



Robert Ayers

Partner
307.734.4514
Jackson Hole
RDayers@hollandhart.com

Looming Deadline for California Employers to Implement a Workplace Violence Prevention Program

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Starting July 1, 2024, California will begin requiring employers to implement a workplace violence prevention program.

What are the New Requirements?

California already requires nearly all employers to implement an Injury & Illness Prevention Plan ("IIPP") that promotes "safe and healthy work practices." The new mandate compels California businesses to also create a "workplace violence program" addressing "any act of violence or threat of violence that occurs in a place of employment... that results in, or has a high likelihood of resulting in, injury, psychological trauma or stress." Employers must adhere to certain recording, recordkeeping, and training requirements related to their workplace violence prevention plan. The plan need not address remote workers, as long as they are "working from a location of the employee's choice" that "is not under the control of the employer."

Is My Business Exempt from Complying?

The following are exempt from complying with the workplace violence prevention requirements:

- Health care facilities, service categories, and operations covered by 8 CCR § 3342, "Violence Prevention in Healthcare."
- Employers that comply with 8 CCR § 3342, "Violence Prevention in Healthcare."
- Certain public agencies, such as the Department of Corrections and Rehabilitation and law enforcement agencies.
- Employees teleworking from a location of the employee's choice, which is not under the control of the employer.
- Workplaces with fewer than 10 employees working at any given time that are not accessible to the public and that are compliant with 8 CCR § 3203, "Injury and Illness Prevention Program."

With regard to the health care facility exemption, 8 CCR § 3342 already requires health care facilities to utilize a workplace violence prevention program. Therefore, the only private, employer-controlled workplaces in California that do not need a workplace violence prevention program by

July 1 are workplaces that are not publicly accessible, never have more than nine employees working at the same place simultaneously, and have an injury and illness prevention program in compliance with 8 CCR § 3203.

How Should My Business Prepare?

If you are a California business not subject to the above exemptions, you must have a written workplace violence prevention program implemented by July 1, 2024. The plan can either be a standalone document or incorporated into an existing IIPP. Failure to do so may result in an enforcement action from Cal/OSHA.

Employers should review the new workplace violence program requirements in Labor Code section 6401.9 to ensure their written program is compliant. This is also a good time to assess your existing IIPP to ensure it effectively addresses injury and illness risks at your business and confirm it complies with California law.

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