

**These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.**

### **What is a workplace violence protective order?**

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering harassment, unlawful violence, or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten an employee;
- Contact or go near an employee; and
- Have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see [selfhelp.courts.ca.gov/restraining-orders/prohibited-items](http://selfhelp.courts.ca.gov/restraining-orders/prohibited-items).

These orders will be enforced by law enforcement agencies.

### **Who can get a workplace violence protective order?**

**Employers** can obtain court orders prohibiting harassment, unlawful violence, or credible threats of violence against their employees. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

**Collective Bargaining Representatives** can also obtain orders prohibiting harassment, unlawful violence, or credible threats of violence against employees. In order to bring a petition for an order under this law, the collective bargaining representative must serve as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definitions of "employer" or "collective bargaining representative" as defined above.

The statute differs from other California laws that allow victims of harassment, unlawful violence, or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer or the collective bargaining representative wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me?* (form [CH-100-INFO](#)).

### **Who can an employer or collective bargaining representative protect under this law?**

Under this statute, an employer or collective bargaining representative can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee's workplace or at other workplaces of the employer.

**Note:** Before filing a petition, an employer or collective bargaining representative of an employee must provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the restraining order. An employee's request to not be named in the order does not prohibit an employer or collective bargaining representative from seeking a restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

California law defines "employees" as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.



The “respondent” is the person against whom the employer or collective bargaining representative is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered harassment, unlawful violence, or a credible threat of violence from any individual;
2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

### **What forms must be used to get the order?**

1. *Petition for Orders Workplace Violence Restraining Orders (Petition)* (form [WV-100](#)). This form tells the judge the facts of the petitioner’s case and what orders the petitioner wants the court to make.
2. *Confidential Information for Law Enforcement (form CLETS-001)*. This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (form [WV-109](#)). This form tells the parties when the hearing on the petition will be held.
4. *Temporary Restraining Order (TRO)* (form [WV-110](#)). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. *Workplace Violence Restraining Order After Hearing (Order)* (form [WV-130](#)). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.
- These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.
6. *Proof of Personal Service* (form [WV-200](#)). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

### **Where can I get these forms?**

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

You also may be able to find them at your local courthouse or county law library.

### **Do I need a lawyer?**

The employer or collective bargaining representative may be represented by a lawyer, but one is not required by law unless an employer that is a corporation is the petitioner. Because the employer’s or union’s lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer or collective bargaining representative has a lawyer, the respondent may have one.

### **What steps are needed to get the court orders?**

1. Fill in the **Petition** (form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form WV-109). If you are seeking a **TRO**, also fill out form WV-110.
2. If you are seeking orders based on information from others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form WV-100). You may use form [MC-031, Attached Declaration](#).
3. Fill in *Confidential Information for Law Enforcement* (form CLETS-001) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO**, fill out form WV-110 completely. The petition and the declarations must give the details of the recent acts of harassment, violence, or credible threats of violence and the problems they have caused.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and



- b. You or your attorney certifies one of the following to the court under oath:
  - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
  - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
  - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need multiple copies: one for you, one for each person to be protected, and one to serve on the respondent. Each protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form WV-109).
6. If you are seeking a **TRO** (form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
8. If a person to be protected by the order does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to [selfhelp.courts.ca.gov/request-interpreter](#).
9. Have the respondent personally **served** with copies of the **Petition** (form WV-100), the *Notice of Court Hearing* (form WV-109), the **TRO** (form WV-110) (if issued), a blank **Response** (form [WV-120](#)), and a blank Proof of Service of Response by Mail (form [WV-250](#)). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older who is not involved in the case. For help with service, ask the court clerk for form [WV-200-INFO, What Is "Proof of Personal Service"?](#)

**Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.**
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

**If the court issues a TRO, it will last until the hearing date.**

# WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030, Declaration](#).)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form [WV-260, Proof of Service of Order After Hearing by Mail](#). If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form [WV-200](#)) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

WV-109 Notice of Court Hearing		
Clerk stamps date here when form is filed.		
① Petitioner (Employer or Collective Bargaining Representative)		
a. Name:	Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____	
Fill in court name and street address: Superior Court of California, County of _____		
b. Address (If you have a lawyer, give your lawyer's information): City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ Email Address: _____	Fill in case number: Case Number: _____	
② Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence Full Name: _____		
③ Respondent (Person From Whom Protection Is Sought) Full Name: _____		
The court will complete the rest of this form.		
④ Notice of Hearing A court hearing is scheduled on the request for restraining orders against the respondent:		
Hearing Date	Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above:
To the person in ③: • If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order. • If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.		WV-109, Page 1 of 3 Notice of Court Hearing (Workplace Violence Prevention) → Last Revised January 1, 2025. Mandatory Form Code of Civil Procedure, § 527.8 Approved by DDCJ

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

## Information about the process is also available online.

See [selfhelp.courts.ca.gov/WV-restraining-order](http://selfhelp.courts.ca.gov/WV-restraining-order)

## For help in your area, contact:

[Local information may be inserted.]