

# **New California Law Allowing for Workplace Restraining Orders Against Harassment Now In Effect**

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A new law addressing workplace violence restraining orders, which expands employers ability to obtain temporary restraining orders in non-violent situations of harassment, was signed into law on September 30, 2023, became effective on January 1, 2025.

California Code of Civil Procedure Section 527.8 enables employers to file a petition for a temporary restraining order (TRO) to protect employees from violence or threats of violence. However, as of the beginning of 2025, California Senate Bill No. 428 expanded the law to allow employers to seek TROs to protect against “harassment,” in situations where conduct may not rise to the level of a threat of violence.

Specifically, SB 428 added “harassment” as a reason for seeking a restraining order, which is defined as: “a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.”

The legislative history for SB 428 provides the following example of this limitation:

[A] sixty-five-year-old man became obsessed with a twenty-four year-old employee. He repeatedly came to her place [of] business and at times called her up to 100 times for [sic] day for months. He was not threatening her with violence initially. He wanted her attention and told her that he was in love. Until there was a threat of violence which eventually occurred, both the victim and the business felt helpless to protect the victim. Ultimately, this defendant’s repeated rejections lead [sic] him to threaten violence.

Supporters of SB 428 pointed out that employers should not have to wait for conduct to escalate to violence before seeking court intervention. Under the new law, the employer may seek a court order to keep the threatening individual away from the workplace, the employee’s home, and other locations, and prohibit the individual from communicating with the employee in any way. If the individual violates the order, the police are authorized to arrest the individual.

Employers may want to update workplace policies and ensure that all employees are aware of the

new protections against harassment. In the event of a complaint of harassment, employers may wish to explore whether a workplace violence restraining order is an appropriate remedy to address the complaint.

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