

CLASP

Policy solutions that work for low-income people

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Submitted via email to: rs@dir.ca.gov

Eric Berg
Deputy Chief, Health and Research and Standards
Cal/OSHA/ Division of Occupational Safety and Health
1515 Clay Street
Suite 1901
Oakland, CA 94612

RE: Proposed Regulations for Implementation of Workplace Violence Prevention Under Senate Bill 553 (Cortese, 2023) - April 23, 2026, Discussion Draft

Dear Deputy Chief Berg,

The Center for Law and Social Policy (CLASP) appreciates the opportunity to provide input on the draft proposed regulation before they are considered by the Occupational Safety and Health Standards Board (OSHSB). CLASP commends the state of California's OSHA for including workplace violence as a safety and health standard. We seek to broaden the scope of the rule and include a gender-equity framing that follows the International Labor Organization's standard of preventing violence and harassment at work.

Established in 1969, The Center for Law and Social Policy, otherwise known as CLASP, is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. With deep expertise in a wide range of programs and policy ideas, longstanding relationships with anti-poverty, child and family, higher education, immigration, workforce development, and economic justice stakeholders, and over 50 years of history, CLASP works to amplify the voices of directly-impacted workers and families and help public officials design and implement effective programs. CLASP seeks to improve job quality for low-income workers. That includes increasing wages and providing access to paid sick days, paid family and medical leave, stable work schedules, and health and safety for workers. CLASP has done work concerning OSHA's general duty clause, the heat standard, and NIOSH funding. Preventing gender-based violence and harassment (GBVH) is key to job quality as workers in precarious industries will hesitate to report GBVH at work due to their fear of losing their job. Quality jobs enable individuals to balance their work, school, and family obligations – promoting economic stability as well as career advancement.

[Including Gender Based-Violence and Harassment in the CAL/OSHA Workplace Violence Standard](#)

Adopted in June 2019 by members of the International Labour Organization (ILO), Convention 190 (C190), which is the first international treaty to recognize the right of everyone to a world of work free

from violence and harassment, including gender-based violence and harassment.¹ As of 2026, 56 countries have ratified the treaty.² Several other countries, including Australia has developed a Model Code of Practice for sexual and gender-based violence to provide guidance on how to minimize the risk of these forms of workplace violence.³

While the United States does not typically adopt international treaties, the U.S. did vote in support of C190's adoption by the ILO in the 2019 negotiations, which helped make C190 the fastest ratified labor standard in the ILO's history. California has the opportunity to be the first U.S. state to robustly implement C190 in the U.S. to protect workers from violence and harassment in the world of work. California is the 4th largest economy in the world exceeding \$4.2 billion, only ranked behind the U.S., China, and Germany.⁴ California's workers are essential to the state's economy and well-being, and these workers should be protected by global labor standards.

Gender-based violence and harassment (GBVH) is about "power over," in the workplace, not sexual desire or attraction. GBVH is a pervasive form of violence and harassment rooted in unequal power relations between (and among) women and men, and it both reflects and reinforces the subordinate status of women in many societies.⁵ While GBVH impacts all workers, especially those who do not conform to gender stereotypes or to traditional societal expectations based on gender, women are disproportionately impacted and make up a majority of reported cases.⁶ C190 strategies to prevent GBVH are inclusive, comprehensive, and meant to address root causes of GBVH; such as low-paid labor, racism, homophobia, sexism, xenophobia, and ableism.

GBVH is rooted in power imbalances, discrimination, and gender inequality requiring both individual and systemic solutions. These imbalances are replicated in workplaces, resulting in high levels of violence and harassment which impacts tens of millions of workers across all sectors and occupations. It causes physical, emotional, social and economic harm; undermines economic security; and limits full and equal participation in employment and society. It has enormous, but often overlooked, human and economic costs for impacted workers, employers and societies, and undermines inclusive economic growth.

