

Cal/OSHA's New Workplace Violence Prevention Plan Requirement: What Retailers Need to Know

By Joshua M. Henderson, Kathy A. Le, Sierra Vierra & Kelsey F. Morris

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Meet the Authors



Joshua M. Henderson

Principal

Joshua.Henderson@jacksonlewis.com



Kathy A. Le

Principal

949-885-1360

Kathy.Le@jacksonlewis.com



Sierra Vierra

Principal

(916) 288-3008

California has enacted the country's first general industry workplace violence prevention safety law. The law takes effect on July 1, 2024, and imposes requirements on nearly all California employers, including retail employers.

Senate Bill 553, which is now codified in [California Labor Code section 6401.9](#), requires California employers to adopt a comprehensive Workplace Violence Prevention Plan (WVPP), train employees on workplace violence, and log safety incidents.

Coverage; Exceptions

The WVPP requirement applies to all California employers, employees, workplaces, and employer-provided housing. There are limited exceptions, including:

- Remote employees working at a location of their choosing that is not under the control of the employer;
- Workplaces where there are fewer than 10 employees working at the location at a given time and that is not accessible to the public and the employer complies with Cal/OSHA's injury and illness prevention program regulation;
- Certain healthcare facilities; and
- Law enforcement agencies and facilities operated by the Department of Corrections and Rehabilitation.

Takeaways

Key takeaways from the new law:

- Employers must establish, implement, and maintain, at all times in all of the employer's facilities, a WVPP as part of the injury prevention program. The WVPP can be a standalone plan or incorporated into a pre-existing Injury and Illness Prevention Program pursuant to Title 8 of the California Code of Regulations section 3203.
- If there are different hazards at different locations, then an employer's WVPP must be customized to the hazards specific to the particular location. While Cal/OSHA has cautioned against "top-down" corporate plans, if an employer has consistent or similar hazards across all of its worksites, the WVPP may be uniform across multiple locations. Employers must obtain the "active involvement" of employees in developing their WVPP.
- Employers must record information in a violent incident log regarding every



Kelsey F. Morris

Associate

415-394-9400

Kelsey.Morris@jacksonlewis.com

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incident, post-incident response, and workplace violence injury investigation required to be performed as part of the WVPP.

- Animal attacks are specifically considered workplace violence under SB 553.
- Plans must be reviewed at least once a year, when a deficiency is observed or becomes apparent, and after the occurrence of a workplace violence incident.
- Employers must provide effective training to employees that addresses the workplace violence risks that employees may encounter in their jobs and at the specific work location.
- The WVPP must be accessible to employees either on the worksite, posting them in common areas, on a company intranet, or software platform.
- Employers may not prohibit an employee from, and cannot take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

Please contact a Jackson Lewis attorney with any questions.

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