

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4383

(SENATE AUTHORS: MCEWEN)

DATE
02/29/2024

D-PG

Introduction and first reading
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; establishing the Retail Worker and Consumer Safety
1.3 Violence Prevention Act; requiring a report; imposing penalties; proposing coding
1.4 for new law in Minnesota Statutes, chapter 181.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. TITLE.

1.7 This act shall be known as the "Retail Worker and Consumer Safety Violence Prevention
1.8 Act."

1.9 Sec. 2. [181.915] VIOLENCE AGAINST RETAIL STORE WORKERS.

1.10 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.11 subdivision have the meanings given.

1.12 (b) "Act of violence" means an act by an individual against a retail store worker that
1.13 includes physical force or threat that results in bodily injury to include sexual harassment.

1.14 (c) "Action plan" means the preparedness and incident response action plan to acts of
1.15 violence required under this section.

1.16 (d) "Commissioner" means the commissioner of labor and industry.

1.17 (e) "Incident response" means the actions taken by retail store management and retail
1.18 store workers during and following an act of violence.

1.19 (f) "Interfere" means to prevent, impede, discourage, or delay a retail store worker's
1.20 ability to report acts of violence, including by retaliating or threatening to retaliate against
1.21 a retail store worker.

2.1 (g) "Preparedness" means the actions taken by retail store management and retail store
2.2 workers to prevent a single act of violence or acts of violence generally.

2.3 (h) "Retail store" means a retail store in this state that sells goods and products directly
2.4 to the consumer for a profit, including but not limited to retail stores, pharmacies, liquor
2.5 stores, convenience stores, and grocery stores as well as seasonal and temporary businesses.

2.6 (i) "Retail store worker" means an employee employed directly by a hiring entity at a
2.7 retail store. Retail workers do not include managers, supervisors, or confidential employees.

2.8 (j) "Retaliate" means to discharge, discipline, threaten, otherwise discriminate against,
2.9 or penalize a retail store worker regarding the retail store worker's compensation, terms,
2.10 conditions, location, or privileges of employment.

2.11 (k) "Workplace violence hazards" means locations and situations where violent incidents
2.12 are more likely to occur, including, as applicable, but not limited to locations isolated from
2.13 other retail store workers; retail store workers working alone; retail store workers working
2.14 in remote locations; retail store workers working late night or early morning hours; locations
2.15 where an assailant could prevent entry of responders or other retail store workers into a
2.16 work area; locations with poor illumination; locations with poor visibility; lack of effective
2.17 escape routes; obstacles and impediments to accessing alarm systems; locations within the
2.18 facility where alarm systems are not operational; entryways where unauthorized entrance
2.19 may occur, such as doors designated for staff entrance or emergency exits; presence, in the
2.20 areas where customer contact activities are performed, of furnishings or objects that could
2.21 be used as weapons; and locations where high-value items, currency, or pharmaceuticals
2.22 are stored.

2.23 Subd. 2. **Action plan.** By January 1, 2025, a retail store must design and implement a
2.24 preparedness and incidence response action plan to acts of violence. The retail store must
2.25 review and update the plan at least annually thereafter. The action plan must be in writing;
2.26 specific to the workplace violence hazards and corrective measures for the units, services,
2.27 or operations of the retail store; and available to retail store workers at all times.

2.28 Subd. 3. **Committee.** A retail store shall designate a committee of representatives of
2.29 retail store workers employed by the retail store, including nonmanagerial retail store
2.30 workers, consumer safety experts, and other appropriate personnel to develop the action
2.31 plan. The retail store shall, in consultation with the designated committee, implement the
2.32 developed action plan.

2.33 Subd. 4. **Requirements.** (a) The action plans must include:

3.1 (1) effective procedures to obtain the active involvement of retail store workers and their
3.2 representatives in developing, implementing, and reviewing the plan, including their
3.3 participation in identifying, evaluating, and correcting workplace violence hazards; designing
3.4 and implementing training; and reporting and investigating incidents of workplace violence;

3.5 (2) names or job titles of the persons responsible for implementing the plan; and

3.6 (3) effective procedures to ensure that supervisory and nonsupervisory retail store workers
3.7 comply with the plan.

