

Workplace Violence Prevention Program

About Kirk



- **Safety Analyst**
- **Degree: Risk Management and Insurance**
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“Safety doesn’t happen by accident”

Author: Unknown



AGENDA

- Overview of SB 553
- Legal Requirements for the Workplace Violence Prevention Plans
- Cal/OSHA FAQ about WVPP
- Preliminary Steps for Implementation

SB 553 WVPP-How it Started

- May 6, 2021- Mass Shooting at Santa Clara Valley Transportation Authority railyard in San Jose
 - A 57-year-old VTA employee shot and killed 9 employees and then himself
 - Deadliest mass shooting in the history of the SF Bay Area
 - The perpetrator's ex-wife said he had talked about killing people at his workplace more than a decade prior to the mass shooting.
 - The perpetrator had patterns of insubordination and was involved in verbal altercations with co-workers.
 - The perpetrator was angry over policy changes such as no longer being able to cash out unused vacation days.
 - Santa Clara County enacted many new gun laws due to this mass shooting



SB 553 WVPP-How it Started

- Senator Dave Cortese proposed SB 553 and Governor Gavin Newsom signed into law September 30, 2023
- The law addresses two primary areas:
 - New Workplace Violence Prevention Requirements, effective July 1, 2024
 - SB553 is now codified in California Labor Code Section 6401.9
 - Expanding temporary restraining orders effective January 1, 2025



Workplace Violence Preventive Program

- Existing Law: Cal/OSHA requires all employees to establish, implement, and maintain an effective Injury and Illness Prevention Plan.
- By July 1, 2024, Employers must establish, implement, and maintain effective workplace violence prevention plans.
- The WVPP may be part of the IIPP or as a stand-alone document.
- Teleworking is excluded: Working from a location of the employee's choice, which is not under the employer's control.
- Employers with less than 10 employees and no public access is excluded. (Park Districts are not excluded since there is public access)



