

Research Department

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Minnesota House of Representatives

November 30, 2018

TO: Speaker Daudt
Speaker-Elect Hortman
Representative Fenton
Representative Freiberg
Representative Kiel
Representative O'Driscoll
Representative Schultz

FROM: Ben Weeks, Legislative Analyst
Cristina Parra, Legislative Analyst

RE: Resolution on Workplace Safety and Respect

This memorandum responds to the Resolution on Workplace Safety and Respect adopted by the Committee on Rules and Legislative Administration on April 25, 2018. The resolution required the Task Force on Workplace Safety and Respect to collaborate with House staff on the projects outlined below.

Community Survey

The resolution required a community survey regarding harassment and discrimination at the House. The community survey was open to members and staff from October 4, 2018 to November 1, 2018. The surveys were anonymous, and each question was optional. Members and staff received separate surveys to facilitate sorting responses, but the questions were the same. The only identifying information the survey yielded is whether the respondent is a member or employee, and gender, which was the last question on the survey.

A few highlights from the survey responses are below, and summaries of both the member and staff surveys are attached.

- Response rates: 50% of members (66 of 132 members¹), and 72% of employees (163 of 225 employees) responded to the survey.
- Policy: All members (100%) and most employees (98.8%) stated that they were familiar with the House's policy against discrimination and harassment; most (95.5% of members and 98.1% of employees) also stated that they knew how to report harassment or discrimination in the legislative workplace.
- Experience with sexual harassment: Some members (19.7%) and employees (20.4%) stated that they had experienced or witnessed something that could be described as sexually harassing behavior in the legislative workplace.
- Site of sexual harassment: When asked where sexually harassing behavior takes place, the top answer was "off-premises events" (26.5% of members, 25.6% of employees); the next answer was "legislators' offices" (16.7% of members, 18.8% of employees).
- Subjects of sexual harassment: When asked who respondents had seen subjected to sexually harassing behavior in the legislative workplace, the top answer was "no one" (46.1% of members, 45.8% of employees).

We recommend the House consider the following issues as it determines whether or how to use surveys going forward:

- Frequency and timing: The legislature operates on a biennium, with some staff and member turnover every two years. The survey should be timed to capture the experiences of respondents who have had some experience in the legislative workplace, and to yield the greatest number of responses possible.
- Questions: The legislature is in many ways a unique workplace. The questions were tailored to the legislative workplace, but could be fine-tuned to better capture the dynamics of the legislature. We welcome all feedback on the questions used in the survey.
- Respondents: This survey went to House members and staff only. In the future, the House may consider including lobbyists, agency staff, LCC staff, and members of the public. The House may also consider working with the Senate to administer a single legislature-wide survey.

Dedicated Phone and Email Reporting

Anyone who wants to make a report or complaint, or voice a concern about harassment or discrimination under the House policy may use the dedicated phone number and email address established for this purpose. The phone number is: (651) 296 9896. The email address is dh@house.mn. The phone line and email account will be monitored by Kelly Knight, Ben Weeks, and Cristina Parra.

¹ Two members resigned before the survey was administered.

The dedicated phone and email reporting lines have been established as additional ways to make a report of harassment or discrimination. These lines do not take the place of other avenues previously established for reports, complaints, or concerns of discrimination or harassment.

Publication, Dedicated Webpage

The House website now includes a public-facing webpage dedicated to harassment and discrimination. The webpage will go live on December 1, 2018, or shortly thereafter. The page will include links to the House Policy Against Discrimination and Harassment and the list of supervisors to whom reports, complaints, or concerns of discrimination or harassment may be brought. The webpage also includes the dedicated telephone number and email address noted above, and a concise explanation of the reporting avenues available to House employees, members, and third parties.

A print poster containing information similar to that available on the dedicated webpage will be posted in House spaces before the beginning of the 2019 legislative session.

Training

Currently, House members receive training on harassment and discrimination when they are first elected to the House. Regular staff receive training when they are first hired, and every five years thereafter. Session-only staff receive training every two years. Employee supervisors also attend harassment and discrimination training when they are first promoted to supervisor roles. In 2018, members were required to attend an all-day training with sessions on implicit bias, and harassment and discrimination. Members are scheduled to attend required training on implicit bias, and harassment and discrimination in January of 2019.

