

Alert | OSHA



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California Employers Soon May Be Subject to a Workplace Violence Safety Standard

On May 17, 2022, the California Division of Occupational Safety and Health (Cal/OSHA) released a **draft regulation** for workplace violence prevention that applies to all California employers, with only limited exceptions. Cal/OSHA is seeking input from interested parties by July 18, 2022.

Currently, Cal/OSHA's workplace violence regulations only apply to employers in the health care industry. For non-health-care industries, Cal/OSHA regulates workplace violence using the employer's obligation to regularly identify and evaluate workplace hazards under Section 3203 of Cal/OSHA's Injury and Illness Prevention Standard.

Though Cal/OSHA has sought comment regarding its draft regulation, it is uncertain how quickly the rule-making process will proceed.

The draft regulation defines workplace violence broadly. It includes threats 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. It also includes an incident involving the 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.

Under the draft regulation, employers would need to:

- Establish, implement, and maintain an effective Workplace Violence Prevention Program, similar to the requirements for an Injury Illness Prevention Program. The plan would have to include, among other things:
 - Procedures to communicate with employees regarding workplace violence matters (i.e., how to report a violent incident or concern of violence and how such concerns will be investigated)
 - Procedures to respond to workplace violence emergencies (i.e., how employees will be alerted about workplace violence emergencies, and evacuation and sheltering plans)
 - Procedures to identify workplace violence hazards, including periodic inspections to identify unsafe conditions and work practices
- Develop a procedure for responding to a workplace emergency.
- Provide training to employees regarding the contents of the Workplace Violence Prevention Program and handling workplace violence.
- Record incidents of violence in an incident log. However, employers who have not had a workplace violence incident in the last five years would not need to maintain a log.

As employers monitor Cal/OSHA's rulemaking process for a workplace violence standard, they may wish to identify factors in the workplace for potential workplace violence. Should such factors exist, employers may consider incorporating information, policies, and procedures into their already existing Injury and Illness Prevention Programs, such as (1) a system for communicating with employees about workplace security hazards and how employees can report workplace violence or workplace violence concerns; (2) procedures to periodically inspect the worksite to identify potential workplace security hazards; (3) procedures for investigating instances of workplace violence or threats of workplace violence; and (4) procedures for correcting workplace security hazards to ensure employees are protected from physical retaliation for reporting threats of workplace violence.

Authors

This GT Alert was prepared by:

- **Adam Roseman** | +1 215.988.7826 | rosemana@gtlaw.com
- **Michael T. Taylor** ‡ | +1 703.749.1387 | taylormt@gtlaw.com

‡ Admitted in the District of Columbia. Not admitted in Virginia. Practice in Virginia limited to federal OSHA and proceedings before federal agencies.

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