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August 13, 2026

Eric Berg
Deputy Chief
Division of Occupational Safety and Health
1515 Clay Street, Suite 1901
Oakland, CA 9461

Submitted via email: rs@dir.ca.gov.

RE: Workplace Violence Prevention in General Industry – Draft July 2026

Dear Eric Berg,

The American Federation of State, County and Municipal Employees' (AFSCME) 1.4 million members serve in hundreds of occupations, providing the vital services that make America happen. We build infrastructure, maintain cultural institutions, educate and protect children, provide health care and emergency services, operate transportation, generate and deliver power, handle waste and provide clean water. Our members routinely encounter the types of workplace violence hazards this standard is intended to address.

We appreciate the improvements reflected in the July 2026 discussion draft and recognize the Division's continued efforts to improve the standard. However, we are disappointed that the July draft does not meaningfully address many of the substantive concerns AFSCME has raised repeatedly since July 2025 and most recently in our June 1, 2026 comments, such as the role of designated representatives, workplace violence hazards, strengthening post-incident response, improving the violent incident log and clarifying training requirements. Those concerns are not technical or theoretical. They are raised to ensure the standard prevents workplace violence, identify hazards before workers are harmed and provide meaningful protection to employees after an incident occurs.

AFSCME co-sponsored the initial legislation (Senate Bill 553, 2023) directing the Division to develop a workplace violence prevention standard because California workers could not continue waiting indefinitely for adequate protections while workplace violence remained a serious and, in some occupations, routine hazard. For AFSCME, the urgency is deeply personal. An AFSCME Local 1101 member, Paul Delacruz Megia**,** was among those killed in the 2021 mass shooting at the Valley Transportation Authority. That tragedy reinforced what our members already know: workplace violence can escalate rapidly, and employers must have systems in place to

identify and address hazards before violence occurs. The Division should therefore use this rulemaking to establish a standard that is genuinely preventive rather than one that primarily documents incidents after they occur. We respectfully urge the Division to make the following revisions before issuing its final standard.

Scope

We urge the Division to revise Section 3343(a) given that the most recent change unnecessarily narrows the scope of coverage for workers in transportation. If employees are taking employer-provided transportation, the employer is responsible for assessing workplace violence hazards and implementing controls to ensure employee safety. We recommend the Division revert the change to "employer-provided transportation" as stated in the April draft.

Authorized Employee Representative

While the definition of designated representative has been incorporated in Section 3343(b)(2), the most recent discussion draft falls short in coverage gaps in section 3343(c)(9). We recommend the Division add the definition of designated representative in this section to ensure active worker participation, which includes ensuring their representatives have access to the records and hazard identification process. If the Division declines, we renew our request consistent with comments we signed onto in July and November of 2025 and June of 2026 that the definition of "authorized employee representative" in §3343(b)(1) be expanded consistent with the broader representation standard established under the Injury and Illness Prevention Program regulation to ensure that all workers have meaningful representation in the hazard identification process.

Workplace Violence Definition and Hazards

We are concerned about the removal of Section 3343(b)(10)(I), "working with persons with a history of violence" as a workplace violence hazard. This is an important omission for public employees working in probation, parole, social services, mental health, and other occupations where employees may routinely interact with individuals who have a documented history of violent behavior. The point is not that a person's history automatically makes that individual dangerous. Rather, when an employer possesses relevant information about prior violent or threatening behavior, that information can be critical to assessing risk and determining appropriate controls.

For example, a probation officer may be assigned to supervise an individual with a documented history of assaultive behavior. A social worker may be required to conduct an in-home visit with a client who has previously threatened staff. A public employee may be assigned to interact with an individual whose prior conduct is known to the employer but is not otherwise visible to the employee. A library staff member may be threatened by a patron, but without proper communication, another staff member at the worksite may be completely unaware and at-risk. Lone-workers face a heightened risk due to the lack of co-workers or supervisors to support de-escalating a situation and other factors. Depending on where the worker is, it may take longer for emergency response to arrive. Working with persons with a known and documented history of violence is a highly prevalent workplace violence hazard and can be exacerbated due to staffing.

