

Active Assailant Coverage: A Key Provision in Preparing for California's New Workplace Violence Prevention Law

With more than **650 mass shootings in 2023** and more than **110 this year (at the time of publication)**, it's clear that active assailant incidents pose a severe and unpredictable threat to businesses of all types. And while most insureds have not been exposed to an active assailant event, the demand for this coverage is on the rise.

In the past decade, **more than 40 million Americans lived within one mile of a mass shooting** and a number of high-profile tragedies in the education, healthcare, manufacturing and entertainment sectors have left a lasting impact. So, who is responsible for our safety and security while we're at work?

CONTACT

To learn more about how Amwins can help you place coverage for your clients, reach out to your local Amwins broker.

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CRIME SCENE - DO NOT CROSS

California Senate Bill 553




Many say that the responsibility for protecting employees while working lies with the employer. The state of California would seem to agree, recently passing [Senate Bill 553](#), which is dedicated to occupational safety and workplace violence prevention.

The bill goes into effect July 1, 2024, and requires employers to establish, implement and maintain a written workplace violence prevention plan that includes recording workplace violence incidents, communicating with employees about those incidents and correcting potential hazards. The plan – and ongoing training about the plan – must be included as part of a company’s injury prevention program.

Preparing for additional legislation

It is highly likely that other states will follow California’s lead, introducing similar bills and workplace regulations to help protect employees. Regardless of if or when these additional rules take effect, companies must be prepared to take threats of violence seriously.

So, whether your insured is located in California or elsewhere in the U.S., they should begin to focus on:

-  **1. Establishing a “See Something, Say Something” reporting policy.** Provide employees with a simple way to report any concerning behavior and have all reports addressed by a trained threat assessment team (including colleagues from Human Resources, Security and Legal).
-  **2. Creating an actionable, compliant Workplace Violence Prevention Plan.** Tailor the plan to the workplace, make it easy for all employees to understand and execute during an emergency. Be sure to include how concerns will be addressed and mitigated.
-  **3. Conducting realistic training.** Help employees plan for, think through and practice potential workplace scenarios so they can react quickly if there is an incident. Be sure to include an annual walk-through of the work location, emergency medical care training and leadership courses in crisis management, crisis communication and threat analysis.

If your client already has a prevention plan in place, an audit to review the plan for compliance with local and state laws may be helpful. Many carriers have dedicated crisis consultants to help with this process, so be sure to check with them to determine what services are available to insureds.

Getting the right coverage

California SB 553 not only details how employers must respond to workplace violence emergencies, it also outlines four types of violence:

- **Type 1:** Committed by a person with no legitimate business at the worksite, including violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
- **Type 2:** Directed at employees by customers, clients, patients, students, inmates or visitors.
- **Type 3:** Committed against an employee by a present or former employee, supervisor or manager.
- **Type 4:** 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.

Workers' compensation insurance often provides cover for Type 3 violence, as well as issues between employees and matters of work. However, if someone with no affiliation to the business is injured, the incident is not covered.

Similarly, workplace violence coverage only protects employees (not third parties), and terrorism coverage generally focuses on property damage.

Active assailant coverage

Active assailant coverage, on the other hand, equips insureds with the tools necessary to build a comprehensive business continuity plan and crisis prevention plan, while also helping to improve the insured's risk and mitigate against future mishandling of events.

This full limit coverage with little to no deductible/excess helps an insured protect not only their property, employees and other victims, but their brand as well as their cashflow with coverage for:



**Business interruption,
loss of revenue, loss of attraction**



Legal liability



Additional costs (e.g., *loss of rent, retraining and rehiring of staff*)

As a specialist standalone policy, active assailant coverage is event led. With the exception of legal liability, which would require a claim or suit, all other parts of the policy are triggered by the active assailant event itself.

These policies can also supplement terrorism and workplace violence coverage, as well as workers' compensation.



You can learn more about Active Assailant coverage here.

Most active assailant policies include access to best-in-class crisis responders to guide insureds before, during and after an active assailant event. Digital tools and smart technology are also being developed to help provide situational awareness and mitigate threats in real time by alerting suspicious or dangerous threats to a crisis responder.



Amwins can help

Working with an experienced partner like the Crisis Management team at Amwins Global Risks, enables you to guide and assist your clients – helping them to protect their employees, customers and innocent bystanders while reinforcing and safeguarding their reputation.

With more than 700 employees around the world, and a global footprint across more than 120 countries, Amwins Global Risks has cemented their place as a top 10 contributor to Lloyd's. We are one of the largest independent brokers – and the largest binding authority broker – in the London Market.

As an extension of your team, we channel the collective brainpower of all our teams and divisions, worldwide, so you have our entire firm's knowledge and experience on your side.

We help you win.

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