While sexual harassment is one of the most prevalent forms of GBVH in the world of work, GBVH includes behaviors that range from verbal harassment and "jokes" to assault, rape, and even murder. The world of work is the broadest definition possible to include anywhere that work may happen, including at workstations and factory floors, breakrooms and restrooms, online and at off-site conferences, in employer-provided housing and during the commute to and from work. GBVH occurs in

¹ International Labour Organization, "C190 - Violence and Harassment Convention, 2019 (No. 190)," Normlex: Information System on International Labour Standards,

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810

² International Labor Organization, "Ratifications of C190 – Violence and Harassment Convention, 2019 (No. 190)," Normlex: Information System on International Labour Standards,

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:3999810

³ Model Code of Practice: Sexual and Gender-Based Harassment, Safe Work Australia (2023),

<https://www.safeworkaustralia.gov.au/doc/model-code-practice-sexual-and-gender-based-harassment>

⁴ Government of California, "California is Now the 4th Largest Economy in the World, April 23, 2025,

<https://www.gov.ca.gov/2025/04/23/california-is-now-the-4th-largest-economy-in-the-world/>

⁵ Adrienne Cruz and Sabine Klinger, Gender-based Violence in the World of Work: Overview and Selected Annotated Bibliography, 2011, International Labour Office: Bureau of Gender Equality,

https://cite.gov.pt/documents/14333/179815/ILO_gender_violence_work.pdf.

⁶ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and International Labour Organization, "Handbook: Addressing Violence and Harassment Against Women in the World of Work," 2019, UN Women,

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/Addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf>.

all sectors and jobs, with significant negative consequences for workers, their families, and communities, as well as for employers.

California workers are already leading the way in preventing GBVH in the world of work. In 2015, janitors' stories of GBVH were captured on a PBS documentary *Rape on the Night Shift*, kicking off worker and survivor-led organizing in California. This organizing led to the passing of The Property Service Workers Protection Act in 2017, requiring all janitorial companies provide a sexual harassment prevention training, and the Janitors Survivor Empowerment Act in 2019, requiring peer-to-peer education in sexual harassment and assault at work.⁷ These efforts can be made stronger if Cal/OSHA codifies gender-based violence and harassment into the workplace prevention health and safety standard.

We believe key changes and additions to the following sections will enhance the preventative measures in the workplace violence standard: (1) broadening the scope and application, (2) definitions for "workplace violence," "workplace practice controls," (3) revisions to the workplace prevention plan, and to the (4) violence incidence log.

I. Scope and Application

We commend the inclusion of "employer-provided transportation," in this version of the discussion draft. However, the world of work encompasses a larger scope where workplace violence is prevalent. Therefore, we suggest broadening the scope to include the "world of work" framework to better prevent workers from workplace harassment and align with the international ILO standard with the following language:

- (a) Scope and Application.** This section applies to all employers, employees, places of employment, employer-provided housing, employer-provided transportation, **and in the world of work occurring in the course of, linked with or arising out of work:**
- i. In the workplace, including public and private spaces where they are a place of work;**
 - ii. In places where the work is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;**
 - iii. During work-related trips, travel, training, events or social activities;**
 - iv. Through work-related communications, including those enabled by information and communication technologies;**
 - v. In employer-provided accommodation, and**
 - vi. When commuting to and from work.**

II. Definitions

A. "Workplace Violence" and "Work practice controls"

Addressing gender-based violence and harassment as a workplace hazard is within the purview of Cal OSHA. Other U.S. state governments have identified GBVH as a consequential barrier to workplace

⁷ Ya Basta Center, "Mission and Vision," <https://yabastacenter.org/about/>

safety, dignity, and economic opportunity.⁸ For example, the Department of Labor in Maine includes the state OSHA office in their GBVH prevention work to inform state OSHA policies, regulations, and practices. Due to the Governor's Executive Order on Women in Construction and the Maine Apprenticeship program's equity efforts, Maine's DOL recongizes that recruiting women into high-wage sectors is insufficient without meaningful interventions to ensure their safety and retention. Therefore, we recommend the following language:

(8) "Workplace violence" means any act of violence or threat of violence that occurs in a place of employment. Workplace violence includes, but is not limited to the following:

