead. They include New York's [Retail Worker Safety Act](#) and Texas's [workplace violence prevention law](#) for healthcare facilities.

A solid understanding of what's required under California's workplace violence prevention law can position attorneys to help clients nationwide as they adjust to new compliance measures over the coming years.



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