

California SB 553

New Workplace Violence Prevention Requirements



Background

According to the Bureau of Labor Statistics (BLS) and the National Institute for Occupational Safety and Health (NIOSH), there were 392 deaths and 20,050 injuries attributed to violence that occurred within the workplace in 2020ⁱ. From 2015 to 2019, according to the California Department of Industrial Relations (DIR), there was an astonishing annual average of 1.3 million nonfatal violent crimes in the workplace nationwide.ⁱⁱ This number included 53,000 sexual assaults, 46,000 robberies, 186,000 aggravated assaults and 979,000 simple assaults. Most of these incidents (53%) were committed by known employees or vendors, and the offender was armed with a weapon in roughly 16% of cases. Overall, 12% of victims in non-medical industries and 23% in medical & healthcare industries suffered a physical nonfatal injury. Surprisingly, only 39% of all incidents were reported to the police or other authorities.

California Senate Bill 553

In response to a growing number of incidents, an increase in severity and underreporting by employers, the California legislature put forth a bill to amend the current labor code and require reporting, mitigation and response to an increasing threat to employees. California Senate Bill 553 (SB 553) was signed into law on September 30, 2023, and amends the labor code to require most employers in California to establish, implement and maintain a workplace violence prevention plan.

Beginning on July 1, 2024, CA SB 553 will go into effect, requiring employers to establish protection and reporting plans to help prevent workplace violence in all industries. SB 553 requires non-healthcare California employers to enforce a workplace violence prevention plan that addresses the following:

- Prohibiting employee retaliation
- A process of reporting and responding to accusations of workplace violence
- Training and communication for workplace violence prevention and response
- An emergency response plan
- A hazard or risk assessment process
- Official tracking of incidents

Developing a Plan

The DIR recommends using Cal/OSHA's general industry workplace violence prevention plan (WVPP) as a resource for implementing a WVPP.

- Employers are required to have the following in their written workplace violence prevention planⁱⁱⁱ:
- Names/titles of who is responsible for implementing and maintaining the WPVV
- Procedures for employee and authorized representative involvement in development and implementation
- Steps for coordination of execution to workforce



- Compliance procedures for employees and management
- Risk and hazard identification, mitigation and management
- Response plan to incidents of WPV
- Post-incident response and investigation procedures
- Review procedures for WVPP
- State-required notices, procedures and standards

This plan needs to be supported by all employees, and there must be a strong commitment from executives and management. If you have questions about creating a WVPP, many states have samples of basic workplace violence prevention plans on their Labor or Human Services sites online. You can also contact your Brown & Brown office or email our national team at maliciousrisk@bbrown.com.

What if an employee is injured?

In the unfortunate event that an employee is injured during an act of workplace violence, an employer is required to

respond, report and investigate per SB 553. Per the DIRiv, a proper response should include the following steps:

- Immediate and appropriate medical treatment for any injured employee, including:
 - » Coverage through the employer's workers' compensation insurance
 - » Eligibility determination for workers' compensation within one working day
- Record all incident details in a violent incident log
- Complete OSHA Form 5020 for each injury that:
 - » Lasts beyond the date of the incident
 - » Requires medical treatment beyond first aid
- Record all cases on Cal/OSHA Form 300

If a serious injury or death occurs, the incident must be reported to Cal/OSHA within 24 hours of the incident.

All records must be stored and kept securely for a minimum of five years to comply with the new regulations within SB 553.

Forms and logs can also be found on the California Department of Industry Relations and Cal/OSHA websites.

Workers' Compensation, Workplace Violence and Other Coverages

In most cases, physical injury due to workplace violence for employees will be covered under a workers' compensation policy. This includes employees who are targeted or are bystanders. However, some workers' compensation policies will not cover domestic violence situations that occur in the workplace or non-physical injuries that are proven to require mental health or counseling services as a result. Some carriers offer workplace violence extensions or endorsements to workers' compensation or general liability policies that can help cover costs and coverage for these types of claims. These additional policies or endorsements can help offset the cost and provide additional coverage for workplace violence; however, they often fail to cover non-employee physical, mental and emotional injuries or provide additional crisis and public relations management coverages that can add up quickly.

Holistic coverage can be found in standalone active assailant or workplace violence policies, which typically cover employee and non-employee injuries in conjunction with workers' compensation. In addition, they can cover preventative mitigation, incident response and post-incident recovery costs to help your organization or business recover from various types of incidents. In most policies, coverage is provided for prevention consulting, which could include assistance from threat and risk mitigation specialists to help develop a customized workplace violence prevention plan that addresses your organization's specific needs, concerns and risks.



Reach Out

To understand how your insurance can help with workplace violence, we recommend discussing your current policies and their response to an incident of workplace violence with your insurance agent.

Contact your Brown & Brown representative or email the Malicious Acts and Crisis Risk (MACR) team at maliciousrisk@bbrown.com for more information.





How Brown & Brown Can Help

Connect with our Brown & Brown team to learn about our knowledge in your industry, how we build our risk mitigation strategies and how we can aid your business in building a cost-saving program.



Find Your Solution at [BBrown.com](https://www.BBrown.com)

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