



## Zero Tolerance for Workplace Violence Policy and Plan

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12-06-16	Internal Controls and Human Resources	Creation	1

### Policy Contact

Annette Gratke, Human Resources Director

### Introduction

In 1992, the Minnesota Legislature adopted Minnesota Statutes section 1.5:

### FREEDOM FROM VIOLENCE

The State of Minnesota hereby adopts a policy of zero tolerance of violence.  
It is state policy that every person in the state has a right to live free from violence.

To further this policy, Minnesota Statutes section 15.86 mandates that each agency of state government adopt a goal of zero tolerance of violence in, and around the workplace.

### Statement of Policy

The Commerce Department (“Commerce”) is committed to a work environment that is safe and free of threats and acts of violence for its employees and visitors.

Pursuant to Minnesota Statutes sections 1.50 and 15.86, the State of Minnesota adopted a policy of zero tolerance of violence in and around the workplace. This policy shall be supported by a Violence Prevention Plan that describes how agencies will 1) seek to eliminate any potential for violence in and around the agency workplace; and 2) seek to eliminate any potential for violence by affecting the attitudes and behavior of the people that the agency serves or regulates.

It is the policy of Commerce and the responsibility of its managers, supervisors and employees to maintain a workplace free from threats and acts of violence. The Department will work to provide a safe workplace for employees and for visitors to the workplace. Each employee, and everyone with whom we come into contact in our work, deserves to be treated with courtesy and respect.

Commerce will **not** tolerate any form of violence in or around the workplace either by or against employees or members of the public.

## **Applicability**

This policy applies to all Commerce employees, contractors/consultants conducting business on behalf of Commerce, applicants, and visitors or other members of the public.

## **Definition**

"Violence is the abusive or unjust exercise of power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering, or death."

Workplace violence encompasses a wide range of behaviors that can include real or perceived aggression by co-workers, unjust exercise of power, criminal assault in the work area, intimidation, harassment, or direct or indirect threats of physical violence.

Workplace violence generally falls into three categories:

1. A violent act or threat (perceived or real) by a current or former employee, supervisor, manager, persons having involvement with a current or former employee such as an employee's spouse, significant other, relative, or another person who has had a dispute with an employee.
2. A violent act or threat (perceived or real) directed against department customers or other workplace visitors who receive service from the agency.
3. A violent act by someone totally unrelated to the work environment, wherein the purpose of his or her visit is to commit a criminal act such as robbery or bombing.

## **General Information**

Commerce's policy on work-related violence includes:

- The Department will actively work to prevent and eliminate acts of work-related violence.
- The Department will respond promptly, positively and assertively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.
- The Department prohibits possession of firearms and other dangerous weapons in the workplace, including specific building prohibitions.
- The Department will take incidents of work-related threats or acts of violence seriously. Reports of such acts will be promptly investigated, and management will take action, as necessary, to appropriately address each incident.
- The Department will take disciplinary action, up to and including discharge from state employment, against employees who are involved in work-related threats or acts of violence.

Pursuant to Minnesota Statutes section 15.86, this policy does not create any civil liability on the part of the State of Minnesota.

Note: This procedure does not replace the right of any employee to file a formal complaint with the police or Department of Human Rights.

*Although Commerce recognizes that general harassment and sexual harassment are violence-related problems, policies for both items are covered in more depth under a separate Department policy and procedure.*

## **Employee Responsibilities**

- Weapons are prohibited, including firearms and knives, in any area and building of Commerce by any person other than our licensed peace officers in the Commerce Fraud Bureau.
- Should an employee be threatened or witness any threats, they should immediately inform the person to cease the behavior (if comfortable), contact building security, or the local police department.
- Employees should take personal accountability for preventing and reporting workplace violence to the appropriate authority. That authority could be a supervisor, manager, Human Resources, building security or a law enforcement official.

## **Manager and Supervisor Responsibilities**

Managers and supervisors have primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically required to take immediate action to resolve or stabilize violent situations in the workplace and to protect staff and the public from harm. Supervisors will ensure that, when a threat is made or a violent incident occurs, appropriate incident response resources are notified immediately.

Managers and supervisors should contact the Human Resources Director when made aware of any circumstances that may indicate the potential for violence. NOTE: Any potential act or threat of violence requires immediate assistance from the source that can be most effective.

Should a situation occur and a complaint is brought forth by an employee or is observed by a manager or supervisor, the supervisor or manager must prepare a written complaint, which should include:

- Nature of the incident or complaint
- Facts upon which the incident and/or complaint is based
- Remedy sought or requested
- The complaint should go to the Human Resources Director

A supervisor or manager should fully cooperate during an investigation with the Human Resources Director and assigned investigator.

