



Compliance Bulletin: California SB 553 Mandates Workplace Violence Prevention Plan for Employers

April 16, 2024

The California legislature enacted [Senate Bill 553 \(SB 553\)](#) which requires all California employers to establish, implement, and maintain an effective workplace violence prevention plan (WVPP). The California Division of Occupational Safety and Health (Cal/OSHA) is responsible for enforcing the requirements of SB 553.

I. Key Takeaways

SB 553 requires every employer to do four things:

1. Establish, implement, and maintain a workplace violence prevention plan consistent with new Cal. Labor Code §6401.9. This can be part of their Injury and Illness Prevention Program (IIPP) or a stand-alone plan. Cal/OSHA published a [model plan](#) and a [Fact Sheet](#) to assist with this process.
2. Implement effective training when the plan is first adopted, and annually thereafter, as well as when any changes are made to the plan.
3. Record information in a violent incident log for every workplace violence incident.
4. Maintain records of the above, as required.

II. Effective Date

While SB 553 was approved by Governor Newsom on September 30, 2023, its requirements will be implemented at different times. The requirement to have a workplace prevention plan, including all relevant record-keeping requirements, takes effect on **July 1, 2024**. Other select provisions of SB 553 become effective on **January 1, 2025**. Lastly, Cal/OSHA must propose standards regarding the workplace prevention plan required by SB 553 no later than **December 1, 2025**.

III. Impact on Credit Unions

The requirements of SB 553 apply to all employers, employees, places of employment, and employer-provided housing, subject to certain exemptions, including:

- Employees teleworking from a location of the employee's choice, which is not under the control of the employer.
- Places of employment where there are less than 10 employees working at the place at any given time, that are not accessible to the public, and are in compliance with the requirement to develop and maintain an IIPP.

However, Cal/OSHA may require an employer that is otherwise exempt to comply with this requirement or to include employees or places of employment that are otherwise exempt. It is unclear whether Cal/OSHA will provide a template or other information to assist employers. However, due to the extensive nature of the workplace violence prevention plan requirements (described in more detail below), credit unions are

strongly encouraged to begin developing a plan and necessary procedures and training immediately in order to ensure compliance by the July 1 deadline.

IV. Key Provisions of SB 553

A. “Workplace Violence” Defined

“**Workplace violence**” is defined as any act of violence or threat of violence that occurs in a place of employment. It includes, but is not limited to:

- a. 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.
- b. 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.
- c. The following four workplace violence types:
 - i. “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.
 - ii. “Type 2 violence” - workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
 - iii. “Type 3 violence” - workplace violence against an employee by a present or former employee, supervisor, or manager.
 - iv. “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.

It does not include lawful acts of self-defense or defense of others.

B. The Written Workplace Violence Prevention Plan

An employer must establish, implement, and maintain an effective written workplace violence prevention plan. It shall be available and easily accessible to employees, authorized employee representatives, and Cal/OSHA representatives at all times. The plan must include all of the following:

- a. Names or job titles of the persons responsible for implementing the plan (if multiple persons are responsible, their roles shall be clearly described).
- b. Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan, including, but not limited to, through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.
- c. Methods the employer will use to coordinate implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles under the plan. These methods shall ensure that all employees are provided the required training and that workplace violence incidents involving any employee are reported, investigated, and recorded.
- d. Effective procedures for the employer to accept and respond to reports of workplace violence, and to prohibit retaliation against an employee who makes such a report.
- e. Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan in a manner consistent with 8 Cal. Code of Regs. §3203(a)(2).
- f. Effective procedures to communicate with employees regarding workplace violence matters, including, but not limited to, both of the following:

- i. How an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of reprisal.
 - ii. How employee concerns will be investigated as part of the employer's responsibility in complying with subparagraph (I), and how employees will be informed of the results of the investigation and any corrective actions to be taken as part of the employer's responsibility in complying with subparagraph (J).
- g. Effective procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:
 - i. Effective means to alert employees of the presence, location, and nature of workplace violence emergencies.
 - ii. Evacuation or sheltering plans that are appropriate and feasible for the worksite.
 - iii. How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.
- h. Procedures to develop and provide the required training.
- i. Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections to identify unsafe conditions and work practices and employee reports and concerns. Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- j. Procedures to correct workplace violence hazards identified and evaluated in subparagraph (I) in a timely manner consistent with 8 Cal. Code of Regs. §3203(a)(6).
- k. Procedures for post-incident response and investigation.
- l. Procedures to review the effectiveness of the plan and revise the plan as needed, including, but not limited to, procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan. The plan shall be reviewed at least annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident.
- m. Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees, pursuant to subdivision (h).

C. Maintaining a Violent Incident Log

An employer must record information in a violent incident log for every workplace violence incident. Information recorded for each incident shall be based on information solicited from the employees who experienced the workplace violence, witness statements, and investigation findings.

