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# What California Employers Need to Know About the Updated Cal/OSHA Workplace Violence Prevention Draft

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The California Division of Occupational Safety and Health (Cal/OSHA) released a new discussion draft of its proposed general industry Workplace Violence Prevention regulation on April 24, 2026. The draft reflects significant revisions from the prior May 13, 2025, discussion draft. The Occupational Safety and Health Standards Board (OSHSB) is required to adopt a standard no later than December 31, 2026. Comments to this latest draft are due June 1, 2026.

Below are the key changes in the April 24, 2026, draft compared to the May 13, 2025, draft.

## Scope Expanded: Employer-Provided Transportation Now Covered

The draft broadens the regulation's reach beyond places of employment and employer-provided housing to explicitly include employer-provided transportation. Employers operating company shuttles, fleet vehicles, or other transportation arrangements will need to ensure their workplace violence prevention plans address those settings.

## Exemption: Headcount Measurement Refined

The draft changes the exemption from workplaces with fewer than 10 employees "at any given time" to workplaces with "fewer than 10 employees at the place of employment at all times during the preceding 365 days." Such a workplace still must not be accessible to the public and must have a compliant injury and illness prevention program to qualify for the exemption. The 365-day lookback prevents coverage from fluctuating day to day as headcount changes, but it also means that if a workplace exceeded 10 employees at any point in the preceding year, it loses the exemption for that entire year.

## Changes to the Definitions

"Authorized employee representative" is refined to mean a labor organization that 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."

"Designated representative" is added as a new defined term and defined as "any individual or organization to whom an employee gives written authorization to exercise a right of access." Recognized unions are automatically treated as designated representatives. This matters practically in the recordkeeping section, where employees now have the right to obtain records through a "designated representative" of their choosing.

The draft removes stalking as defined by the California Penal Code §646.9 from the definition of "workplace violence," although stalking that is brought to an employer's attention or that the employer could otherwise be reasonably aware of is now listed in the definition of workplace violence hazards as a factor to consider when identifying such hazards.

One of the more employer-favorable changes to the new draft is that it removes the following from the workplace violence hazards definition:

- Hostile work environments
- Required and excessive overtime
- High crime areas
- Providing security services
- Working with people with a history of violence

Employers had argued these terms were too vague to serve as workable compliance standards and could expose employers to unpredictable citation risk.

The draft also makes clear in the workplace violence hazard definition that these are "factors to consider when identifying workplace hazards" rather than "examples of workplace hazards." This too came from employers who voiced concern that stating these are examples would lead to the Division considering each and every example as a workplace hazard regardless of the degree at which it was present at the workplace.

## Post-Incident Procedures: Employers Can Still Enforce Deescalation and Similar Policies

Although employers may not retaliate against an employee for a lawful act of self-defense or defense of others, they may still enforce policies designed to avoid physical confrontation and prevent injuries.

## Trauma Counseling: Must Proactively Make Available

The May 2025 draft required employers to make trauma counseling available "upon request." This most recent draft removes "upon request" qualifier, making the obligation proactive rather than reactive. Workers' compensation services and employee assistance programs (EAPs) continue to satisfy this requirement.

## Post-Incident Exception for Repetitive Type 2 Incidents: Deleted

The May 2025 draft created an exception allowing employers to skip the post-incident debriefing, hazard evaluation, corrective action steps, and request for observations from employee for repetitive, involuntary Type 2 incidents (such as routine behavioral incidents in special education settings) once the initial incident had been fully addressed and the subsequent incidents did not involve an injury or death or weapon. The most recent draft removes this exception entirely, bringing this draft into alignment with the healthcare standard at 8 CCR §3342.

Every qualifying incident now requires the full post-incident protocol regardless of how routine or recurring it may be.

## Training: Interactive Q&A Requirement Clarified

The draft clarifies that when training is not delivered in person, the employer must ensure that interactive questions can be answered within one business day by a person knowledgeable about the workplace violence prevention plan.

## Recordkeeping: Broader employee access rights

The draft also gives employees' designated representatives the right to examine and copy records of: (1) reports of workplace violence, including those made anonymously, and (2) the employer's evaluations of those reports and any corrective actions taken.

Employers may redact personal identifying information when producing records in response to employee requests, except for training records.

## What's Next

Comments on the latest draft will be accepted through June 1, 2026. The Occupational Safety and Health Standards Board (OSHSB) is required to adopt the standard no later than December 31, 2026.

This public comment period is most likely the last opportunity for employers to make their thoughts and recommendations heard before the final version is prepared.

Please contact Rachel Conn, Megan Shaked, or Andrea O. Chavez for more information.