

# Client Insight: California Companies Must Comply with July 1 Workplace Violence Prevention Plan Deadline

Insights

May 29, 2024

California employers must take immediate action to comply with a new California workplace safety program, if they haven't done so already. By July 1, 2024, almost all California employers, with a few exceptions, must develop and implement a workplace violence prevention plan ("WVPP") that satisfies the minimum requirements under California Labor Code section 6401.9.

## **Are There Exemptions to California Labor Code Section 6401.9?**

Yes, the following employers are exempt from the requirements of California Labor Code section 6401.9:

- Employers covered by existing workplace violence prevention requirements under California law. This includes, but is not limited to, healthcare facilities, home healthcare and home-based hospice, emergency medical services and medical transport, drug treatment programs, and outpatient medical services in correctional and detention settings.
- Certain public agency employers.
- Employees teleworking from a location of their own choice that is not under the employer's control.
- Places of employment where there are fewer than 10 employees working at the place at any given time and that are not accessible to the public.

All other California employers with employees working in the state must adopt and implement a WVPP.

### **What Are the Requirements of a WVPP?**

Covered employers are required to establish, implement, and maintain an effective written WVPP that is specific to the hazards and correction measures for each work area and operation. The plan requires:

- Designating persons responsible for the plan.
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan.
- Methods the employer will use to coordinate implementation of the plan with other employers, when applicable.
- Effective procedures for the employer to accept and respond to reports of workplace violence, and to prohibit retaliation against an employee who makes such a report.
- Effective procedures to communicate with employees regarding workplace violence, including: how to report a violent incident, threat or other workplace violence concern; effective means to alert employees to the presence of a workplace violence emergency; and how to obtain help from staff assigned to respond and/or law enforcement.
- Procedures to identify and evaluate workplace violence hazards, including scheduled periodic inspections, and to correct any identified hazards.
- Procedures for post-incident response and investigation.
- Procedures to review and revise the plan as needed, including with the active involvement of employees and authorized employee representatives.
- Initial training about the plan when first established and annual training.

Cal/OSHA published a fact sheet and FAQs, which can be accessed [here](#) and [here](#), respectively.

### **What Does the Initial and Annual Training Require?**

Covered employers must provide effective training and ensure that training materials are easy to understand and match the workers' education level, reading skills, and

language. The training requirement does not apply to employees not in California. The training includes:

- Familiarizing employees with the plan, how to obtain a copy of the plan, and how to participate in the development and implementation of the employer's plan.
- Definitions and requirements of California Labor Code section 6401.9.
- How to report workplace violence incidents without fear of retaliation.
- Understanding of job-specific violence hazards and preventive measures.
- Purpose of the violent incident log and how to obtain related records.
- Opportunities for interactive discussions with someone knowledgeable about the employer's plan.

When new or previously unidentified workplace violence hazards are discovered, or changes are made to the plan, covered employers should provide additional training that focuses on the specific hazard or plan modifications. To help clients meet these training requirements, Gunderson's employment and labor group have developed template training documents.

### **Are There Any Recordkeeping Requirements?**

The WVPP should be accessible to employees, authorized employee representatives, and Cal/OSHA representatives. Covered employers are required to create certain records and maintain them for the following lengths of time:

- Records of workplace violence hazard identification, evaluation, and correction must be created (maintained for at least five years).
- Training records must be created (maintained for one year).
- Violent incident logs must be created (maintained for at least five years).
- Records of workplace violence incident investigations must be created (maintained for at least five years).

Covered employers should conduct a specific assessment on their workplaces and develop a strategy regarding how and when to adopt and implement a WVPP.

If you would like assistance with creating a WVPP or related template training materials, Cal/OSHA has great materials and samples that can be accessed here:

[Cal/OSHA Workplace Violence Prevention Guidance and Resources](#). Alternatively, if you would like to consult with Gunderson's Employment & Labor Group regarding a WVPP and template materials we've created, follow this link: [Gunderson's WVPP Toolkit SMART Request](#).

If you have any other questions or concerns, please contact your Gunderson attorney directly.

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