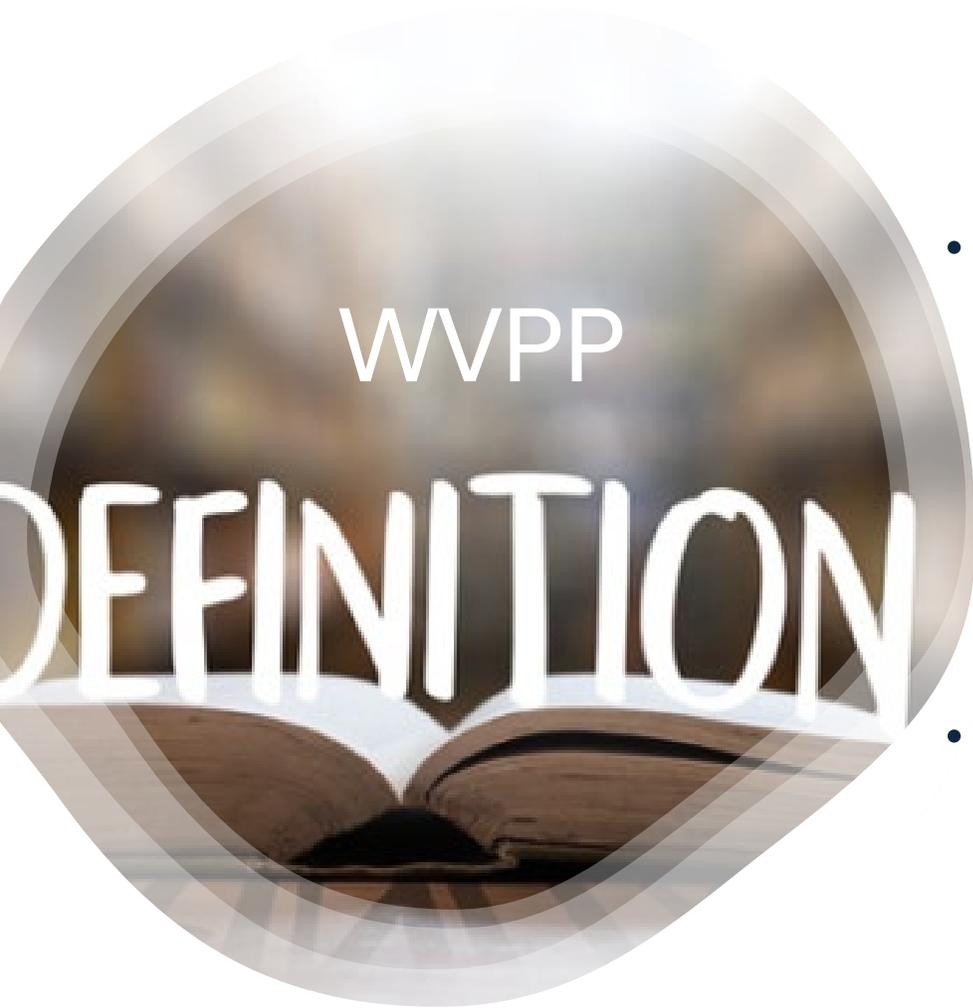
Workplace Violence Preventive Program

- The WVPP may be incorporated as a stand-alone section in the IIPP- California Code or Regulations (CCR) Title 8, Section 3203.
- An employer shall establish, implement, and maintain an effective WVPP
- The plan shall be:
 - In writing
 - Available and easily accessible to employees
 - In effect at all times and in all work areas
 - Specific to the hazards and corrective measures for each work area and operation