## **Prohibited Conduct**

The following list of behaviors, while not exhaustive, provides an example of **prohibited conduct**:

- Causing physical harm to another employee or visitor;
- Acting in an aggressive or hostile manner that creates a reasonable fear of injury to another employee or subjects another employee to emotional distress;
- Committing acts motivated by, or related to, domestic violence;
- Making threatening remarks that subjects another employee to extreme emotional distress;
- Intentionally damaging Department property or the property of another employee;
- Possessing, brandishing or using a weapon while on Department property or while on Department business that is not required by the employee while in the workplace; or
- Retaliating against any employee who, in good faith, reports a violation of this or any other policy.

## **Violation Procedures**

Violation of this policy violation will subject an employee to discipline, up to and including discharge from employment.

## **Relevant Policies and/or Statutes**

- Minnesota Statutes section 1.50
- Minnesota Statutes section 15.86, subdivision 1

## **COMMERCE DEPARTMENT PLAN FOR ZERO TOLERANCE OF WORKPLACE VIOLENCE IN AND AROUND THE WORKPLACE**

### **Commerce will provide a safe workplace**

Commerce is committed to ensuring that the workplace provides for the safety of employees and guests, and for reasonable protection from workplace violence.

### **Commerce will attempt to limit violence from external sources by positively affecting the attitudes and the behavior of its customers**

Customer Service: Commerce is committed to providing appropriate customer service for the individuals and organizations with which the Department does business. As a regulatory body established to enforce Minnesota Statutes, employees of Commerce may deliver unwanted news to Minnesota residents and businesses; however, Commerce employees will strive to treat all with respect and dignity. This behavior can reduce the potential for workplace violence from external sources.

### **Commerce will attempt to reduce the potential for internal workplace violence by positively affecting the attitudes and the behaviors of its employees**

Creating a low-risk environment: Commerce deputy and assistant commissioners, managers and supervisors are expected to promote and model positive behavior by treating employees with respect and dignity. Commerce will continue to strive through its strategic goals to be an employer of choice, where established codes of conduct are clear, are communicated, are consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.

Training: Once training is developed and/or arranged, all employees will be provided training on how to deal with workplace-related threats and acts of violence.

Employee counseling and assistance: Commerce will encourage the use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use the services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems, or other personal issues, which could, if ignored, lead to threats or acts of violence.

Self-help: Information will be available to all Commerce employees to provide familiarity with services offered by EAP and how to utilize the services. Information will also be provided about other options for the resolution of personal and workplace problems that

may have a potential for escalating to a violent incident. Employees are encouraged to utilize all available resources, including calling building security and 9-1-1 as appropriate.

Valuing and respecting diversity: Commerce's policy and practice is to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. Sexual harassment can be any behavior, which is unwelcome, personally offensive, insulting or demeaning, when:

- Submission to such conduct is explicitly or implicitly made as a term or condition of an individual's employment;
- Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such an individual; or
- Such conduct has the purpose, or the effect, of unreasonably interfering with an employee's performance, or of creating an intimidating, hostile, or offensive working environment.

Harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in workplace violence. Management will continue to treat report of harassment and discrimination seriously. Complaints of alleged harassment or discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken. See Harassment policy for reporting procedures.

**Threat Assessment Team:**

Commerce will assemble its Threat Assessment Team (TAT) to respond to violent or threatening situations in the workplace. The TAT is comprised of: Deputy Commissioner/Chief of Staff, Human Resources Director, General Counsel, Commerce Fraud Bureau Director, CFO (overseeing facilities management), and Building Security Manager. The TAT will respond to incidents involving threats or acts of violence in the workplace. Additionally, the TAT will serve as a resource for supervisors and others with regard to workplace violence concerns and assist in appropriate training.

While each situation is unique, the TAT will:

- Perform situation assessments and evaluations;
- Assist with attempts to de-escalate/properly manage potentially violent situations, when possible to do so;
- Facilitate and coordinate response actions of appropriate resources, both internal and external; and
- Ensure that appropriate follow-up action is taken (investigation, victim assistance, preventive and corrective actions, etc.).

A copy of this policy and plan is posted on the agency's Intranet for all Department employees to review and understand. In addition, the policy and plan is provided to an employee upon commencement of their employment.

Approved:



Mike Rothman, Commissioner  
Minnesota Department of Commerce

Date: December 6, 2016