3.8 (b) The action plan must include assessment procedures to identify and evaluate
3.9 workplace violence hazards for each facility, unit, service, or operation, including
3.10 community-based risk factors and areas surrounding the facility, such as employee parking
3.11 areas and other outdoor areas. Procedures shall specify the frequency that environmental
3.12 assessments take place.

3.13 (c) The action plan must include assessment tools, environmental checklists, or other
3.14 effective means to identify workplace violence hazards.

3.15 (d) The action plan must include procedures for reviewing all workplace violence
3.16 incidents that occurred in the facility, unit, service, or operation of a retail store within the
3.17 previous year, whether or not an injury occurred.

3.18 Subd. 5. **Reporting workplace violence.** The action plan must include procedures for
3.19 reporting workplace violence including:

3.20 (1) procedures for retail store workers to document information regarding conditions
3.21 that may increase the potential for workplace violence incidents and communicate that
3.22 information without fear of reprisal to other retail store workers, shifts, or units;

3.23 (2) procedures for retail store workers to report a violent incident, threat, or other
3.24 workplace violence concern without fear of reprisal;

3.25 (3) effective procedures for the retail store to accept and respond to reports of workplace
3.26 violence and to prohibit retaliation against a retail store worker who makes such a report;

3.27 (4) a policy statement stating the retail store will not prevent a retail store worker from
3.28 reporting workplace violence or take punitive or retaliatory action against a retail store
3.29 worker for doing so;

3.30 (5) procedures for investigating retail store worker concerns regarding workplace violence
3.31 or workplace violence hazards;

4.1 (6) procedures for informing retail store workers of the results of the investigation arising
4.2 from a report of workplace violence or from a concern about a workplace violence hazard
4.3 and of any corrective actions taken;

4.4 (7) procedures for obtaining assistance from the appropriate law enforcement agency
4.5 or social service agency during all work shifts. The procedure may establish a central
4.6 coordination procedure; and

4.7 (8) a policy statement stating the retail store must not prevent a retail store worker from
4.8 seeking assistance and intervention from local emergency services or law enforcement when
4.9 a violent incident occurs or take punitive or retaliatory action against a retail store worker
4.10 for doing so.

4.11 Subd. 6. **Coordination with other employers.** The action plan must include methods
4.12 the retail store will use to coordinate implementation of the plan with other employers whose
4.13 employees work in the same retail store facility, unit, service, or operation and to ensure
4.14 that those employers and their employees understand their respective roles as provided in
4.15 the plan. These methods must ensure that all employees working in the facility, unit, service,
4.16 or operation are provided with the training required and that workplace violence incidents
4.17 involving any employee are reported, investigated, and recorded.

4.18 Subd. 7. **Required training and notice to employees.** (a) The action plan must include:

4.19 (1) procedures for developing and providing the training required that permits retail
4.20 store workers and their representatives to participate in developing the training;

4.21 (2) a requirement for cultural competency training and equity, diversity, and inclusion
4.22 training; and

4.23 (3) procedures to communicate with retail store workers regarding workplace violence
4.24 matters, including:

4.25 (i) how retail store workers will document and communicate to other retail store workers,
4.26 between shifts, and units' information regarding conditions that may increase the potential
4.27 for workplace violence incidents;

4.28 (ii) how retail store workers can report a violent incident, threat, or other workplace
4.29 violence concern;

4.30 (iii) how retail store workers can communicate workplace violence concerns without
4.31 fear of reprisal; and

5.1 (iv) how retail store worker concerns will be investigated and how retail store workers
5.2 will be informed of the results of the investigation and any corrective actions to be taken.

5.3 (b) A retail store shall provide training to all retail store workers employed or contracted
5.4 with the retail store on safety during acts of violence. Each retail store worker must receive
5.5 safety training annually upon hire during the retail store worker's orientation and before the
5.6 retail store worker completes a shift independently and annually thereafter. Training must,
5.7 at a minimum, include:

5.8 (1) safety guidelines for response to and de-escalation of an act of violence;

5.9 (2) ways to identify potentially violent or abusive situations, including aggression and
5.10 violence predicting factors;

5.11 (3) the retail store's action plan, including how the retail store worker may report concerns
5.12 about workplace violence within each retail store's reporting structure without fear of reprisal,
5.13 how the retail store will address workplace violence incidents, and how the retail store
5.14 worker can participate in reviewing and revising the action plan; and

5.15 (4) any resources available to retail store workers for coping with incidents of violence,
5.16 including but not limited to critical incident stress debriefing or employee assistance
5.17 programs.