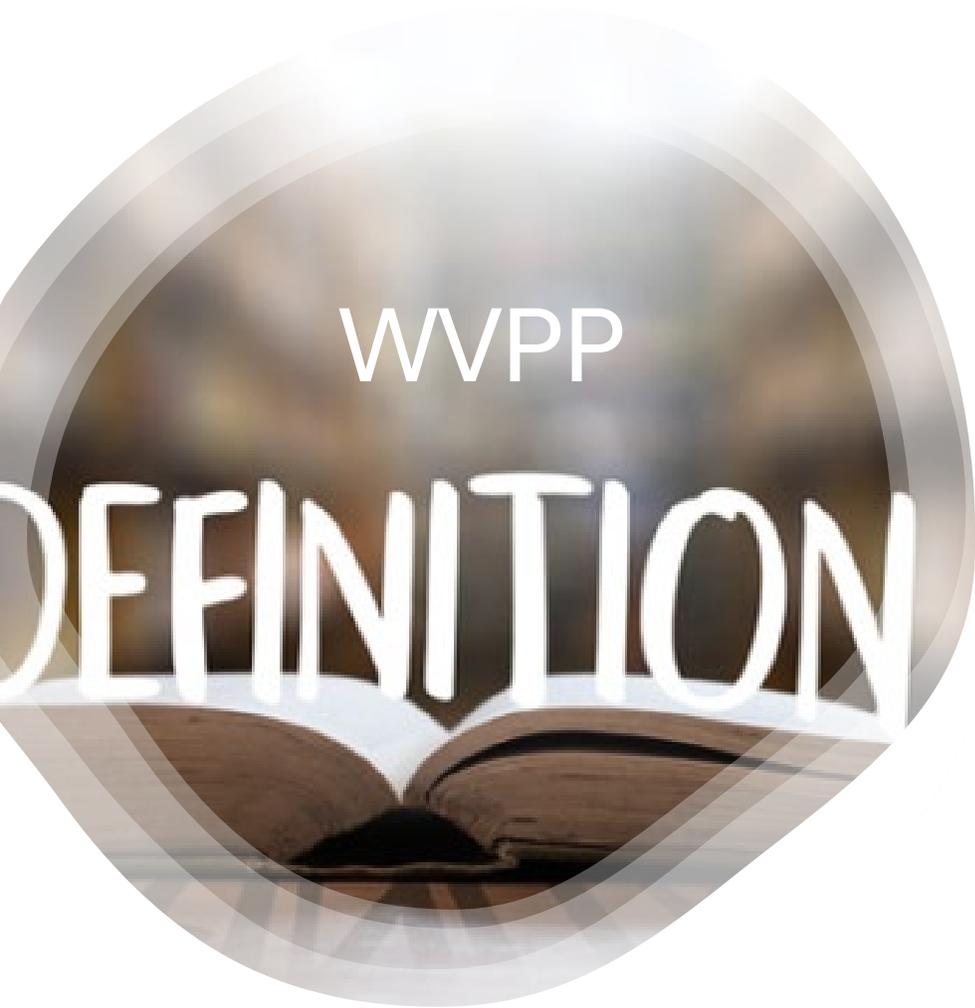


IIPP Required Components

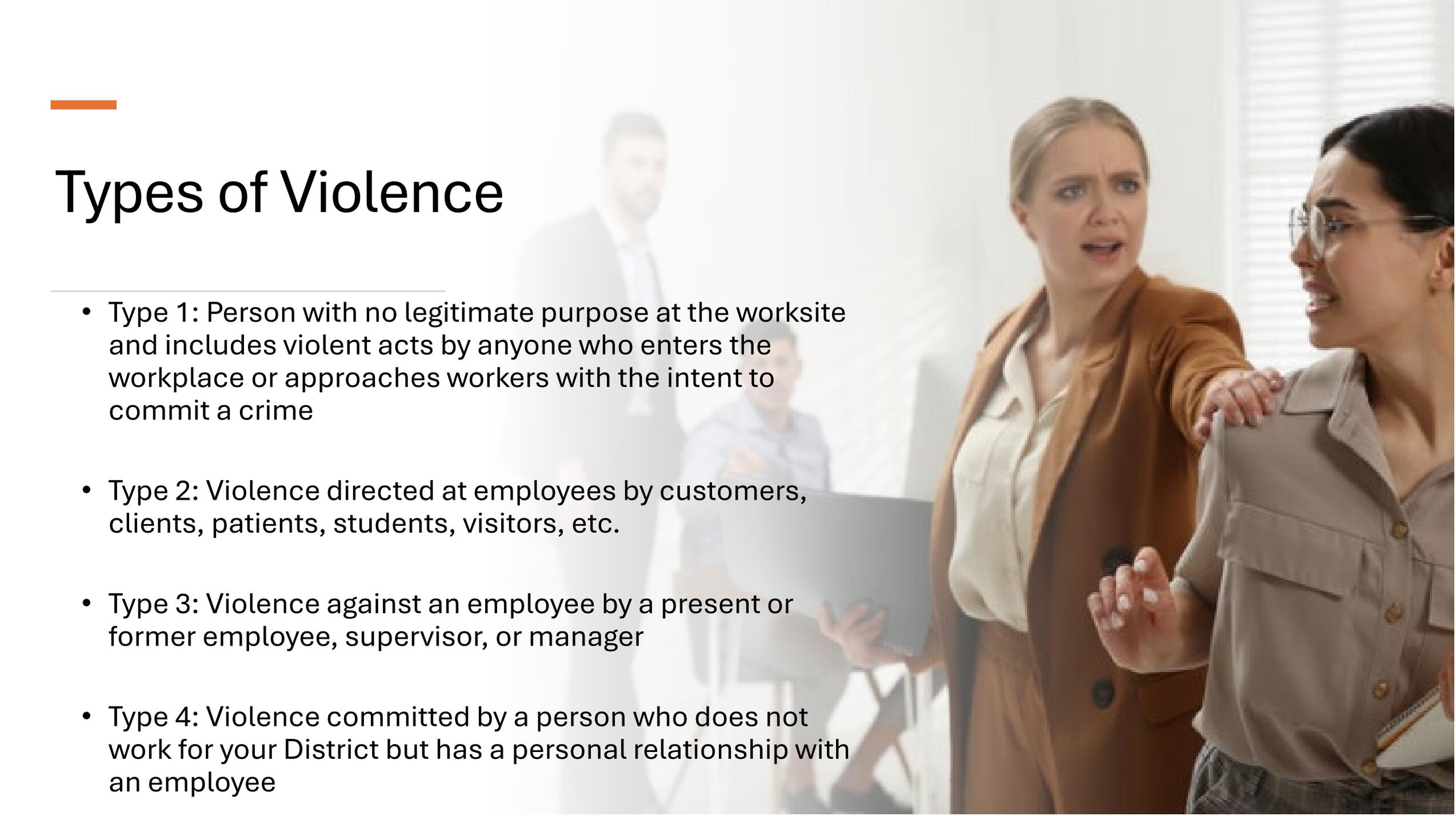
1. Management Commitment/Assignment of Responsibility
2. A System for Assuring Employee Compliance with Safe Work Practices
3. Safety Communication System with Employees
4. Scheduled Inspections/Hazard Evaluation System
5. Accident Investigation
6. Procedures for Correcting Unsafe and Unhealthy Conditions
7. Safety and Health Training
8. Employee access to the IIPP
9. Record Keeping and Documentation