We recommend that all members and staff receive harassment and discrimination training at least every two years. In addition, we recommend that members receive additional training as follows:

- One topic in addition to harassment and discrimination training each biennium: implicit bias, or bystander training, and other potential topics to be determined later.
- Training for House chairs, leadership, and members of the personnel committee on implicit bias every one or two years.

We also recommend that House employee supervisors receive training on implicit bias, bystander training, and additional harassment and discrimination training, including specific tools for receiving complaints of harassment or discrimination.

Review House Rules and Policies

The House's Policy Against Discrimination and Harassment was updated in April 2018. We suggest the policy be reviewed each biennium for potential updates. The following are three potential updates, or things to consider updating in the policy. The first is a staff recommendation and the second and third were made by outside investigators during a harassment investigation.

First, the policy requires that investigations into allegations of violations by a member be reported to both the Speaker and Minority Leader. We suggest the policy be amended to provide House Counsel some flexibility to report the investigations to one or more members instead of these designated individuals when the Speaker or Minority Leader is the subject of the investigation.

Second, the policy states that the House commits “to combat harassment or discrimination by and against its members and employees when interacting, in the course of their legislative work, with third parties ...” (emphasis added). The policy further states that the policy “covers the interaction of members and employees away from the Capitol Complex during any activity that involves legislative business.” (emphasis added). The House may want to consider whether the policy is intended to cover a situation in which the relationship arises out of legislative work, but the alleged harassment occurs away from the Capitol during interactions that have little connection to legislative business.

Third, the policy defines sexual harassment on page 5 as “unwelcome” behavior, and provides examples of verbal, non-verbal, and physical conduct or communications. The verbal and non-verbal examples use the term “unwelcome” but the physical ones do not. The policy should be amended to clarify whether physical conduct, such as kissing, or touching, constitutes sexual harassment without regard to whether the conduct is unwelcome.

BW/CP/rk

CC: Kelly Knight
Meagan Rice
Jynell Boulka
Ben Golnik
Sean Rahn
Susan Closmore

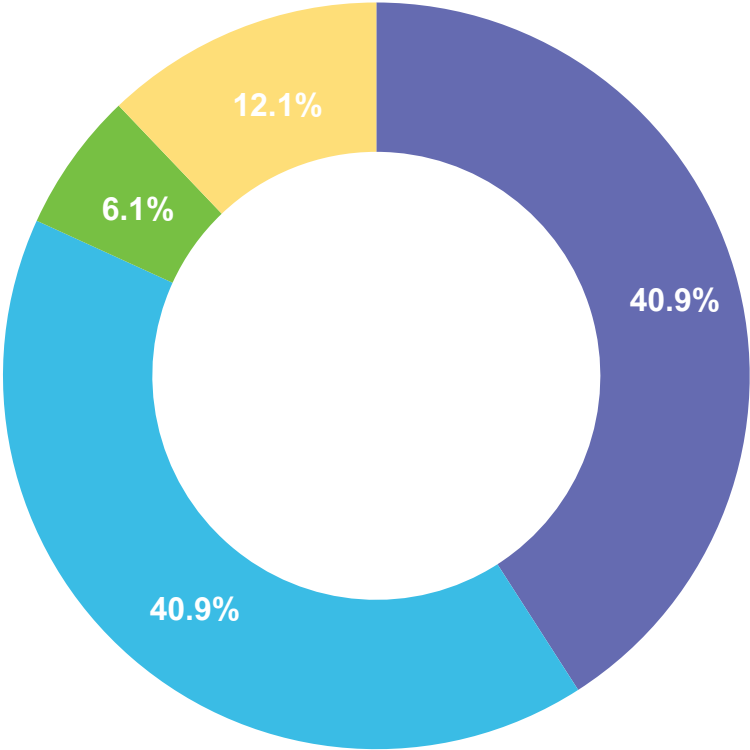
Attachment



How satisfied are you with the work culture at the Minnesota House of Representatives?

