

Cal/OSHA Workplace Violence Prevention for General Industry (Non-Health Care Settings)

Cal/OSHA has developed this webpage to serve as an overview of the new requirements found in [California Labor Code section 6401.9](#), resulting from [Senate Bill 553 \(Cortese\)](#). This webpage will also provide employers covered by these new requirements with guidance on how to protect their employees from workplace violence.

Cal/OSHA is currently working on developing a workplace violence prevention standard that meets the requirements of Labor Code section 6401.9 and will submit it to the Occupational Safety and Health Standards Board (OSHSB) no later than December 31, 2025.

OSHSB is required to adopt the standard no later than December 31, 2026.

On September 30, 2023, [California Senate Bill 553 \(Cortese\)](#) was signed into law and California Labor Code section 6401.9 will be in effect and enforceable on July 1, 2024. Employers that fall within the scope of this law must establish, implement, and maintain an effective written Workplace Violence Prevention Plan that includes but is not limited to the following:

- Identifying who is responsible for implementing the plan
- Involving employees and their representatives
- Accepting and responding to reports of workplace violence and prohibit employee retaliation
- Communicating with employees regarding workplace violence matters
- Responding to actual and potential emergencies
- Developing and providing effective training
- Identifying, evaluating, and correcting workplace violence hazards
- Performing post incident response and investigations



Workplace Violence Prevention in General Industry (Non-Health Care settings)

Employees including supervisors and managers can be victims of workplace violence, which entails a substantial risk of physical and emotional harm. Some of these incidents of workplace violence result in fatal injury, and others result in nonfatal injuries, requiring medical treatment, missed work, lost wages, and decreased productivity.

Information for Employers

All California employers must identify and correct workplace hazards in a timely manner and provide effective training to their employees to prevent injuries from occurring as a result of their employment. In addition, every employer must immediately report to Cal/OSHA any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment, and this includes incidents resulting from workplace violence.

What is Workplace Violence?

Per Labor Code section 6401.9, "workplace violence" is defined as any act of violence or threat of violence that occurs in a place of employment. This includes, but is not limited to, the following:

- 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.
- 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.
- The four types of workplace violence defined in Labor Code section 6401.9.

Note: "Workplace violence" does not include lawful acts of self-defense or defense of others.

According to the latest data, in 2021, 57 working people died from acts of workplace violence in California. In the United States, an average of 1.3 million nonfatal violent crimes in the workplace occurred annually from 2015

to 2019. For further details see [Indicators of Workplace Violence, 2019 \(published 2022\)](#) [↗](#).

To view highlights from the Indicators of Workplace Violence, 2019 report, visit the following Center for Disease Control and Prevention (CDC) weblink: [Highlights from a New Report on Indicators of Workplace Violence](#) [↗](#).

Types of Workplace Violence Per Labor Code Section 6401.9

When examining the circumstances associated with workplace assaults in California, acts of workplace violence events include four major types. However, workplaces may be subject to more than one type.

Type 1 Violence

"Type 1 Violence" means 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 include:

1. Retail robberies
2. Workplaces where employees or proprietors have face-to-face contact and exchange money with the public.
3. Robberies of delivery, taxicab, and ride-hailing drivers.
4. Janitors/maintenance workers
5. Threats and acts of violence directed at security guards.

Type 2 Violence

"Type 2 violence" means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

Examples of workplaces include:

1. Social welfare service providers in unemployment offices, welfare eligibility offices, homeless shelters, probation offices, and child welfare agencies;
2. Social welfare service providers while onsite and during visits at residences.

3. Teaching, administrative, and support staff in schools where students have a history of violent behavior; and
4. Other types of service providers, e.g., justice system personnel, customer service representatives, and delivery personnel.

Type 3 Violence

A "Type 3 violence" means 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, domestic partner, or manager of an individual who may be seeking revenge for what they perceive as unfair treatment at the workplace.

Type 4 Violence

"Type 4 violence" means 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.

Multiple Types of Workplace Violence Events

Some occupations and workplaces may be at risk of more than one type of workplace violence event.

For example, retail establishments at risk for Type 1 events, like convenience stores, can also be at risk for Type 3 events. A convenience store employee can be fatally injured at the workplace during a robbery (Type 1), or because of a personal dispute with a non-employee (Type 3).

What Can Be Done to Reduce Workplace Violence?

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 which 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 not limited to:

1. Exchange of money.
2. Working alone.
3. Working at night and during early morning hours.
4. Availability of valued items, e.g., money and jewelry.
5. Guarding money or valuable property or possessions.
6. Performing public safety or social welfare functions in the community.
7. Working with clients, passengers, customers, or students known or suspected to have a history of violence; or
8. Employees with a history of assaults or who have exhibited belligerent, intimidating, or threatening behavior to others.