- **Emergency:**
 - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons
- **Threat of Violence:**
 - Any verbal or written statement (Not limited to text, electronic messages, messages through social media, any other online posting).
 - Physical Conduct that conveys an intent or reasonably perceived to convey an intent to cause physical harm or to place someone in fear of physical harm that serves no legitimate purpose
- **Serious Injury or Illness:**
 - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone



- **Workplace Violence:**
 - Any act of violence or threat of violence that occurs in a place of employment
 - Threat or use of physical force against an employee that results in, or has a high likelihood or resulting in, injury, psychological trauma, or stress regardless of whether the employee sustained an injury
 - An incident involving a threat or use of a firearm or dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustained an injury
 - Does not include lawful acts of self-defense or defense of others
 - Types 1, 2, 3, or 4 violence



Types of Violence

- Type 1: Person with no legitimate purpose 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 directed at employees by customers, clients, patients, students, visitors, etc.
- Type 3: Violence against an employee by a present or former employee, supervisor, or manager
- Type 4: Violence committed by a person who does not work for your District but has a personal relationship with an employee

Required Components of the WVPP

1. Identify person(s) and job title(s) responsible for implementing the plan
2. Procedures to effectively obtain active involvement of employees and authorized employee representatives in developing and implementing the plan
 - This is through participation in identifying, evaluating, and correcting workplace violence hazards for designing and implementing training and in reporting and investigating workplace violence incidents.

Required Components of the WVPP

3. District need coordination with other employers, as applicable, to ensure those employers and employees understand their respective roles, as provided in the plan. (Working with the police)

4-6. District needs effective procedures:

- Accept and Respond to Workplace Violence Reports and Prohibit Retaliation
- Ensure Compliance by Supervisors and Nonsupervisory Employees (Consistent with Existing Regulations)
- Communicate with Employees that should include how to report an incident, threat, or concern to the District or law enforcement without fear of reprisal.
- How concerns will be investigated and how employees will be informed of results and any corrective actions taken as part of the District's responsibilities under the statute

Required Components of the WVPP

7. Your District should have effective procedures to respond to actual or potential workplace violence emergencies
 - Means to alert employees or where the violence is occurring, and the nature of the emergency
 - Means to alert employees where to evacuate and sheltering plans
 - Means of how to obtain help from assigned staff and security personnel/law enforcement
- 8-10. Your District should have procedures to develop and provide training, hazard assessment to identify and evaluate workplace violence hazards, and procedures to correct the hazards
11. Your District should post incident response and investigation
12. Your District should have an annual review of the WVPP effectiveness, after a Workplace Violence incident, with procedures to obtain active involvement or employees and employee representatives
13. *Any other requirements by Cal/OSHA

A silver metal clip is holding a document. The document has the title "Hazard Assessment" written in a large, bold, sans-serif font. Below the title, there is some blurred text, likely placeholder text. The background is a light, neutral color.

