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SB 552: California's Workplace Violence Prevention Law Taking Effect Today

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On September 30, 2023, Governor Newsom signed Senate Bill 553 (the "Workplace Violence Prevention Act" or "WVP Act") which requires most California employers to develop and implement a comprehensive Workplace Violence Prevention Plan (the "Plan").¹ The WVP Act also has three independent, though related, requirements: regular workplace violence training, the creation and maintenance of a workplace violence log, and recordkeeping. Each of the WVP Act's requirements must be complied with starting today, July 1, 2024.

Which Employers Are Covered?

The WVP Act applies broadly to "all employers, employees, places of employment, and employer-provided housing," subject to six limited exemptions. Of these, four apply to niche employers², the fifth exempts employees who work remotely in a place of their choosing that is free from the control of their employer, and only the sixth offers meaningful relief to employers by exempting employers with fewer than ten employees, provided their workplace is not accessible to the public and they have a compliant illness and injury prevention program as required by Section 3203 of Title 8 of the California Code of Regulations.

Requirement 1: Develop and Implement a Workplace Violence Prevention Plan

The WVP Act requires covered employers to prepare and maintain a written Workplace Violence Prevention Plan specifically tailored to each of the employer's covered sites. For example, a California employer with five locations throughout the State may need provisions in their Plan for each of their respective locations. Among other requirements, the Plan must include the following details:

- Procedures to identify, evaluate, and correct workplace violence hazards.
- Procedures to communicate with employees regarding workplace violence matters, including (1) how an employee can report an incident or threat of workplace violence, (2) how employee concerns will be investigated, and (3) how the employee will be informed of investigation results and any corrective actions that will be taken.
- Procedures to ensure employee involvement with Plan development and implementation.
- Procedures that allow employees and supervisors to effectively respond to and prevent incidents of workplace violence.

- Procedures for consistent review and revision of the Plan.
- Details regarding the mandatory initial training that employees will receive.
- Identify the individuals responsible for implementation and revision of the Plan.

Cal/OSHA released a model Plan employers may use as a guide in developing their own Plans.

Requirement 2: Implement a Workplace Violence Prevention Training Program

Covered employers must develop and implement effective training on preventing workplace violence at the location where the employees work. These trainings must familiarize employees with the Plan and provide information on reporting and responding to workplace violence hazards. The WVP Act requires that all training must be accessible to employees and use content and vocabulary commensurate with the employees' education, literacy, and preferred language.

The WVP Act further requires employers to conduct supplemental training (1) annually, (2) when new hazards are identified, and (3) when changes are made to the Plan³. The additional trainings required in scenario 2 and 3 can be limited to addressing the new workplace violence hazard or to what changes were made to the plan.

Requirement 3: Maintain Workplace Violence Incident Logs

The WVP Act requires that employers maintain logs of every incident of workplace violence. These logs must include, among other content, (1) a detailed description of the incident, (2) any consequences that resulted from the incident, (3) a description of the persons involved in the incident, and (4) the type or types of workplace violence involved.

Requirement 4: Implement and Maintain Recordkeeping Procedures

Last, the WVP Act mandates certain recordkeeping requirements, including maintaining:

- Records of a covered employer's workplace violence hazard identification, evaluation, and any corrections for at least five years.
- Workplace violent incident logs and investigation files for at least five years.
- Records of required training for at least one year, including the content or a summary of the training, the job title and name of each attendee, and the name and qualifications of the persons conducting the training.

These records must be easily accessible to employees upon request and at no cost.

Looking Forward: Future Steps for Compliance

The WVP Act requires Cal/OSHA to propose interpreting regulations, but because the regulations were not published before the WVP Act became effective today, employers should continue monitoring, and update their Plan and WVP Act practices whenever the regulations are released.



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¹ The WVP Act is codified as California Labor Code Section 6401.9.

² Cal. Lab. Code § 6401.9(b)(2)(A)-(D) exempts: (1) Health care facilities, service categories, and operations covered by Section 3342 of Title 8 of the California Code of Regulations; (2) Employers that comply with Section 3342 of Title 8 of the California Code of Regulations; (3) Certain facilities operated by the Department of Corrections and Rehabilitation, and; (4) Certain law enforcement agencies.

³ The WVP Act does not specify whether only substantive changes to the Plan trigger the re-training requirement.

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