Workplace Violence Prevention Checklist

California requires most employers to comply with the state's general industry workplace violence safety requirements, under the California Division of Occupational Safety and Health (Cal/OSHA). Under the law, covered employers have a number of obligations, including:

- Developing and implementing a workplace violence prevention plan (WVPP) either as a standalone document or as part of their required Injury and Illness Prevention Plan (IIPP).
- Training employees on the plan.
- Creating workplace violence incidence logs.
- Recordkeeping requirements.

You can use the following checklist to help establish and maintain your WVPP and related procedures.

Defining Workplace Violence

California's workplace violence prevention standards contain very specific terminology and definitions employers should be aware of and use where appropriate when creating their WVPP and violent incident logs, or otherwise complying with the law.

Workplace violence is defined as any act of violence or threat of violence that occurs in a place of employment, including:

- The threat or use of physical force directed at an employee with a high likelihood of causing injury, or that caused an injury, psychological trauma or stress.
- An incident involving the threat or use of a firearm or a dangerous weapon.

A **threat of violence** is an oral or written statement or any behavioral or physical conduct that conveys, or is reasonably perceived to convey, an intent to cause harm or fear of physical harm with no legitimate purpose. Oral or written statements include text messages, social media messages, and other electronic messages or online posts.

California law differentiates four different types of workplace violence. They are:

- "**Type 1 violence,**" which is 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;
- "**Type 2 violence,**" which is directed at employees by customers, clients, patients, students, inmates or visitors;
- "**Type 3 violence,**" which is committed against an employee by a present or former employee, supervisor or manager; and
- "**Type 4 violence,**" which is 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.

An employee need not suffer an actual injury for the act or threat to constitute workplace violence.

Lawful acts of self-defense or defense of others are not considered workplace violence.

Workplace Violence Prevention Coverage

- ☐ All employers and employees are covered unless in an exempt category below:
  - Health care facilities, service categories and operations subject to CalOSHA's Violence Prevention in Health Care regulation;
  - Other employers that comply with CalOSHA's Violence Prevention in Health Care regulation;
  - 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;
  - Facilities operated by the Department of Corrections and Rehabilitation; and
  - Law enforcement agencies.

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Workplace Violence Prevention Plan (WVPP)

Employers subject to the workplace violence prevention standards are required to create, maintain and implement a written WVPP, which may either be incorporated as part of your IIPP or be a separate document. In either approach, the plan must be readily available for review by employees, their representatives and Cal/OSHA, and it must address the following topics.

- ☐ Names or job titles of the people responsible for implementing the plan. If there are multiple people implementing the plan, their roles must be described in the plan.
- ☐ Procedures for obtaining employees' and authorized representatives' input, such as identification or correction of workplace violence hazards, when developing and implementing the plan.
- ☐ Methods to coordinate the plan with other employers and their employees as needed.
- ☐ Procedures to accept and respond to reports of workplace violence, and to prohibit retaliation for making a report.
- ☐ Procedures that ensure that supervisory and nonsupervisory employees comply with the plan, such as rewarding compliance or disciplining for violations.
- ☐ Procedures for communicating with employees regarding workplace violence matters, including, but not limited to, both of the following:
  - How an employee can report a violent incident, threat or other workplace violence concern to the employer or law enforcement without fear of reprisal.
  - How employee concerns will be investigated, and how employees will be informed of the investigation's results and any corrective actions.
- ☐ Procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:
  - Alerting employees of the presence, location and nature of workplace violence emergencies.
  - Evacuation or sheltering plans that are appropriate and feasible for the worksite.
  - Obtaining help from staff assigned to respond to workplace violence emergencies (if any), security personnel (if any) and law enforcement.
- ☐ Procedures to develop and provide training required under this law.
- ☐ Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections. Inspections must also 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 workplace violence hazard.
- ☐ Procedures to timely correct workplace violence hazards discovered during inspections.
- ☐ Procedures for post-incident response and investigation.
- ☐ Procedures to review the plan's effectiveness and revise it as needed. This includes, but is not limited to, reviewing the plan at least annually, reviewing when a deficiency is observed or becomes apparent, and reviewing after a workplace violence incident.
- ☐ Any other requirements Cal/OSHA implements.

Note: Ensure the plan is specific to the hazards and corrective measures for each work area and operation.

Workplace Violence Prevention Training

Employers must conduct training with employees about various aspects of the law, including:

- ☐ The employer's WVPP, 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;
- ☐ The WVPP's definitions and requirements;
- ☐ How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal;
- ☐ 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; and
- ☐ The violent incident log and how to obtain copies of records.

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Training must be conducted at the following times:

- ☐ Upon initial WVPP implementation (July 1, 2024).
- ☐ Annually after WVPP implementation.
- ☐ Periodically when changes to the WVPP are made and/or when a new threat has been recognized by the employer.

Workplace Violence Prevention Investigation and Incident Logs

Employers must investigate all incidents of workplace violence, the results of which must be kept as a log. To comply with this requirement, you may use CalChamber's Violent Incident Log (CalChamber members only) .

The violent incident log must include the following information (removing/omitting identifying and medical information):

- ☐ Date, time and location of the incident;
- ☐ Workplace violence type or types involved (i.e., violence type 1, 2, 3 and/or 4, described above);
- ☐ Detailed description of the incident;
- ☐ Information about the perpetrator of the incident (including whether an employee, former employee, person committing a criminal act, significant other to the victim, etc.);
- ☐ Type of violent incident, including whether it involved any of the following:
  - ☐ Physical attack without a weapon (e.g., punching, kicking, spitting, biting, choking, grabbing or pushing);
  - ☐ Attack with a weapon or object (e.g., firearm, knife, etc.);
  - ☐ Threat of physical force or threat of the use of a weapon or other object;
  - ☐ Sexual assault or threat of sexual assault (e.g., rape, attempted rape, physical display or unwanted verbal or physical sexual contact);
  - ☐ Animal attack; or
  - ☐ Other conduct.
- ☐ Action taken to prevent further harm to others (including security/law enforcement contacted, additional protective mechanisms utilized, etc.).

Workplace Violence Prevention Recordkeeping

You must keep the following records for the specific amount of time:

- ☐ WVPP training records – one year.
- ☐ Workplace violence hazard identification, evaluation and correction – five years.
- ☐ Workplace violence incident logs – five years.
- ☐ Workplace violence incident investigations – five years.

Records must be made available to Cal/OSHA upon request.

Except for the investigation records, these records must be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request.

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