



## Zero-tolerance for workplace violence

### Introduction

In 1992, the Minnesota Legislature adopted the following Freedom from Violence Act (Minnesota Statutes, Chapter 1, sec. 1.50). Pursuant to this act, the Department of Labor and Industry (DLI) has implemented the following policy and plan.

### 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.*

In furtherance of this policy, M.S., Chapter 15, sec. 15.86, subd. 1, mandates each state agency must adopt a goal of zero-tolerance of violence.

Each agency is required to develop a plan that describes how the agency will:

1. seek to eliminate any potential for violence in and around the agency workplace as permitted by law; and
2. seek to eliminate any potential for violence by affecting the attitudes and behavior of people that the agency serves or regulates.

Minnesota Statutes, Chapter 15, sec. 15.86, subd. 1, further states that agency statements and any plans must be filed with the Legislative Reference Library, where they will be available for public inspection.

### Definition of violence

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

This includes: verbal or written threats or acts of physical violence by employees directed against other employees; by employees directed against DLI customers or other workplace visitors; or by DLI customers or visitors directed against DLI employees or other customers/visitors. This can include hostile or abusive situations, including sexual harassment.

### Agency goal

It is the goal of the Minnesota Department of Labor and Industry to achieve a work environment that is secure and free from threats and acts of violence. DLI will not tolerate workplace violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees directed against DLI customers or other workplace visitors, by DLI customers or visitors directed against DLI employees, and by employees, customers or visitors directed against DLI property.

### Agency policy

It is the policy of the Minnesota Department of Labor and Industry and the responsibility of its managers, supervisors and all employees to maintain a workplace free from threats and acts of violence. DLI works to provide a safe workplace for employees and for visitors to the workplace. Each employee and everyone with whom he or she comes in contact with in the work environment deserves to be treated with courtesy and respect. Violation of this policy *will* subject an employee to discipline, up to and including discharge from employment.

DLI's policy about work-related violence includes the following.

- DLI will actively work to prevent the opportunity to commit acts of work-related violence.
- DLI hereby adopts and will work to enforce a policy of prohibiting employees' possession of firearms and other dangerous weapons in the workplace.
- DLI will treat 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.
- DLI will take strong disciplinary action, up to and including discharge from state employment, against DLI employees who are involved in the commission of work-related threats or acts of violence.
- DLI will support criminal prosecution of those who threaten or commit work-related violence against its employees, property, customers and/or other visitors to its work environment.

*Pursuant to M.S., Chapter 15, sec. 15.86, subd. 4, this section does not create any civil liability on the part of the state of Minnesota.*

## **Plan for implementing zero-tolerance of violence in and around the workplace**

### ***I. DLI will provide a safe workplace.***

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

**A. A “facility protection plan”** will be prepared for each workplace operated by DLI. The plan will address physical security requirements of each facility and will include procedures for appropriate response to threats and acts of violence. These will be incorporated into DLI's building emergency plans.

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

**A. Customer service:** DLI will continue to provide the best and most efficient customer service possible to all its customers. In doing so, DLI will strive toward a customer service system that is fair, efficient, reliable and understanding, and that treats its customers with respect and dignity, greatly reducing the potential for workplace violence from external sources.

**B. Appeals:** Customers of DLI have the right to make both informal and formal appeals of DLI decisions or actions that may affect them adversely. DLI will continue to work with its customers to ensure they are aware of their appeal rights. The conscientious administration of a fair appeals process is another means by which DLI can positively affect the potential for workplace violence from external sources.

### ***III. DLI will attempt to reduce the potential for internal workplace violence by positively affecting the attitudes and the behavior of its employees.***

**A. Creating a low-risk work environment:** DLI managers and supervisors are expected to promote positive behavior and to lead by example by treating employees with the respect and dignity each person deserves. DLI will stress the creation of a workplace where standards of conduct are clear, communicated to all employees and are consistently enforced, and where discipline is used fairly and appropriately in dealing with instances of unacceptable behavior.

**B. Supervisory training:** All DLI managers and supervisors will attend training about how to deal with workplace-related threats and acts of violence. This training will focus on prevention and de-escalation of violence, will include suggestions for appropriate responses to threats and acts of violence, and will

identify those resources that are available for use when a potential problem has been identified or an incident has occurred.

**C. Employee training:** DLI employees will be given the opportunity to receive training about threat awareness and appropriate responses to aggressive, threatening and violent behaviors. Assessment of additional training needs for employees will be made upon request of the unit manager and/or supervisor. Appropriate training programs will be developed and presented.

**D. Employee counseling and assistance:** Employees may choose assistance from private health services to deal with pressures, stress, emotional problems or other personal issues that could, if ignored, lead to threats or acts of violence. DLI, as a state agency, will encourage use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling and referral agency. Supervisors, managers, union representatives or family members may encourage employees to seek help from the EAP; the decision to use services is voluntary.

**E. Self-help:** Informational brochures and other media will be offered to all employees to familiarize them with the various services and options offered for the resolution of personal and work-related problems that may have a potential for escalating to a violent incident. Employees will be encouraged to use all available resources.

**F. Valuing and respecting diversity:** It is DLI's policy and practice to value and respect individual differences among people.

