



Client Alerts

California Compliant: New Resources for Drafting Workplace Violence Prevention Plans

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By some estimates, “workplace violence is the second leading cause of fatal occupational injuries in the United States, affecting nearly 2 million American workers annually” (Cal/OSHA Safety & Health Fact Sheet, Feb. 2024). Last year, the state enacted legislation requiring most employers to establish a written program for the prevention of workplace violence (read more about the new law and its impact on employers [here](#)). New Labor Code Section 6401.9 requires covered businesses to develop and implement a workplace violence prevention plan by July 1, 2024. Fortunately, Cal/OSHA, which is responsible for enforcing the statute, recently released a template and other compliance guidance for employers.

Background – Senate Bill 553

Senate Bill 553 (SB 553) amended Labor Code Section 6401.7 and added new Labor Code Section 6401.9. The bill expanded employers’ obligations with respect to the prevention of workplace injuries by adding a requirement to create a written plan specifically designed to prevent and record instances of “workplace violence.” A compliant workplace violence prevention plan (WVPP) must have specific components, including for emergency response and the reporting and investigation of incidents of workplace violence. SB 553 requires employers to: make the program accessible to employees; provide “initial training” about the program; and provide periodic training annually. Training records must be retained for at least one year – other records must be kept for at least five years.

Employers are subject to civil penalties for failure to comply with any of the requirements of Section 6401.9. Cal/OSHA’s four-page SB 553 fact sheet for employers is available [here](#).

New Resources for Employers Who Must Develop a Workplace Violence Prevention Plan

In February, Cal/OSHA released a Model Written Workplace Violence Prevention Plan for General Industry. A Word version of the Model Plan can be accessed from the “Latest Updates and Added Publications” tab of the agency’s website, [here](#). The Model WVPP is designed to be a standalone document, but the Labor Code permits employers to incorporate their WVPP as a separate section of an existing Injury and Illness Prevention Program. The agency’s Model WVPP includes fill-in-the-blank sections, including for emergency response, documenting periodic inspections of workplace violence hazards, recording (and classifying) incidents of workplace violence, and identifying those responsible for administering the policy, training employees, and conducting emergency response.

Employers are not required to use Cal/OSHA’s Model WVPP, and some employers (specifically, those “with workplaces covered by” California regulations relating to “Violence Prevention in Health Care”) are cautioned **not** to use the document as a template for their programs. Cal/OSHA advises that use of its Model WVPP “does not ensure compliance with” Section 6401.9; whether or not they use the Model WVPP as a starting point, companies may wish to consult with counsel to minimize their risk with respect to a legally sufficient WVPP, implementation of the plan, required training, and records retention.

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