Workplace Violence Prevention Plan (WVPP)

Employers are required to address workplace violence hazards to protect employees and comply with the regulatory requirement of establishing, implementing, and maintaining an effective written workplace violence prevention plan (WVPP). See [Cal/OSHA's Model written Workplace Violence Prevention Plan for General Industry \(Non-Health Care settings\)](#), which is available for use by employers as a resource guide.

Per LC 6401.9, employers must include the following required elements and effective procedures in their establishment's written Workplace Violence Prevention Plan (WVPP) or include them as a separate section in their IIPP for Workplace Violence Prevention:

- Names/Titles of persons responsible for implementing the written WVPP.
- Procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the WVPP.
- Methods the employer will use to coordinate implementation of the plan with other employers.
- Procedures to ensure that all employees (supervisory and nonsupervisory), comply with the WVPP.
- Procedures to communicate and provide training to employees on workplace violence.
- Procedures to identify, evaluate and correct workplace violence hazards.

- Procedures on how to respond to actual or potential workplace violence, and how to accept and respond to reports of workplace violence, including procedures to prohibit retaliation against employees for reporting workplace violence.
- Procedures for post-incident response and investigation.
- Procedures to review WVPP for effectiveness and revise the plan as needed.
- Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees.
- Employers can prevent and reduce the risk of workplace violence with an established, effectively implemented, and maintained WVPP, along with strong management commitment and the day-to-day involvement of all employees and their authorized representatives.

What Should Employers Do If an Employee Is Injured Due To Workplace Violence?

- Ensure employees receive timely and appropriate medical treatment.
 - Employers must ensure all needed medical care is provided through the employer's workers compensation insurance provider.
 - Employers must give employees notice of workers' compensation eligibility within one working day of a workplace violence incident.
 - See further information from the [Division of Workers Compensation](#).
- Record required information about the violent incident in the employer's violent incident log.
- Investigate and evaluate the workplace violence incident and determine and implement changes needed to reduce workplace violence hazards in the workplace.
- Review the effectiveness of the written workplace violence prevention plan and revise the plan if necessary.
- Report all serious injuries and deaths, as defined in [title 8, section 330\(h\)](#), to Cal/OSHA in accordance with [title 8, section 342\(a\)](#).
- Complete the ["Employer's Report of Occupational Injury or Illness" \(Form 5020\)](#) for each injury or illness that results in lost time beyond the date of the incident or requires medical treatment beyond first aid.

- Record all cases on the [Cal/OSHA Form 300](#).


What Records Must Employers Keep on Workplace Violence?

- Records of workplace violence hazard identification, evaluation, and correction, for a minimum of five years.
- Workplace violence prevention plan training records for a minimum of one year.
- Violence Incident Logs for a minimum of five years.
- Records of workplace violence incident investigations for a minimum of five years.
- Cal/OSHA Form 300 for five years.

Who Has Access to Workplace Violence Records?

- All records of workplace violence hazard identification, evaluation, and correction, as well as training records and violent incident logs, shall be made available to employees and their authorized representatives, upon request and without cost, for examination and copying within 15 calendar days of a request.
- All workplace violence records, including violent incident investigations shall be made available to the division upon request.

Applicable Regulations Can Be Found in the California Code of Regulations (CCR), Title 8 Sections Listed Below:

[California Senate Bill 553](#)  text: *Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.*

Requirements for every employer to establish, implement, and maintain a written [Injury and Illness Prevention Program \(IIPP\): California Code of Regulations, title 8, Section 3203](#)

Requirements for workplace violence prevention in Health Care: [California Code of Regulations, title 8, Section 3342 \(Violence Prevention in Health Care\)](#)

Requirements of reporting serious injuries/illnesses and fatalities as a result of workplace violence as required by 342: [California Code of Regulations,](#)

[title 8, section 342](#)

Requirement for employers to record work-related fatalities, injuries, and illnesses: [California Code of Regulations, title 8, section 14300](#) (Employer Records-Log 300)

More Resources

[Cal/OSHA Publications webpage](#)

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

[Workplace Violence Prevention in General Industry \(Non-Health Care Settings\) Fact Sheet for Workers](#)

[Workplace Violence Prevention in General Industry \(Non-Health Care Settings\) Fact Sheet for Employers](#)

[Workplace Violence Prevention in Agricultural Operations Fact Sheet for Workers](#)

[Workplace Violence Prevention in Agricultural Operations Fact Sheet for Employers](#)

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

[Occupational Violence \(The National Institute for Occupational Safety and Health\) 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.](#) [↗](#)

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

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

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