

# Workplace Violence Prevention

## Low-Risk Industries Should Not Be Over-Regulated

The California Division of Occupational Safety and Health (Cal/OSHA) is in the process of developing regulations to prevent workplace violence. A California Chamber of Commerce-led coalition submitted written comments on draft rules proposed by Cal/OSHA and provided oral testimony and comments at public stakeholder meetings.

- In 2014, two health care worker unions asked the Cal/OSHA Standards Board to adopt a regulation to provide health care workers with specific protections against workplace violence. Later that same year, the Governor signed SB 1299, to require the board to adopt regulations to protect health care workers from workplace violence.

- The first-in-the-nation rule to protect health care workers against workplace violence was adopted by the Cal/OSHA Standards Board and went into effect in April 2017.

- In response to multiple requests from other industries, Cal/OSHA began work in 2017 on a rule to prevent workplace violence in industries other than health care.

- All drafts of the rule and public written comments are available at [www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/](http://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/).

### ACTION TO DATE AND ANTICIPATED ACTION

In January 2017, Cal/OSHA began work on the workplace violence prevention rule for all industries by holding listening sessions with stakeholders. With no proposed rule to discuss, stakeholders expressed their thoughts and concerns on what a new regulation could look like and how workplace violence might be addressed in the workplace. Not until January 2018 did Cal/OSHA convene a stakeholder work group to present and discuss a draft proposed rule. A subsequent draft was released

to stakeholders in October 2018, with written comments from stakeholders submitted to Cal/OSHA in December 2018.

It is anticipated that further action will occur in mid- to late 2019. The next step is likely to be another draft for stakeholder comment prior to initiating formal rulemaking proceedings.

### IMPACT ON BUSINESS

Employers are now subject to many regulations, in addition to occupational safety and health rules. This proposed new rule must be considered in the context of the complete scope of many Cal/OSHA regulatory requirements that employers currently face.

Of primary concern is the complexity and difficulty presented by attempting to draft one regulation to fit all industries, covering all employers of all sizes with varying exposure to the risk of workplace violence across the state. The reality of the ability of all employers to evaluate and control for all potential scenarios is daunting. Each place of employment presents a unique set of circumstances that may or may not include a realistic risk of workplace violence.

The development of these regulations is in its infancy, so the specific impact cannot be assessed. However, the issues that CalChamber is advocating for and against are fairly clear:

- Provide clear guidelines that employers can easily understand so that they are able to comply.
- Do not over-regulate employers with no or low risk.
- The program should follow the format that employers are familiar with in the Illness and Injury Prevention Program (IIPP), California Code of Regulations Title 8, Section 3203. All employers are required to have an IIPP.
- Privacy and confidentiality of victims and the accused must be maintained to the extent possible.
- Record keeping and record retention should be rational and not unnecessarily burdensome to employers.
- Online training should be expressly allowed.
- Cal/OSHA must develop industry-specific model programs for employers upon adoption of the new regulation.

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**CALCHAMBER POSITION**

California employers take the safety and health of their employees very seriously. CalChamber supports workplace safety policies that ensure new rules are feasible, based on sound science and assist the regulated community in its compliance efforts while protecting employees.

New requirements to prevent workplace violence should be meaningful and not unnecessarily burdensome, complex or costly. Any new requirements should enhance worker safety and be drafted so that employers can comply. Low-risk industries should not be subject to the same requirements as high-risk industries.

The CalChamber will continue to advocate for sound policy regarding workplace violence prevention, and continue to oppose policies that are unnecessarily complex and burdensome for employers.

*Article written by Marti Fisher, CalChamber policy advocate, before her retirement at the beginning of 2019.*



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