

Cal/OSHA and Workplace Violence Prevention: What Is an Employer's Duty Under Current Standards and Guidelines?

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Workplace violence is a growing concern in California and across the country, as evidenced by numerous recent tragic incidents in the news. These recent incidents may highlight for employers the importance of [taking steps](#) to prevent and respond to workplace violence, and they may also leave employers wondering about their obligations under workplace safety laws with regard to workplace violence prevention.

Currently, the California Division of Occupational Safety and Health (Cal/OSHA) has specific workplace violence prevention standards applicable only to the [health care industry](#).

However, California Labor Code section 6400 provides that employers are required to “furnish employment and a place of employment that is safe and healthful for the employees therein,” which is commonly referred to as California’s “general duty” clause. Moreover, employers are [required](#) to implement written plans to prevent and respond to workplace hazards, which may also include workplace violence, depending on the individual circumstances. As workplace violence incidents increase across the country, Cal/OSHA could take the position that notwithstanding the absence of specific workplace violence prevention regulations applicable to the general industry, employers should address workplace violence as a part of a potential recognized hazard.

Cal/OSHA’s long-standing [guidance on workplace violence preventive measures](#) includes the following factors for employers to consider when assessing workplace security issues:

1. “Exchange of money;
2. Working alone at night and during early morning hours;
3. Availability of valued items, e.g., money and jewelry;
4. Guarding money or valuable property or possessions;
5. Performing public safety functions in the community;

6. Working with patients, clients, passengers, customers or students known or suspected to have a history of violence; or
7. Employees with a history of assaults or who have exhibited belligerent, intimidating or threatening behavior to others.”

In May 2022, Cal/OSHA [proposed](#) a workplace violence prevention regulation applicable to all industries. The proposed regulation would require employers to implement additional measures to prevent and respond to workplace violence, including:

1. assessing the workplace for hazards related to workplace violence;
2. developing and implementing a workplace violence prevention program;
3. providing training and education to employees on workplace violence prevention;
4. establishing procedures for responding to incidents of workplace violence; and
5. providing appropriate resources and support to employees who are affected by workplace violence.

With recent workplace violence incidents in the news, employers may want to consider the steps they are taking to prevent incidents of workplace violence.

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