5.18 Subd. 8. **Annual review.** (a) As part of the retail store's annual review of its action plan,
5.19 a retail store must review with the designated committee:

5.20 (1) the effectiveness of the retail store's action plan, including the sufficiency of security
5.21 systems, alarms, emergency responses, and security personnel availability;

5.22 (2) security risks associated with specific units, areas of the facility with uncontrolled
5.23 access, late night shifts, early morning shifts, and areas surrounding the facility such as
5.24 employee parking areas and other outdoor areas;

5.25 (3) the number of acts of violence that occurred in the retail store during the previous
5.26 year, including injuries sustained, if any, and the unit in which the incident occurred;

5.27 (4) evaluations of staffing, including staffing patterns that contribute to, or are insufficient
5.28 to address, the risk of violence; and

5.29 (5) any reports of discrimination or abuse that arise from security resources, including
5.30 from the behavior of security personnel.

5.31 (b) As part of the annual update of the action plan, the retail store must incorporate
5.32 corrective actions to address workplace violence hazards identified during the review period,

6.1 reports of workplace violence, reports of workplace violence hazards, and reports of
6.2 discrimination or abuse that arise from the security resources.

6.3 (c) Following the annual review of the action plan, a retail store must update the action
6.4 plans to reflect the corrective actions the retail store will implement to mitigate the hazards
6.5 and vulnerabilities identified during the annual review.

6.6 Subd. 9. **Request for additional staffing.** A retail store shall create and implement a
6.7 procedure for a retail store worker to officially request that retail store management provide
6.8 additional staffing. The retail store must document all requests for additional staffing made
6.9 because of a retail store worker's concern over a risk of an act of violence. If the request for
6.10 additional staffing to reduce the risk of violence is denied, the retail store must provide the
6.11 retail store worker who made the request a written reason for the denial and must maintain
6.12 documentation of that communication with the documentation of requests for additional
6.13 staffing. A retail store must make documentation regarding staffing requests available to
6.14 the commissioner for inspection at the commissioner's request. The commissioner may use
6.15 documentation regarding staffing requests to inform the commissioner's determination on
6.16 whether the retail store is providing adequate staffing and security to address acts of violence
6.17 and may use documentation regarding staffing requests if the commissioner imposes a
6.18 penalty.

6.19 Subd. 10. **Availability of plan review and comments; report.** (a) A retail store must
6.20 make its most recent action plans and the information listed in the most recent action plan
6.21 reviews under subdivision 8 available to local law enforcement, all retail store workers,
6.22 and, if any of its workers are represented by a collective bargaining unit, to the exclusive
6.23 bargaining representatives of those collective bargaining units.

6.24 (b) Beginning January 1, 2026, a retail store must annually submit to the commissioner
6.25 its most recent action plan and the results of the most recent annual review conducted.

6.26 Subd. 11. **Report to legislature.** Beginning January 15, 2026, the commissioner must
6.27 compile the information received under subdivision 10 into a single annual report and submit
6.28 the report to the chairs and ranking minority members of the legislative committees with
6.29 jurisdiction over public safety by January 15 of each year.

6.30 Subd. 12. **Interference prohibited.** A retail store, including any individual, partner,
6.31 association, or any person or group of persons acting directly or indirectly in the interest of
6.32 the retail store, must not interfere with or discourage a retail store worker if the retail store
6.33 worker wishes to contact law enforcement or the commissioner regarding an act of violence.

- 7.1 Subd. 13. **Penalties.** The commissioner may impose a fine of up to \$10,000 for failure
- 7.2 to comply with the requirements of this section. The commissioner must allow the retail
- 7.3 store at least 30 calendar days to correct a violation of this section before assessing a fine.
- 7.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.