In each circumstance, the employer's knowledge of prior violence may inform decisions about staffing, communication, location, security, transportation, scheduling or whether an employee should work alone. Removing this factor from the hazards list sends the wrong message to employers and workers. We recommend the Division reincorporate this as a workplace violence hazard by stating "Any person with a known and documented history of violence at any location where the work is being performed."

OSHA widely recognizes the link between history of violence and the risk to employees, particularly in their *Guidance for Preventing Workplace Violence in Healthcare and Social Services*. Specifically, "Patient-specific [risk] factors shall include...A patient's history of violence, as is known to the health facility and employees...[and] any disruptive or threatening behavior displayed by a patient." By reincorporating this provision, a person's history of violence will be considered when assessing risk and implementing controls to prevent future incidents.

AFSCME also continues to recommend the Division add sexual assault, domestic violence and sexual harassment as examples of workplace violence in Section 3343(b)(7) and include gender-based violence in section 3343(b)(10). Employees should not have to determine for themselves whether conduct involving sexual assault, domestic violence, or harassment fits within a more general definition before they can receive the protections of the workplace violence prevention plan.

For example, an employee may be threatened by a current or former intimate partner at the workplace. Another employee may experience escalating sexual harassment from a coworker or member of the public that ultimately includes threats or physical conduct. These situations can present immediate workplace safety concerns even when an incident does not initially resemble a conventional workplace assault. Explicitly identifying these forms of violence gives employers and employees a clear framework for recognizing and responding to them.

Workplace Violence Prevention Plan – Emergency Response Procedures

Emergency response is a critical component to the workplace violence prevention plan and when it comes to responding to actual or potential emergencies. While the current draft provides a framework, we recommend the Division include that employees should be trained on emergency response procedures outlined in the plan. Training should include immediate response to emergencies, such as de-escalation, evacuation, or procedures when evacuation is not possible or safe, such as shelter in place or other possibilities. In addition, training should cover procedures for contacting emergency responders and provide contact information for both the nearest hospital and trauma center. The emergency response procedures and training should consider protocols for lone workers who face greater risk. Given that fact, emergency response procedures must consider lone-workers who are working alone, working in and traveling to remote settings, mobile-workers, workers who are conducting home-visits, to name a few examples. We further recommend that this section of the workplace violence prevention plan include clear procedures for communicating and notifying emergencies to employees, including immediate response strategies, coordination with law enforcement and emergency responders, and critical incident stress debriefing and protocols to support employees further outlined in post-incident response.

Post-Incident Response

AFSCME remains deeply concerned that the July draft continues to allow workers' compensation or "initial counseling" offered by the employer to satisfy the trauma counseling requirement in Section 3343(c)(11)(C). Post incident procedures, including trauma counseling, are a core component of any workplace violence prevention plan. Section 3343(c)(11)(C) specifies that providing trauma counseling through workers' compensation, employee assistance program or "initial" counseling offered by the employer would fulfill the statutory requirement.

We have raised this concern repeatedly, yet the Division has not addressed the fundamental problem: workers should not have to navigate an uncertain workers' compensation process before receiving immediate trauma support after experiencing workplace violence. Consider an employee who witnesses a coworker being seriously assaulted, is held at gunpoint, is physically assaulted or witnesses a mass-casualty event at work. That employee may immediately experience acute stress, anxiety, sleep disruption, fear of returning to work or other trauma-related symptoms. The need for support exists immediately, regardless of whether a workers' compensation claim has been accepted.

Workers' compensation also is not designed to guarantee that the first provider an employee sees will have specialized training in trauma related to workplace violence. Claims may involve questions about causation, eligibility, authorization or other issues that can delay access to care. The problem is even more significant for employees experiencing secondary trauma. An employee may not be physically injured but may nevertheless suffer significant psychological harm after witnessing a violent incident involving a coworker or member of the public. The standard should not require employees to prove that their psychological injury meets a particular threshold before receiving immediate support.

The Division's own healthcare workplace violence standard provides a workable model by requiring employers to make individual trauma counseling available to employees affected by an incident. AFSCME urges the Division to adopt the same basic protection in the general industry standard.

We therefore recommend removing workers' compensation and "initial counseling" as stand-alone means of satisfying Section 3343(c)(11)(C), and instead requiring employers to make confidential, individual, trauma-informed counseling available at no cost to all employees affected by a workplace violence incident. The requirement should be a minimum protection and should not diminish benefits or services negotiated through a collective bargaining agreement or memorandum of understanding.