- Any element of personal identifying information sufficient to allow identification of any person involved in a violent incident shall be omitted, including the person's name, address, email address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.
- The log shall be reviewed during the required periodic reviews of the plan.
- At a multiemployer worksite, the employer or employers whose employees experienced the workplace violence incident shall record the information in a violent incident log and provide a copy of that log to the controlling employer.

Information recorded in the violent incident log shall include all of the following:

- a. The date, time, and location of the incident.
- b. The workplace violence type(s) involved in the incident (i.e., Type 1, Type 2, Type 3, or Type 4 violence.)
- c. A detailed description of the incident.

- d. A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
- e. A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
- f. A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- g. The type of incident, including, but not limited to, whether it involved any of the following:
 - i. Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 - ii. Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 - iii. Threat of physical force or threat of the use of a weapon or other object.
 - iv. Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
 - v. Animal attack.
 - vi. Other.
- h. Consequences of the incident, including, but not limited to:
 - i. Whether security or law enforcement was contacted and their response.
 - ii. Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
 - iii. Information about the person completing the log, including their name, job title, and the date completed.

D. Training Requirements

An employer must provide effective training to employees, including the use of training material appropriate in content and vocabulary to the educational level, literacy, and language of the employees. Initial training must be provided when the plan is first established, and annually thereafter, on all of the following:

- a. The employer's plan, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.
- b. The definitions and requirements of the workplace violence prevention plan law.
- c. How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
- d. Workplace violence hazards specific to the employees' jobs, the corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- e. The violent incident log and how to obtain copies of records required to be maintained.
- f. An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.

Additional training must be provided whenever a new or previously unrecognized workplace violence hazard is identified and whenever changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or plan changes.

E. Record Retention

- **Workplace Violence Hazards:** Records of workplace violence hazard identification, evaluation, and correction shall be created and maintained for a minimum of five (5) years.

- **Training Records:** Training records shall be created and maintained for a minimum of one (1) year and include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.
- **Violent Incident Logs:** Violent incident logs shall be maintained for a minimum of five (5) years.
- **Violent Incident Investigations:** Records of workplace violence incident investigations conducted shall be maintained for a minimum of five (5) years. These records shall not contain medical information.

F. Access to Records

All required records shall be made available to Cal/OSHA upon request for examination and copying. Records pertaining to workplace violence hazards, training records, and violent incident logs, shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request. Records pertaining to violent incident investigations are not included.

G. Enforcement

Cal/OSHA may issue a citation for a violation of these requirements and a notice of civil penalty, both of which are subject to appeal. Cal/OSHA is directed to propose standards regarding the plan by December 31, 2025, to be adopted no later than December 31, 2026.

V. Cal/OSHA Workplace Violence Prevention Guidance and Resources

As mentioned above, Cal/OSHA has published [guidance and educational materials](#) on its website related to SB 553 and workplace violence prevention. These include a model WVPP, fact sheets, and various resources designed for both employers and employees.

A. Cal/OSHA's Model WVPP

Cal/OSHA's [model WVPP](#) is nineteen pages long and includes the following:

1. A brief overview of the new law;
2. Directions on drafting the plan;
3. The WVPP itself, including definitions for key terms and various sections covering the requirements of the new law; and
4. A Violent Incident Log form.

This model plan provides a good template for credit unions to use to draft their workplace violence prevention plans. It is important to note that this model plan is only a template. Each covered California employer must customize their WVPP to properly fit their workplace and their work locations in order to be in compliance.

B. Cal/OSHA's Fact Sheet for Employers

In addition to the model plan, Cal/OSHA also published its Workplace Violence Prevention in Non-Health Care Settings – [Information for Employers Fact Sheet](#). This Fact Sheet provides additional guidelines and explanations for California employers. It explains some of the key statutory requirements and includes, among other things:

1. An outline of what must be contained within a compliant WVPP;
2. Information on what is required when logging workplace violence incidents;
3. An explanation of the new workplace violence training requirements; and
4. Other details about the WVPP and preventing workplace violence in the workplace.

VI. Next Steps for Credit Unions

While credit unions have a few months before SB 553 takes effect, it's recommended for them to start drafting their WVPP if they haven't already. The model WVPP indicates that the procedures mandated by Cal. Labor Code §6401.9 are tailored to the industry and specific worksites. Therefore, each employer's WVPP will be unique and will need some level of attention and customization to ensure compliance. Credit unions with any questions or concerns about compliance should seek guidance from their employment law counsel.

If you have any questions regarding this information, contact the Compliance Hotline at 844.731.6072 or CANV@VICLARITYUS.COM.

Our hotline is a membership benefit *powered by ViClarity*, a California and Nevada Credit Union Leagues company.

The material in this publication is provided for educational and informational purposes only, and does not constitute legal or financial advice. Use of any material or information in this publication should never be a substitute for seeking the advice of an attorney or a certified public accountant.