- (A) The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- (B) An incident involving a threat or use of a firearm or other dangerous weapons, regardless of whether the employee sustains an injury.
- (C) Gender-based violence and harassment, where:**
 - i. The term "violence and harassment" refers to a range of unacceptable behaviors and practices or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.**
 - ii. The term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.**
- (D) The four workplace violence types for the purposes of this section are:
 1. "Type 1 violence" means workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
 2. "Type 2 violence" means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
 3. "Type 3 violence" means workplace violence against an employee by a present or former employee, supervisor, or manager.
 4. "Type 4 violence" means workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

Similarly, we propose to broaden the examples of "workplace practice controls" to include gender-based violence and harassment and its examples:

(9) "Work Practice Controls" means procedures, rules, and staffing which are used to effectively reduce workplace hazards. Examples of work practice controls include, as applicable, but are not limited to:

⁸ Maine Department of Labor, "Sexual Harassment Prevention & Compliance Report," January 16, 2026, State of Maine Legislature, <https://legislature.maine.gov/doc/12260>
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(A) Appropriate staffing levels to maintain order in the facility and respond to workplace violence incidents **including gender-based violence and harassment, sexual harassment, sexual assault, domestic violence, and stalking** in a timely manner:

(B) Provision of dedicated security personnel;

(C) An effective means to alert employees of the presence, location, and nature of a security threat;

(D) Control of visitor entry;

(E) Methods and procedures to prevent unauthorized firearms and weapons in the workplace;

(F) Employee training on workplace violence prevention methods; and

(G) Employee training on procedures to follow in the event of a workplace violence incident or emergency.

(H) An effective method to identify the risk of workplace violence including gender-based violence and harassment, sexual harassment, sexual assault, domestic violence, and stalking.

(I) An effective method to assess, control, and review control measures to prevent workplace violence including gender-based violence and harassment, sexual harassment, sexual assault, domestic violence, and stalking.

When defining “workplace violence hazards” the inclusion of specifics of gender-based violence and harassment should be added, since they increase the risk of a workplace violence incident. Therefore we suggest the following language:

(10) “Workplace violence hazards” means workplace conditions that may increase the risk of a workplace violence incident at the workplace. Factors to consider when identifying ~~Examples of~~ workplace violence hazards include, as applicable, but are not limited to:

(A) Employees working alone or in locations isolated from other employees;

(B) Areas with poor illumination or blocked visibility (e.g. blind spots) of surrounding areas;

(C) Entries to places of employment where unauthorized access can occur;

(D) Work locations, areas, or operations that lack effective escape routes;

(E) Exchange of money or valuable goods;

(F) Frequent or regular contact with the public and uncontrolled public access;

(G) Working late at night or early morning;

(H) Inadequate staffing;

(I) Lack of or inadequate security staffing;

(J) Selling, distributing, or providing alcohol, marijuana, or pharmaceutical drugs.

(K) Stalking that occurs at a place of employment, or in connection with a place of employment that is brought to the attention of the employer or that the employer could otherwise be reasonably be aware of.

(L) Gender-based violence and harassment-hostile work environments including workplaces dominated by men and/or with gender power inequalities and a culture of imputing and victim blaming;

(M) Precarious work contracts, employment insecurity, low pay and poor working conditions;

(N) Work conditions that lead to verbal harassment and verbally abusive practices.

II. Workplace Violence Prevention Plan

The use of worker's compensation to pay for trauma counseling of the worker is not equitable to workers. We recommend striking that language, and giving the worker paid leave from work, as well as include gender-responsive support for workers who have experienced Gender-based violence and harrassment.

Therefore, we recommend the following language:

(11) Effective procedures for post-incident response and investigation including:

- (A) Ensuring provision of immediate medical care or first aid to employees who were injured in the incident;
- (B) Identifying all employees and other persons (if possible) involved in the incident;
- (C) Offering or making available individual trauma counseling to employees affected by the incident. Trauma counseling offered to an employee ~~through workers' compensation~~ or initial counseling offered by the employer satisfies this requirement.
- (D) Gender-responsive support for the person reporting the workplace violence incident including trauma victim-centered support and paid leave from work.**

