

Employees' Rights to Workplace Violence TRO's Expanded in California

Article By:

Roland M. Juarez

Michael A. Pearlson

On September 30, 2023, California Governor Gavin Newsom signed Senate Bill 553 creating new workplace violence prevention standards in California. The law consists of the first general industry workplace violence prevention requirement in the United States. Under the law—specifically Labor Code Section 6401.9, this law amends California's Code of Civil Procedure ("CCP") to change the process by which employers may petition for temporary restraining orders ("TROs") on behalf of employees. CCP Section 527.8 previously allowed employers to petition for a Workplace Violence TRO on behalf of employees. Employers could seek protection on behalf of employees who had "suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace." The law amends Section 527.8 and authorizes collective bargaining representatives to seek TROs on behalf of employees in addition to employers. Additionally, it allows employee names to be withheld from the TRO petition and expands the conduct necessary to give rise to a TRO where the employee suffers harassment and not simply violence or threats of violence.

Additional details on requirements, post-incident response, and implications for employer can be read on our previous [blog post](#).

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