

July 14, 2025

Eric Berg & Kevin Graulich
California Division of Occupational Safety and Health
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Submitted: eberg@dir.ca.gov; kgraulich@dir.ca.gov

RE: §3343 Workplace Violence Prevention in General Industry - Written Comments

Dear Mr. Berg and Mr. Graulich,

Please accept the following comments from the OSH Proterie on the California Division of Occupational Safety and Health's (CalOSHA or Division) [May 13, 2025, Revised Discussion Draft](#)¹, §3343 Workplace Violence Prevention in General Industry (Discussion Draft).

The [OSH Proterie](#) is a network and platform for Occupational Safety and Health (OSH) compliance leaders from various industries. Our members are directly responsible for workplace environmental safety and health, and we provide their collective voice to OSH agencies to improve safety, compliance, and operational effectiveness.

General Comments - We support many of the proposed revisions and appreciate the Division's effort to address OSH Proterie's concerns raised at the January 2025 advisory meeting and in written comments. This draft demonstrates the Division's consideration of our member concerns about changes that would impose unnecessary new requirements beyond those already established in Labor Code §6401.9. We also value the added explanations² in the Discussion Draft, which provide helpful insight and will further facilitate productive discussions with stakeholders. We encourage CalOSHA to continue this approach during its rulemaking process.

Specific Comments - Below are our detailed comments on the proposed changes in the Discussion Draft, with references to our previous suggestions where applicable.

¹ CalOSHA's Revised Discussion Draft posted on May 13, 2025:

<https://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/WPV-Draft-Revisions-May-13-2025.docx>

² The Discussion Draft includes italic explanations inside boxes throughout the text.

1. §3343 (b)(1) Definitions – Authorized employee representative – The proposed definition is inconsistent with other Title 8 definitions, as it omits the phrase “...represents affected employees...”. This omission is significant, as it broadens the scope and could allow any organization recognized by CalOSHA or any public agency to request and obtain a company’s workplace violence prevention plan (WPVP Plan) and records regardless of their relationship to the employer or affected employees³. Releasing WPVP Plan details and records on workplace violence hazard identification and correction to groups without a need to know could create security and confidentiality issues. In addition, releasing training records with employee and instructor names, or violent incident logs, could compromise privacy and allow records to be shared beyond the employer’s and employee’s control. Many workplace violence incidents are intimate in nature, and both the employer and the Division should prioritize limiting access to related documents.

Recommendation: We recommend including the definition used in other Title 8 sections, such as §403(k) Definitions.⁴

2. §3343 (b)(3) Engineering controls – At the advisory meeting in January 2025 and in our written comments, we suggested adding “as applicable” to the definition of “engineering controls.” We thank the Division for including this language, as well as “examples of,” which clarifies that not all controls are required in every workplace and addresses feasibility concerns.

We also highlight “video monitoring and recording” in (b)(2)(K) conflicts with California Assembly Bill 1331 (AB 1331), currently under consideration. AB 1331 restricts employer video surveillance in employee areas such as cafeterias and breakrooms. Workplace violence incidents are known to happen in these areas, and having the ability to use all resources to prevent incidents is key to effective WPVP Plans. If employers are restricted from monitoring and reviewing video surveillance in these areas, it will be difficult to meet the Division’s expectations for prevention.

Recommendation: We urge CalOSHA leadership to engage with the California Legislature to ensure alignment between AB 1331 and §3343, as employers cannot be expected to prevent incidents in areas where surveillance is restricted.

3. §3343 (b)(6) Threat of violence NOTE: We appreciate the added note, which clarifies and narrows the employer’s responsibility regarding social media and text communications that are

³ §3343(c) and §3343(f)(1) require employers to release WPVP Plans and associated records to “authorized employee representatives,” as defined in this standard.

⁴ §403(k) Definitions “Authorized employee representative” means a labor organization which has a collective bargaining relationship with an employer and which represents affected employees or an employee organization which has been formally acknowledged by a public agency as an employee organization that represents employees of the public agency.”

not known to the employer. This addition helps address a concern we previously raised about the overly broad definition of “threat of violence.” However, we continue to believe the definition could be further refined.

