

## Workplace Violence Prevention in Agricultural Operations – Information for Employers

This fact sheet is an overview of the **California Senate Bill 553** (SB 553), which was signed into law on September 30, 2023. SB 553 amended Labor Code section 6401.7 to require employers to establish and implement a workplace violence prevention plan in accordance with new Labor Code section **6401.9**, which sets out the requirements for the plan. Starting July 1, 2024, the majority of employers in California, including those in agricultural operations, must establish, implement, and maintain a Workplace Violence Prevention Plan that includes:

- Prohibiting worker retaliation.
- Accepting and responding to reports of workplace violence.
- Employee workplace violence training and communication.
- Emergency response.
- Workplace violence hazard assessments.
- Other requirements, such as maintaining a Violent Incident Log.

### What do employers need to know?

All employers, employees, places of employment, and employer-provided housing, including agricultural workplaces, must comply with SB 553, except those listed in subsection (b) of Labor Code 6401.9.

This fact sheet only provides an overview. Employers should review the full requirements of **California Senate Bill 553** (SB 553), which includes Labor Code section 6401.9.



### Creating a workplace violence prevention plan

Labor Code section 6401.9 outlines the elements of a workplace violence prevention plan required by section 6401.7:

- Every covered employer is required to establish, implement, and maintain an effective workplace violence prevention plan.
- The plan needs to include the following:
  - The names of persons responsible for its implementation.
  - Effective procedures for employee involvement in developing and implementing the plan.
  - Methods to coordinate implementation of the plan with other employers, when applicable.
  - Procedures for employers to handle and respond to reports of workplace violence, while ensuring no retaliation against the reporting employee.
  - Procedures to ensure compliance from employees, including supervisors.
  - Procedures to communicate with employees regarding workplace violence matters.



## Violent incident log requirements

Employers must maintain a log of all incidents of workplace violence even if the incident did not result in injury. This log must include information on every workplace violence incident, based on employee statements, witness statements, and investigation findings. Incident information must include:

- Incident date, time, location.
- Workplace violence “Type” (1, 2, 3, and/or 4).
- Detailed description of the incident.
- Classification of who committed the violence.
- The circumstances at the time of the incident.
- Where the incident occurred.
- Specific incident characteristics, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents, or other events.
- What the consequences of the incident were, including any involvement law enforcement.
- What steps were taken to protect employees from further threat or hazards.
- Who completed the log, including their name, job title, and the date completed.

Note: Employers must exclude personal identifying information that would identify any person involved in a violent incident.

## Training employees on workplace violence

- Employers must provide effective training and ensure that training materials are easy to understand and match the workers’ education, reading skills, and language.
- Employers must provide employees with an initial training and annually thereafter.
- The training is required to cover various aspects, including the following:
  - Familiarizing employees with the plan, how to obtain a copy, and how to participate in the development and implementation of the employer’s plan.

- Emergency response protocols.
- Training provisions.
- Procedures to identify and evaluate workplace violence hazards that include inspections with the following frequency:
  - When the plan is first set up.
  - Periodically scheduled.
  - After violent incidents.
  - Whenever a new hazard becomes known.
- Procedures to timely correct workplace violence hazards identified and evaluated.
- Procedures for post-incident response and investigation.
- Procedures that allow for plan review:
  - Annually.
  - When a deficiency is observed or becomes apparent.
  - After a workplace violence incident.
- Any other procedure necessary for employee health and safety as required by the Division and Standards Board.
- The plan must be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.
- The written plan may be incorporated as a stand-alone section in the written injury and illness prevention program required by section **3203** of title 8 of the California Code of Regulations or maintained as a separate document.

(continued on next page)

- Definitions and requirements of Labor Code section 6401.9.
- How to report workplace violence incidents without fear of retaliation.
- Understanding of job-specific violence hazards and preventive measures.
- Purpose of the violent incident log and how to obtain related records.
- Opportunities for interactive discussions with someone knowledgeable about the employer's plan.
- When new or previously unidentified workplace violence hazards are discovered, or changes are made to the plan, the employer must provide additional training that focuses on the specific hazard or plan modifications.

## Employer responsibilities with workplace violence recordkeeping requirements

- The plan must be in writing and easily accessible to employees, authorized employee representatives, and Cal/OSHA representatives.
- Records of workplace violence hazard identification, evaluation, and correction must be created and maintained for a minimum of five years.
- Training records must be created and maintained for a minimum of one year.
- Violent incident logs must be maintained for a minimum of five years.
- Records of workplace violence incident investigations under must be maintained for a minimum of five years.



## Additional Information and resources

As required by **title 8, section 342(a). Reporting Work-Connected Fatalities and Serious Injuries**, Employers have a legal responsibility to immediately report to Cal/OSHA any serious injury or illness, or death (including any due to workplace violence) of an employee occurring in a place of employment or in connection with any employment.

Additional regulations that may apply to workplace violence and exposure can be found in the following title 8 sections:

- **Section 342** (Reporting Work-Connected Fatalities and Serious Injuries).
  - For instructions on reporting, go to **Report a Work-Related Accident – Employers**.
- **Section 3203** (Injury and Illness Prevention).
- **Section 14300** (Employer Records-Log 300).
  - For information on The Log of Work-Related Injuries and Illnesses (Cal/OSHA Form 300), go to **Brief Guide to Recordkeeping Requirements**.

February 2024



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