WVPP Hazard Assessment

- Must be Conducted to Identify and Evaluate the Workplace to help identify situations that may place employees at risk of workplace violence
- Identify risk factors that may increase the District's vulnerability to workplace violence events
- Identify physical and process vulnerabilities
- Developing a corrective action program



- Districts shall provide “effective” training when the plan is established and annually thereafter. Training should consist of:
 - How to obtain a copy of the WVPP and how to participate in the development and implementation of the employer’s plan
 - Important definitions of workplace violence
 - How to report workplace violence incidents and concerns
 - Workplace hazards specific to the employee’s jobs and provide customized training
 - Incident Log



TRAINING

- Districts shall provide “effective” training when the plan is established and annually thereafter. Training should consist of:
 - Specific workplace violence hazards and corrective measures the employer has implemented
 - Strategies to avoid physical harm
 - Opportunities for interactive questions and answers with a person knowledgeable about the plan
 - Additional training required as new hazards arise
 - Training records must be maintained for a minimum of 1 year

Violent Incident Log

Your District has obligations to record every workplace violence incident in an “Incident Log.”

Labor Code 6401.9, subd, (d)

- Based upon information solicited from employees who experienced or witnessed the incident, their witness statement, and investigation findings
- District shall omit personal identifying information sufficient to all identification of any person involved
- Documentation should include date, time, location, violence type, incident description, working conditions at the time of the incident, and if law enforcement was involved
- Classification of who committed the violence- client, family, coworker, etc.
- Consequences of the incident including whether security or law enforcement was contacted, and actions taken to protect the employee

WORKPLACE VIOLENT INCIDENT LOG

This form must be completed for every record of violence in the workplace.

Violent Incident Log

- Your District has obligations to record every workplace violence incident in an “Incident Log.
- Labor Code 6401.9, subd, (d)

Incident ID #*:	Date and Time of Incident:	Department:
* Do not identify employee by name, employee #, or SSI. The Incident ID must not reflect the employee's identity.		
Describe Incident (provide detailed description and information on the violence incident type. Include additional pages if needed):		
Specific Location(s) of Incident & Workplace Violence Type (see definitions, enter 1, 2, 3 or 4)		
	<input type="checkbox"/> 1	<input type="checkbox"/> 2
	<input type="checkbox"/> 3	<input type="checkbox"/> 4
Where Incident Occurred:		
<input type="checkbox"/> Workplace	<input type="checkbox"/> Parking lot	<input type="checkbox"/> Outside of Building
<input type="checkbox"/> Outside of workplace		
Type of Incident (check as many apply):		
<input type="checkbox"/> Robbery	<input type="checkbox"/> Grabbed	<input type="checkbox"/> Pushed
<input type="checkbox"/> Verbal threat/harassment	<input type="checkbox"/> Kicked	<input type="checkbox"/> Scratched
<input type="checkbox"/> Sexual threat/harassment/assault	<input type="checkbox"/> Hit with an object	<input type="checkbox"/> Bitten
<input type="checkbox"/> Animal attack	<input type="checkbox"/> Shot (or attempted)	<input type="checkbox"/> Slapped
<input type="checkbox"/> Threat of physical force	<input type="checkbox"/> Bomb threat	<input type="checkbox"/> Hit with fist
<input type="checkbox"/> Threat of use of weapon or object	<input type="checkbox"/> Vandalism (of victim's property)	<input type="checkbox"/> Knifed (or attempted)
<input type="checkbox"/> Assault with a weapon or object	<input type="checkbox"/> Vandalism (of employer's property)	<input type="checkbox"/> Arson
<input type="checkbox"/> Robbery	<input type="checkbox"/> Other:	
Workplace violence committed by:		
<input type="checkbox"/> Family or friend	<input type="checkbox"/> Client	<input type="checkbox"/> Coworker
<input type="checkbox"/> Partner/Spouse	<input type="checkbox"/> Family or friend of client	<input type="checkbox"/> Manager/Supervisor
<input type="checkbox"/> Former Partner/Spouse	<input type="checkbox"/> Customer	<input type="checkbox"/> Stranger w/criminal intent
<input type="checkbox"/> Parent/Relative	<input type="checkbox"/> Family or friend of customer	<input type="checkbox"/> Other:
Circumstances at time of incident:		
<input type="checkbox"/> Employee performing normal duties	<input type="checkbox"/> Working in poor lighting	<input type="checkbox"/> Employee rushed
<input type="checkbox"/> Employee isolated or alone	<input type="checkbox"/> Unable to get help or assistance	<input type="checkbox"/> Working during low staffing levels
<input type="checkbox"/> Working in a community setting	<input type="checkbox"/> Working in unfamiliar/new location	<input type="checkbox"/> Other:
Consequences of incident:		
Law enforcement/Security called? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, explain:		
Were actions taken to protect employees from continuing threat or other hazards? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, explain:		
Any injuries? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, explain:		
Emergency medical responders contacted, including on-site First Aid/CPR? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, explain:		
Did severity of injuries require reporting to Cal/OSHA? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, enter date, time, and representative contacted:		
Completed by:		
Name:		Title:
Date:	Signature	