4. §3343 (b)(8) Work practice controls – We support the addition of “as applicable” and “examples of” in this definition as these changes address our concerns and add necessary flexibility and clarity. However, we remain concerned about the inclusion of “staffing” in this section. The placement of “and staffing” does not fit the definition of “work practice controls” as “procedures” and “rules” do⁵. It also implies that additional staffing is an effective, default control for all workplaces, which is not accurate. For example, effective work practice controls for a solo worker could include controlled entries or alerts—both listed in the examples but not part of the definition.

Recommendation: We recommend removing “...and staffing...” from the definition.

Additionally, “appropriate staffing levels” is subjective and implies that more staff equals fewer incidents. This is not accurate and could put unnecessary staff at risk, which is contrary to the goals of the standard. Also, including this example means the Division has the ability and authority to determine the number of additional staff, that 1. would have prevented an incident and 2. is appropriate for an employer’s schedule -- Both beyond the scope of enforcement.

Recommendation: We recommend deleting “appropriate staffing levels” from §3343(b)(8)(A).

5. §3343 (b)(9) Workplace violence hazards – We support moving the list of workplace violence (WPV) hazards to subsection (b)(9). However, we have significant concerns about the newly proposed hazards in (I)–(O). These examples are highly subjective, difficult to apply consistently, and often cannot be directly addressed through identifiable workplace controls.

For instance, if a WPVP Plan identifies §3343 (9)(B), poor illumination or blocked visibility as hazards, employers can implement and train effective controls such as utilizing flashlights, installed mirrors or movement sensors. In contrast, it is unclear how an average employer could reasonably control or train for hazards like “working with persons with a history of violence,” “hostile work environment,” or “required and excessive overtime.” These are either too subjective or outside the employer’s practical control.

Specific concerns include:

⁵ §3343(b)(8) defines work practice controls as “...procedures, rules, and staffing which are used to effectively reduce workplace violence hazards”; procedures and rules accurately explains the term, staffing does not.

- a. (I) Working with persons with a history of violence - The term “history” is unclear and subjective. In some workplaces, like construction sites, raised voices or expressing frustration may be common and not considered threatening, while in others, like an office setting, it could be seen as violent. If the example refers to documented incidents, requiring an employer to disclose details from an employee’s criminal or personnel record would violate privacy and confidentiality. Also, assuming a person is a hazard because of their history is discriminatory and doing so, a form of profiling. While we understand that in certain settings, such as prisons or shelters, working with individuals with a known history of violence may be a hazard, these situations are inherent to specific workplaces and should be addressed in FAQs, not regulatory text.
- b. (J) Hostile work environment – Unfortunately, this term is often used loosely and is highly subjective. Complaints should be investigated, but findings must remain confidential and, on a need,-to-know basis. Including this as a workplace violence hazard in regulatory text is problematic due to its subjectivity.
- c. (K) Inadequate staffing; (L) Lack of or inadequate security staffing; (M) Required and excessive overtime – These terms are subjective—how is “inadequate,” “adequate,” or “excessive” defined, and who makes that determination? Application of these terms cannot be consistently applied or measured by inspectors. Also, these examples imply that the Division has the authority to regulate and enforce employee scheduling and use of overtime. These are fundamental business and employee decisions, not CalOSHA’s.

We are concerned that these examples, combined with requiring “staffing” as a workplace control, are an attempt to solve the solo worker experience. However, low staffing levels do not indicate hazardous situations for all workplaces. If low staffing does contribute to incidents, such as late-night robberies, other elements in the WPVP Plan should address those risks. Focusing on staffing as a solution is myopic and not rational, as simply adding another person does not necessarily prevent incidents from happening and inadvertently places more responsibility on the scheduled crew.