MULTIPLE CHOICE

Answered **66**
Unanswered **0**



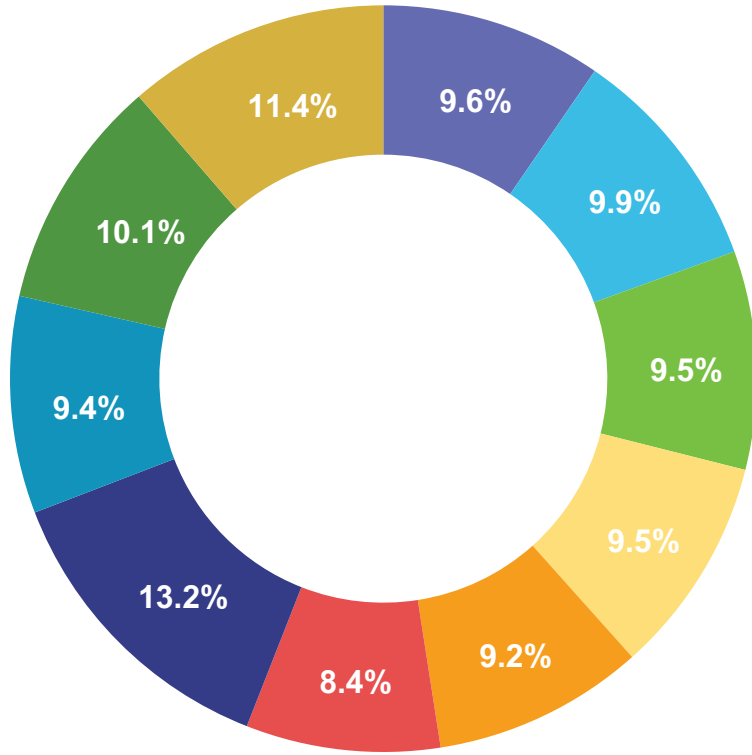
Choice	Total
Very satisfied	27
Satisfied	27
Neither satisfied nor dissatisfied	4
Dissatisfied	8
Very dissatisfied	0



Do you agree with the following statements?

SCORING

Answered
66
Unanswered
0



Choice	Total	Average
● My coworkers treat each other respectfully.	156	2.36
● Members of the House treat staff respectfully.	161	2.44
● House leadership is committed to having a respectful workplace.	154	2.33

● Harassment complaints against House members are taken seriously.	154	2.33
● Harassment complaints against House employees are taken seriously.	149	2.26
● I would feel comfortable reporting harassment or discrimination.	137	2.08
● Individuals who harass others get away with it.	215	3.26
● House leadership is taking action to prevent harassment.	153	2.32
● Employees engaging in misconduct are held accountable for their actions.	164	2.48
● House members engaging in misconduct are held accountable for their actions.	185	2.8

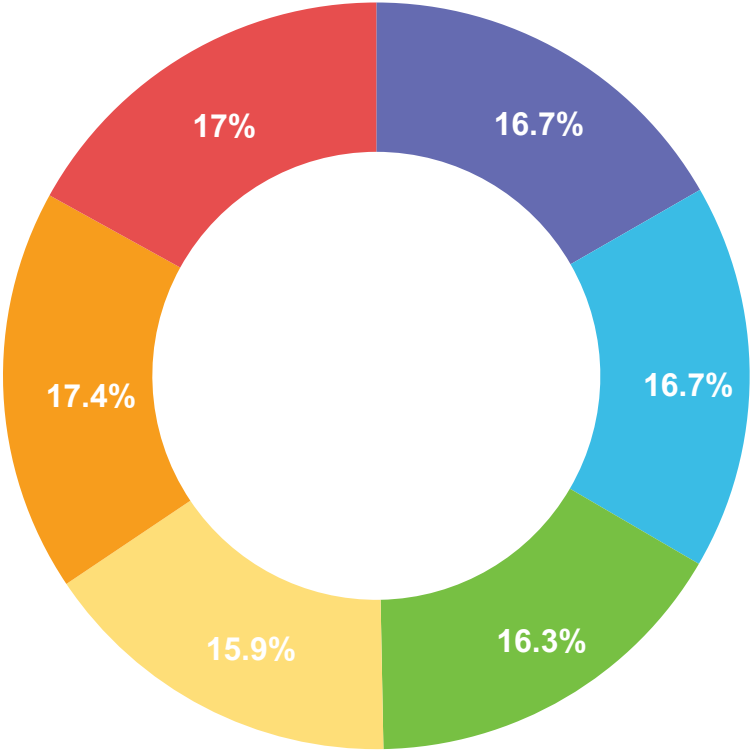


How likely are you to discuss a behavior or experience that made you feel uncomfortable with:

SCORING

Answered
66

Unanswered
0



Choice	Total	Average
● The person involved	248	3.76
● A non-supervisory coworker	248	3.76
● A supervisor	242	3.67
● Human resources	236	3.58

● A House member	259	3.92
● Caucus leadership staff	252	3.82

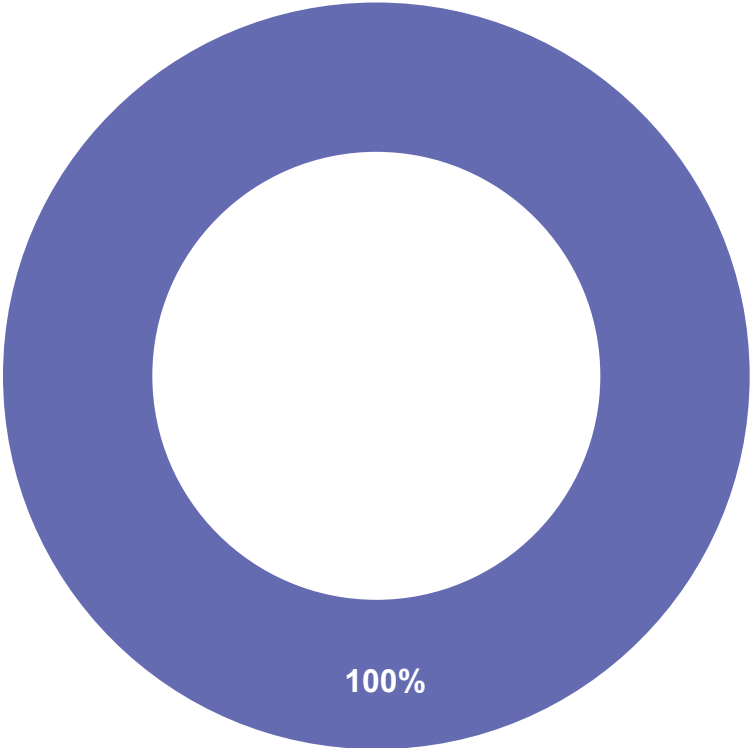
Q4

Are you familiar with the House's policy against discrimination and harassment?

MULTIPLE CHOICE

Answered **66**

Unanswered **0**

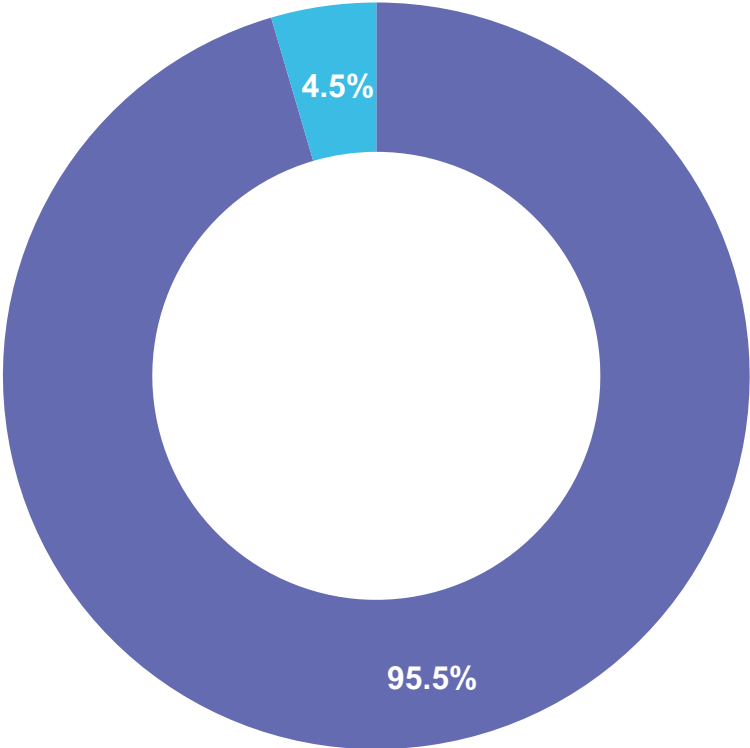


Choice	Total
● Yes	66
● No	0

Q5

Do you know how you can report harassment or discrimination in the legislative workplace?