Retention and Regulations

- Records Retention
 - 5 Years – Hazard related records, incident logs, and investigations
 - Incident log must be reviewed at least annually and retained for 5 years
 - Provide the same records within 15 calendar days to employees and/or employee representatives
 - Training records must be maintained for a minimum of 1 year
- Enforcement
 - Cal/OSHA Penalties for non-compliance
- Regulations
 - Cal/OSHA to propose by 12/31/2025 and adopt by 12/31/2026 “Standards regarding the WVPP.”





FAQs about WVPP

- Question: Does the employee-involvement requirement in a District's WVPP also apply to non-union worksites?

- Answer: Yes, The requirements of Labor Code 6401.9 apply to all California employees, places or employment, and employer-provided housing except those covered in Labor Code 6401.9 (b)(2)(A) through (F).



FAQs about WVPP

- Question: Do elected officials and volunteers need to be trained on the WVPP?
-
- Answer: No, employers are only required to provide training to employees. However, it would be prudent for Districts to ensure that proper action is taken in response to any threats of violence or incidents of workplace violence directed at these individuals.



FAQs about WVPP

- Question: Does your District have to implement a workplace violence reporting system for employees to be able to report potential or actual violent incidents anonymously?
-
- Answer: No, per Labor Code 6401.9 (c)(2)(f) Districts are only required to have a system for communicating with employees on matters relating to occupational safety and health. This includes provisions designed to encourage employees to inform their employer of hazards at the worksite without fear of reprisal. This could also include a system of anonymous notification by employees about hazards.

FAQs about WVPP

- Question: Are workplace violence incidents also required to be entered on the log or work-related injuries and illnesses (Cal/OSHA Form 300)?
- Answer: This depends.
 - All workplace violence incidents are required to be documented in the violent incident log.
 - Districts are required to record information on the Cal/OSHA Form 300 about every work-related death and work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid, including those as a result of workplace violence.
 - Districts must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional.
 - Districts must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in CCR Title 8 14300.8 through 14300.12.



FAQs about WVPP

- Question: Will there be opportunity for public comment during future Cal/OSHA rulemaking on workplace violence?
-
- Answer: Yes- At this time Cal/OSHA is working on a draft for Title 8 regulations for workplace violence prevention for general industry. The Occupational Safety and Health Standard Board (OSHSB) anticipates having the first advisory meeting on the proposed regulations in this 2nd quarter of 2024.

Implementing the WVPP by July 1, 2024

- District needs to build a team
 - Have Internal and External Individuals Responsible for developing the WVPP
 - Risk Management
 - Leadership
 - Legal Counsel
 - Employees
- Schedule an Initial Planning Meeting
 - Identify any available and needed resources
 - Allocate roles and responsibilities
 - Review and analyze your District's existing IIPP and Safety Plans to help establish your WVPP
 - Implement a committee to include management, employees, etc.

