

# Workplace Violence Prevention

## COMMONLY ASKED QUESTIONS

### EXECUTIVE SUMMARY As of June 1, 2024

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### What is workplace violence?

- ▶ Workplace violence means any act of violence or threat of violence that occurs in a place of employment.
- ▶ Workplace Violence does not include lawful acts of self-defense or defense of others.

### What are the four types of workplace violence?

- ▶ **Type 1 Violence:** 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. Examples of type 1 violence include:
  - Retail robberies.
  - Workplaces where employees or proprietors have face-to-face contact and exchange money with the public.
  - Robberies of delivery, taxicab, and ride-hailing drivers.
  - Janitors/maintenance workers.
  - Threats and acts of violence directed at security guards.
- ▶ **Type 2 Violence:** Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors. Examples of type 2 include:
  - Social welfare service providers in unemployment offices, welfare eligibility offices, homeless shelters, probation offices, and child welfare agencies.
  - Social welfare service providers while onsite and during visits at residences.
  - Teaching, administrative, and support staff in schools where students have a history of violent behavior.
  - Other types of service providers, e.g., justice system personnel, customer service representatives, and delivery personnel.

- ▶ **Type 3 Violence:** Workplace violence against an employee by a present or former employee, supervisor, or manager.
  - The primary target of a type 3 event can be a co-employee, a supervisor, a domestic partner, or a manager of an individual who may be seeking revenge for what they perceive as unfair treatment at the workplace.
- ▶ **Type 4 Violence:** 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.

## What Can Be Done to Reduce Workplace Violence?

- ▶ Conduct an initial assessment and evaluation of risk factors.
  - Any preventive measure and procedure taken by an employer to correct, respond to, or prevent workplace violence, must be determined based on a thorough understanding of the risk factors and/or hazards associated with the various types of workplace violence that exist in the workplace.
  - Every employer must perform an initial assessment to identify and evaluate workplace violence hazards that have been shown to, or that may contribute to the risk of violence in the workplace. Potential factors that could exist in workplaces that may increase the risk of workplace violence include, but are not limited to:
    - Exchange of money.
    - Working alone.
    - Working at night and during early morning hours.
    - Availability of valued items, e.g., money and jewelry.
    - Guarding money or valuable property or possessions.
    - Performing public safety or social welfare functions in the community.
    - Working with clients, passengers, customers, or students known or suspected of having a history of violence.
    - Employees with a history of assaults or who have exhibited belligerent, intimidating, or threatening behavior to others.

## How does workplace violence prevention affect dual-employers and temporary (staffing) agencies?

- ▶ If you are a temporary worker, both your staffing agency and the host employer whose workplace you work at are responsible for your safety and health and must protect you against hazards in the workplace. Staffing agencies and the host employer must provide you with workplace protections as required by Cal/OSHA, such as appropriate training and personal protective equipment.

## Does the law require employers to report workplace violence events to Cal/OSHA?

- ▶ Employers need to report only “serious” injuries or fatalities as required by Title 8 CCR §330(h) and §342. This law did not establish new reporting requirements.

### **Are employers with less than 10 employees automatically exempt from SB 553's coverage?**

- ▶ No. However, the law exempts worksites with less than 10 employees. If the worksite has less than 10 employees present "at any given time," is not "accessible to the public," and the employer complies with the injury and illness prevention Cal/OSHA regulation, then the worksite may be exempt from the new law.

### **Are healthcare facilities required to comply with SB 553 and the Violence Prevention in Healthcare Regulation, §3342?**

- ▶ No. Health facilities are only required to comply with the Cal/OSHA regulation.

### **Does SB 553 require employers to provide training to all employees regardless of which state they are in or does this new law only apply in California?**

- ▶ This new law only applies to California employers and their California employees.

### **Do workplace violence incidents also go on the Occupational Safety and Health Administration (OSHA) Log of Injuries and Illnesses (the OSHA Form 300 log)?**

- ▶ Employers are required to record information on the 300 log only if an employee was injured and meets the requirements of recording on the 300 log.

### **Can our workplace violence plan be added to an injury and illness prevention program (IIPP)?**

- ▶ Yes. It can be part of the IIPP or a stand-alone plan.

### **Will there be an opportunity for public comment during future Cal/OSHA rulemaking on workplace violence?**

- ▶ Yes. There will likely be an opportunity to provide comments in 2024.

### **How can employers make the workplace violence plan accessible to employees?**

- ▶ Many employers post their required safety plans on a company intranet or software platform. Employers may continue to make their workplace violence plans available in binders on the worksite or post them on bulletin boards in common areas.

### **Does each work location need a dedicated plan, or can an organization use a corporate plan for all sites?**

- ▶ If there are different hazards at different locations, then a company's workplace violence prevention plan would need to be customized. If the company has consistent and similar hazards and risks across all its worksites, then the plan can be more uniform across a larger footprint.

## Does the employee-involvement requirement in a company's workplace violence plan also apply to nonunion worksites?

- ▶ Yes. The employee-involvement requirement applies across all California employers that fall under SB 553.

## Are animal attacks considered workplace violence under SB 553?

- ▶ Yes. This type of incident is called out for recording in the new law's required violent incident log.

## Here are some links to some useful resources that you can use in developing your program.

[Cal/OSHA Workplace Violence Prevention Guidance and Resources](#)

[Occupational Safety and Health \(OSHA\) Workplace Violence webpage](#)

[Center for Disease Control and Prevention, The National Institute for Occupational Safety and Health \(NIOSH\), Occupational Violence Resources webpage](#)

[Washington State Department of Labor & Industries. Workplace Violence Awareness and Prevention for Employers and Employees](#)

[U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: Indicators of Workplace Violence, 2019 report](#)

[Center for Disease Control and Prevention, NIOSH Science Blog: Highlights from a New Report on Indicators of Workplace Violence, 2022](#)

[U.S. Department of Labor, Women's Bureau: Gender-Based Violence and Harassment in the World of Work, 2023](#)