The term "initial counseling" should also be removed or clearly defined. As currently drafted, it is unclear whether "initial" means one session, an initial assessment or some other limited intervention. An undefined requirement will result in inconsistent implementation across employers and worksites.

Finally, we recommend the Division amend Section 3343(c)(11) to ensure that employers are required to make gender-responsive support available to employees who have experienced gender-based workplace violence.

Violent Incident Log

We renew our request that the Division add the following, "or other form of gender-based violence including, but not limited to, sexual harassment, domestic violence and stalking." As stated in Section 3343(d)(3)(4), the violent incident log must include whether incidents of sexual assault or threats. As written, this provision currently does not encompass domestic violence, sexual harassment and stalking incidents, which must be recorded to ensure robust recordkeeping, implementing the appropriate preventative and corrective controls and post-incident response. This omission matters because incident logs are not merely paperwork. They provide employers and employee representatives with information necessary to identify patterns and determine whether existing controls are effective.

For example, a series of stalking incidents may never appear in the data as physical assaults, even though the pattern may demonstrate a serious and escalating safety concern. Similarly, repeated incidents of sexual harassment or domestic violence affecting employees may identify a workplace vulnerability that would not be visible if the incidents are recorded only under a generic category. Without accurate records, employers cannot reliably determine whether workplace violence is increasing, whether particular worksites or occupations face elevated risks or whether prevention measures are working.

Training

We renew our request of the Division to revise Section 3343(e)(1)(C) where it states "report...concerns to the employer or law enforcement," to include reporting to Cal/OSHA. As afforded under California law, employees have the right to report and file a complaint without fear of retaliation. We strongly request the Division to include information on reporting workplace violence incidents or concerns to Cal/OSHA.

AFSCME also remains concerned that Section 3343(e)(1)(F) permits remote training so long as interactive questions are answered within one business day by someone knowledgeable about the employer's workplace violence prevention plan. This does not adequately address the purpose of workplace violence prevention training.

Workers need to understand how the plan applies to the physical and operational realities of their particular workplace. For example, employees should know where they are expected to go during an emergency, which entrances or exits should be secured, how to summon assistance, where communication devices are located, how to respond to a threatening member of the public, and what procedures apply when they are working alone or away from the primary worksite. Those are not merely theoretical questions.

A trainer who has read the workplace violence prevention plan but has never been to the worksite may be unable to answer a worker's basic question about where to evacuate, how a

particular entrance is secured, where an emergency communication device is located, or what happens if an employee is working in a remote portion of the facility. The person conducting or responding to interactive training must therefore be familiar not only with the written plan, but also with the actual worksite and the hazards employees encounter there.

AFSCME recommends that in-person training be the default requirement and that the "knowledgeable person" requirement be expanded to require demonstrated familiarity with the specific worksite.

Conclusion

AFSCME appreciates the Division's willingness to continue refining the workplace violence prevention standard and recognizes the meaningful improvements reflected in the July discussion draft. We are encouraged by the progress that has been made. At the same time, we must be candid that the July draft does not adequately address many of the substantive recommendations AFSCME has made throughout this rulemaking. These recommendations have been raised repeatedly because our members have direct experience with the hazards the standard is intended to prevent.

California workers should not have to wait for another tragedy before the standard recognizes a hazard that could have been identified and addressed beforehand. The purpose of a workplace violence prevention standard is to require employers to identify risks, involve workers in that process, implement meaningful controls, provide appropriate training and ensure that employees receive meaningful support when violence occurs. AFSCME respectfully urges the Division to incorporate the recommendations above into the final standard. Doing so will result in a stronger and more effective regulation that better reflects the realities faced by California workers and fulfills the legislature's intent to prevent workplace violence before another worker pays the ultimate price.

We appreciate the opportunity to share these comments and urge Cal/OSHA to implement these revisions in their final proposal. If you have questions or would like additional information, please contact Janice O'Malley, Legislative and Political Action Representative, JOMalley@afscme.org.

Sincerely,

/s/ Janice O'Malley

Janice O'Malley

Legislative and Political Action Representative
Deparmtent of Political Action