Implementing the WVPP by July 1, 2024

- District needs to notify the union of the WVPP Implementation and Request to Meet and Confer regarding any impacts
 - The development and implementation is the District's responsibility per statute but there could be likely impacts to matters within the scope of representation
 - An invitation to the Implementation Committee
- Prepare Draft of WVPP
 - Cal/OSHA has Model WVPP on their website
 - CAPRI Portal has Cal/OSHA's Model WVPP
- Implementation Committee
 - Finalize The Workplace Violence Prevention Plan
 - Develop Training

Preliminary Steps for Implementing the WVPP

- Timing of Training
 - Labor Code Section 6401.7(b) – The employer shall train all employees when the training program is first established, all new employees, and all employees given a new job assignment, and shall train employees whenever substances, processes, procedures, hazards, equipment are introduced to the workplace
 - Labor Code Section 6401.7 (2)(c)(1)(H) – The plan shall include all the following....procedures to develop and provide the training required in subdivision (e)

Preliminary Steps for Implementing the WVPP

- Timing of Training
 - Labor Code Section 6401.7 (e)(1)-(3) – The employer shall provide effective training to employees, as specified[herein] and the employer shall provide employees with initial training when the plan is first established, and annually thereafter, when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan; such training may be limited to the changes made
 - Labor Code Section 6401.7(i) – Subdivisions (b) to (g) inclusive, shall be operative on or after July 1, 2024

Hazard Assessment and Correction Form

This checklist is designed to evaluate the workplace and job tasks to help identify situations that may place employees at risk of workplace violence

Step 1: Identify risk factors that may increase the District's vulnerability to workplace violence events

Step 2: Conduct a workplace assessment to identify physical and process vulnerabilities

Step 3: Develop a corrective action plan with measurable goals and target dates

Hazard Assessment and Correction Form

STEP 1: Identify Risk Factors that may Increase the District's Vulnerability to Workplace Violence Events

Yes	No	Risk Factors	Comments
		Does staff have contact with the public?	
		Does staff exchange money with the public?	
		Does staff work alone?	
		Does staff enter areas with high crime rates?	
		Do any employees have a history of threats of violence?	

Hazard Assessment and Correction Form

STEP 2: Conduct a Workplace Assessment to Identify Physical and Process Vulnerabilities

Yes	No	Building Interior	Comments
		Are employees ID badges required?	
		Are employees notified of past workplace violence events?	
		Are areas where money is exchanged visible to others?	
		Could someone hear an employee who called for help?	
		Are waiting and work areas free of objects that could be used as a weapon?	

Hazard Assessment and Correction Form

STEP 2: Conduct a Workplace Assessment to Identify Physical and Process Vulnerabilities

Yes	No	Building Exterior/ Parking Lot	Comments
		Do employees feel safe walking to and from the workplace?	
		Is video surveillance provided outside the building?	
		Is there enough lighting to see clearly?	
		Are security personnel provided outside the building?	
		Are entrances to the building clearly visible from the street?	

Hazard Assessment and Correction Form

STEP 2: Conduct a Workplace Assessment to Identify Physical and Process Vulnerabilities

Yes	No	Security Measures	Comments
		Is there a response plan for workplace violence emergencies?	
		Are there physical barriers? (Between staff and clients)	
		Are there security cameras?	
		Are there panic buttons/alarm systems?	
		How to employees access the buildings?	

Hazard Assessment and Correction Form

STEP 3: Develop Corrective Action Plan with Measurable Goals and Target Dates

Type	Action Item	Person(s) Responsible	Target Date	Status	Comments



- Cal/OSHA just published a [Model Workplace Violence Prevention Plan](#) that you can find on their website as well as within our CAPRI Portal under [Forms Manuals, and Templates](#)
- The Model WVPP is designed to assist our Districts in drafting their own plans. Districts are not required to use Cal/OSHA's model but may use it as a template
- The Model WVPP has many questions and examples for Districts to consider when they assess the risks of their workplaces