

California's Workplace Violence Bill Heavily Amended for Virtually All Employers

Article By:

Karen Tynan

Robert C. Rodriguez

On February 15, 2023, California State Senator Dave Cortese (D-15) introduced [Senate Bill \(SB\) No. 553](#), which originally aimed to require the California Division of Occupational Safety and Health (Cal/OSHA) to [adopt regulations](#) requiring general industry employers to adopt a workplace violence prevention plan as part of the employer's injury and illness prevention plan.

However, instead of requiring Cal/OSHA to adopt such regulations, the bill has now been heavily amended to propose the addition of new Labor Code Section 6401.9, which, if enacted, would require general industry employers to do, among other things, the following:

- Every employer in California that employs at least one employee would be required to “establish, implement, and maintain, at all times in all of the employer's facilities, a workplace violence prevention plan” as part of the injury prevention program;
- Employers would be required to implement “[p]rocedures to correct workplace violence hazards in a timely manner”;
- Employers would be required to “record information in a violent incident log about every incident, postincident response, and workplace violence injury investigation” required to be performed as part of the workplace violence prevention plan;
- Employers would be required to “establish and implement a system to review, at least annually, ... the effectiveness of the workplace violence prevention plan”;
- Employers would be required to “provide effective training to employees ... that addresses the workplace violence risks that employees may reasonably anticipate to encounter in their jobs”;
- Employers would be required to create and maintain “records of workplace violence hazard identification, evaluation, and correction”; and

- Employers would be prohibited from retaliating against employees who report workplace violence or who contact local emergency services or law enforcement when a violent incident occurs.

The bill also proposed to amend Code of Civil Procedure Section 527.8 to allow a collective bargaining representative of an employee to seek a temporary restraining order and an order after hearing based on workplace violence on behalf of the employee and other employees at the workplace. Existing law only authorizes individual employees to do so.

The bill is set for a hearing in the appropriations committee on May 8, 2023.

As noted previously, Cal/OSHA is currently engaged in developing general industry workplace violence prevention standards. In May 2022, Cal/OSHA [published a revised discussion draft](#) of a proposed workplace violence prevention regulation that would apply to all industries, mandating that employers take measures to prevent and respond to incidents of workplace violence. The proposed regulation is yet to be adopted. It will be interesting to see what happens with the proposed regulations in light of the amendments to SB 553.

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National Law Review, Volume XIII, Number 121

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