**G. Sexual harassment:** Sexual harassment can be any behavior that is unwelcome, personally offensive, insulting or demeaning, when:

- submission to such conduct is explicitly or implicitly made 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.

Sexual harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in workplace violence. Management will continue to treat reports of sexual harassment and discrimination seriously. Complaints of alleged sexual harassment or discrimination will be promptly investigated and appropriate disciplinary action, up to and including discharge from employment, will be taken as necessary. See DLI's affirmative action plan for policy and reporting procedures about sexual harassment and discrimination.

#### ***IV. DLI will effectively deal with threats of violence and with actual incidents of violence.***

**A. Supervisory responsibilities:** DLI managers and supervisors have the primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace and to protect people from harm. Managers and supervisors will ensure that when a threat is made or a violent incident occurs, appropriate incident response resources are notified immediately. Managers and supervisors will also ensure appropriate disciplinary responses to internal workplace violence and aggression are made.

**B. Employee responsibility:** DLI employees have the responsibility to assist in ensuring a safe work environment. Employees are specifically required to report incidents and potential incidents of violence to their managers, supervisors or the incident response coordinator and to cooperate fully with the investigation and follow-up response to the incident or potential incident.

**C. Incident response coordinators (IRCs):** DLI will appoint incident response coordinators who will be responsible for coordinating responses to violent or threatening situations in the workplace. The IRCs will:

1. serve as a resource referral agent and information source for managers, supervisors and others with regard to workplace violence concerns.
2. respond, as needed, to incidents involving threats or acts of workplace-related violence. While each situation will be unique, this will often require that the IRCs:
  - a. perform situation assessments and evaluations;
  - b. assist with attempts to de-escalate or properly manage potentially violent situations, when possible to do so;
  - c. facilitate and coordinate response actions of appropriate resources, both internal and external; and
  - d. ensure appropriate follow-up action is taken, such as investigations, victim assistance, preventive actions and corrective actions.
3. assist in the identification of potential areas of violence and assist in developing and implementing preventive maintenance plans to ensure the potential for workplace violence is greatly reduced.
4. maintain a level of training that will allow the IRCs to act as DLI's liaison with its various customers and their concerns with workplace violence issues. The training should focus on the prevention and de-escalation of violence and the identification of and contact with other resources that are available for use when a potential problem has been identified or an incident has occurred.

The IRCs will carry out these responsibilities with the assistance of appropriate department, state and local government resources.

IRCs:           Gail Krieg, Human Resources – (651) 284-5263  
                  Carrie Rohling, security liaison – (651) 284-5217

#### ***V. DLI will work to eliminate dangerous weapons from the workplace.***

**Dangerous weapon prohibition:** The possession of any dangerous weapon, to include any firearm, in any DLI workplace by any DLI employee, is strictly prohibited. This includes the following:

1. any weapon that, per applicable law, is illegal to possess;
2. any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB” and stun guns;
3. replica firearms, as defined in M.S., Chapter 609, sec. 609.713, subd. 3 (b)(2):
  - “replica firearm” means a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. The term firearm includes devices or objects that are designed to fire only blanks.

DLI personnel and visitors are prohibited from possessing any dangerous weapon or look-alike weapon; any device or instrument designed as a weapon and capable of producing severe bodily harm or intended to look like a device or instrument capable of producing severe bodily harm or any other device, instrument or substance, which, in the manner in which it is used or intended to be used, is calculated or likely to produce

severe bodily harm or look like it is calculated or likely to produce severe bodily harm, to include any firearm, while on official duty. For purposes of this plan and policy, the following items are considered to be “dangerous weapons”:

1. knives or similar instruments with a blade length of more than three inches, other than those present in the workplace for a specific workplace task;
2. any “switchblade” knife;
3. “brass knuckles,” “metal knuckles” and similar weapons;
4. bows, cross-bows and arrows;
5. explosives and explosive devices, including fireworks and incendiary devices;
6. “throwing stars,” “numchucks,” clubs, saps and other items commonly used as or primarily intended for use as a weapon;
7. any object that has been modified to serve as or has been employed as a dangerous weapon; and
8. any other items so designated by the commissioner of the Department of Labor and Industry.

### **Plan implementation**

This policy and plan will be electronically accessible to all employees and will be posted on employee bulletin boards at all DLI locations. Management will be responsible for informing employees of this policy and plan and for enforcing compliance with it. This policy and plan will be discussed at new-employee orientation and all new employees will be provided with a copy of this policy and plan. A copy of this policy and plan will also be available in DLI’s Human Resources office and on the policies page of the DLI intranet, under “Human Resources.”

DLI will continue to provide information about the services available through the Employee Assistance Program and the health promotion and safety programs to help employees deal with concerns and issues related to workplace or family violence. Training needs will be assessed and training sessions for managers, supervisors and employees will be made available. DLI will work to further advance this plan, and will identify and address specific action items.

Following the appointment of DLI’s incident response coordinators, employees will receive informational materials about the role and responsibilities of the IRCs.

Effective with the signing and approval of this policy and plan, the IRCs will assume responsibility for coordinating DLI’s response to workplace-related threats and acts of violence. Managers and supervisors will continue to have the primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, for taking appropriate corrective action when potentially violent situations develop and for working with DLI’s IRCs when threats or acts of violence occur.