We do not understand how excessive overtime is a WPV hazard. Most employees want overtime and identifying it as a contributing factor could result in its restriction, which may increase employee frustration and anger by reducing opportunities.

- d. (N) High crime areas as determined by local law enforcement, other governmental agency, or other non-governmental community crime maps, as applicable – This example suggests employers need to track an overly broad list of external resources, many of which may be subjective or unreliable. For example, what is the definition of

“high crime,” and how does the Division apply it to each workplace? Employers with field employees working in different regions would have to track multiple crime maps, which is a waste of resources. Non-governmental community maps could also produce bad data.

- e. (O) Provide security services – This example implies that an employer required to provide security, or one that chooses to do so, is operating a hazardous workplace. This is not true and sends the wrong message. Many employers have security guards or controlled entries to protect trade secrets, intellectual property, or to comply with federal security requirements, not because the workplace is inherently dangerous. If the intent is to address the hazards of working as a security guard, this is already covered in the scope of the standard.

Recommendation: We recommend removing (I)–(O) from the regulatory text. Instead, explanation and application of such examples would be more appropriate in FAQs.

- 6. §3343 (c)(4) – We support the addition of “evaluate” in this subsection. It not only provides clarity, but its inclusion also aligns with previous concerns we expressed regarding redundancy and unnecessary expansion of other sections.
- 7. §3343 (c)(6)(A),(B) – We appreciate the revisions in this subsection. Moving all recordkeeping elements to subsection (f) and WPVP Plan-specific elements to subsection (c) is appropriate and aligns with our recommendations to streamline the text.
- 8. §3343 (c)(9) – We appreciate moving the list of hazards from this section to subsection (b) and the inclusion of “workplace violence,” which appropriately clarifies the scope.

Recommendation: For additional clarity, we continue to recommend the following change: “...workplace violence incident, **when changes to the place of employment or job duties create new workplace violence hazards. ~~when new substances, processes, and procedures, or equipment are introduced to the workplace that represent a new hazard,~~** and whenever the employer is made aware of a new or previously unrecognized hazard.”

- 9. §3343 (c)(9)(D) – We were pleased to see this element removed from the text. The requirement to keep a record of corrective measures considered was unnecessary, and maintaining historical decision-making data would not positively contribute to programs.
- 10. §3343 (c)(11)(A) – We appreciate the clarification that first aid and medical care do not need to be provided by employees. The change effectively addresses our concern and the intent of this element.

11. §3343 (c)(11)(C) – The clarification and limitation of trauma counseling is a definite improvement that we very much appreciate. Offering trauma counseling following an incident via workers' compensation or EAP programs is in line with reality. We also appreciate additional context regarding the employer's role in offering vs. providing diagnosis, prognosis, or treatment. This is an important distinction we made at the advisory meeting and in our written comments. To ensure this intent and understanding is maintained when the boxed text is removed, we suggest this textualization is added to an FAQ.
12. §3343 (c)(11)(G) – We were concerned with the inclusion of “opinions” in the previous draft and support the change to “observations.” This is an appropriate investigative approach.
13. §3343 (c)(11)(H) – We very much appreciate the removal of this subsection. The requirement to document investigations is in subsection (f), and this change will allow employers to appropriately utilize resources and effectively manage their WPVP Plans.
14. §3343 (c)(11) - We continue to have concerns regarding subsections (c)(11)(D), (F), (G) and refer the Division to comments previously submitted.
15. §3343 (f) - We appreciate and support all changes that moved recordkeeping elements to the appropriate subsection, (f).

Closing - While there are newly proposed changes that raise concerns and issues with the Discussion Draft, overall, OSH Proterie members appreciate the changes and the Division's clear effort to address our concerns. Despite restrictions on changes from mandates in the Labor Code, the Division is diligently working to create a final Title 8 standard that balances clarity and flexibility for this significant workplace hazard. We look forward to the advisory meeting and remain available to respond to any questions the Division may have.

Sincerely,



Helen Cleary
Founder & Leader
OSH Proterie

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