III. Violence Incident Log

We commend the inclusion of data collection in the draft of the workplace violence standard, especially as federal data collection is under threat. Starting with 2019 data, the Bureau of Labor Statistics (BLS) updated its disclosure methodology policy on fatalities, resulting in significantly fewer descriptive data than had been published previously under the Census of Fatal Occupational Injuries. This has led to much less descriptive information published for work-related deaths in the United States. For example, it no longer is possible through BLS to: Identify the gender for a category of a particular race, such as the number of Black women who died on the job; Identify country of origin and other information for Latino immigrants and many other immigrant workers, despite fatalities among all foreign-born workers continuing to be a serious problem; Stratify deaths from one exposure, such as heat, by certain characteristics like industry (even though occupation is available).⁹

Similarly, the federal government at the Equal Employment Opportunity Commission (EEOC) is looking to rescind EEO-1 data, which is a reporting requirement for demographic data. The EEO-1 has been used for 60 years to collect data from certain large employers to report workforce demographic data to the EEOC annually to support its enforcement efforts. In addition to eliminating the EEO-1, the EEOC also seeks to eliminate the EEO-2 (pay and hours), EEO-3 (data on union membership demographics), EEO-4 (data on state and local government employee demographics), and EEO-5 (data on public school workforce demographics). You measure what you value. This move from the EEOC represents an attempt to hide data across the private and public sector to make it even harder to even identify potential discrimination against workers and is part of the Trump Administration's broader attacks on data and worker protections.

There, we propose the inclusion of demographic data with the suggested language:

⁹ AFL-CIO, "Death on the Job: The Toll of Neglect," April 27, 2026, <https://aflcio.org/dotj-2026>.
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- (3) Violent Incident Log. The employer shall record information in a violent incident log (Log) for every workplace violence incident.
- (1) Information that is recorded in the Log for each incident shall be based on information solicited from the employees who experienced the workplace violence, on witness statements, and on investigation findings. The employer shall omit any element of personal identifying information sufficient to allow identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity. The Log shall be reviewed during the periodic reviews of the Plan required in subsection (c)(12).
- (2) For purposes of this section, at a multiemployer worksite, the employer or employers whose employees experienced the workplace violence incident shall record the information in a violent incident log pursuant to subsection (d) and shall also provide a copy of that log to the controlling employer.
- (3) The information recorded in the log shall include all of the following:
- (A) The date, time, and location of the incident.
- (B) ~~The definitions and requirements of this section.~~ **The gender identity, race, ethnicity, age, and ability difference of the person who reported the incident and the alleged aggressor.**
- (C) The workplace violence type or types, as defined in subsection (b)(6)(C), involved in the incident.
- (D) A detailed description of the incident.
- (E) A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, **former partner, spouse or dating partner**, parent or relative, or other perpetrator.
- (F) A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, working in an unfamiliar or new location, or other circumstances.
- (G) A classification of where the incident occurred in the workplace, parking lot or other area outside the workplace, or other area.
- (H) The type of incident, including, but not limited to, whether it involved any of the following:
1. Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 2. Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 3. Threat of physical force or threat of the use of a weapon or other object.
 4. Sexual assault or threat, **or other form of gender-based violence** including, but not limited to, **sexual harassment, domestic violence, stalking**, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
 5. Animal attack.
 6. Other.

(G) Consequences of the incident, including, but not limited to:

1. Whether security or law enforcement was contacted and their response.
2. Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

(G) Information about the person completing the log, including their name, job title, and the date completed.

Conclusion

In closing, we appreciate your efforts in establishing a strong and comprehensive workplace violence standard for workplaces and the opportunity to participate in the drafting process. The additional proposals outlined above address gender-based violence and harassment against workers, with concrete alternatives to strengthen the draft standard. These revisions would create a more effective, equitable standard that protects all California workers from workplace violence while providing clear implementation guidance to employers. We urge the Division to adopt these proposed changes to ensure the final draft delivers comprehensive protection without the gaps and ambiguities that would undermine its effectiveness. If you have questions regarding this comment letter, please direct them to Lorena Roque, lroque@clasp.org

Sincerely,

Lorena Roque
Associate Director for Labor Policy
Center for Law and Social Policy