MULTIPLE CHOICE



Answered **66**
Unanswered **0**

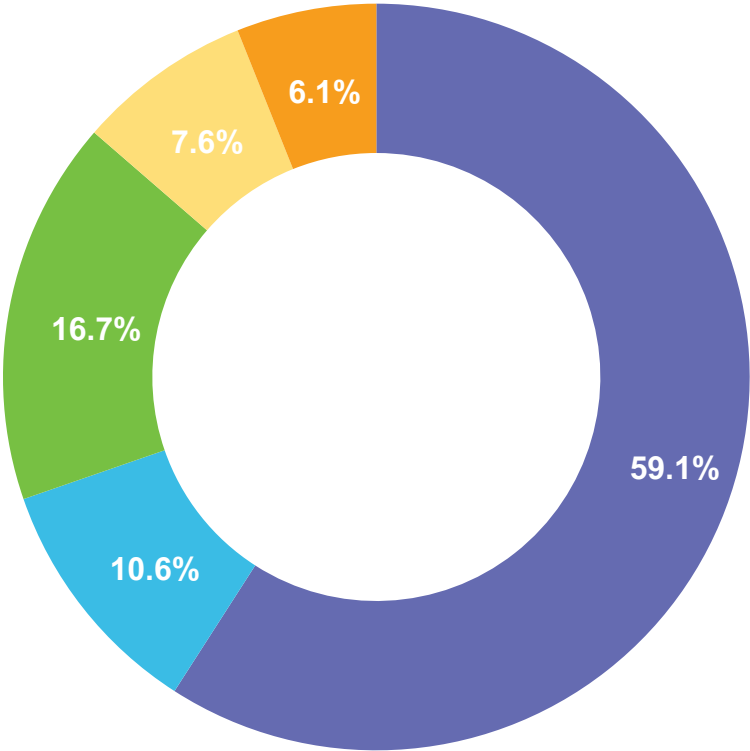
Choice	Total
● Yes	63
● No	3

Q6

In the past 12 months, how often have you experienced or witnessed harassment, inappropriate behavior, or discrimination in the legislative workplace?

MULTIPLE CHOICE

Answered
66
Unanswered
0



Choice	Total
● Never	39
● Once	7
● Once a month or less	11
● Two to three times a month	5

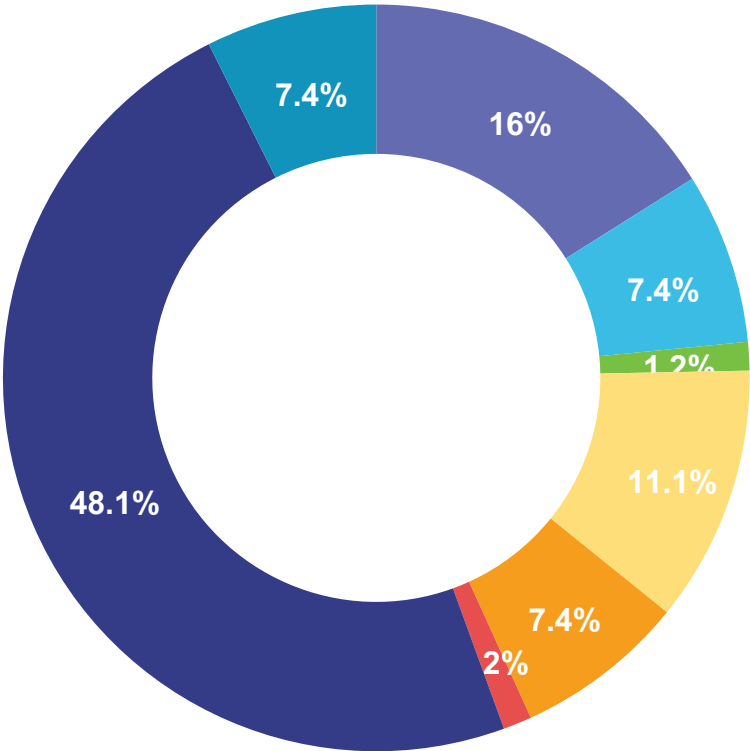
- Once a week or more 4
- One or more times a day 0



In the past 12 months, have you experienced or witnessed any harassment, inappropriate behavior, or discrimination based on the following?

Check all that apply.

MULTIPLE CHOICE



Answered
60
Unanswered
6

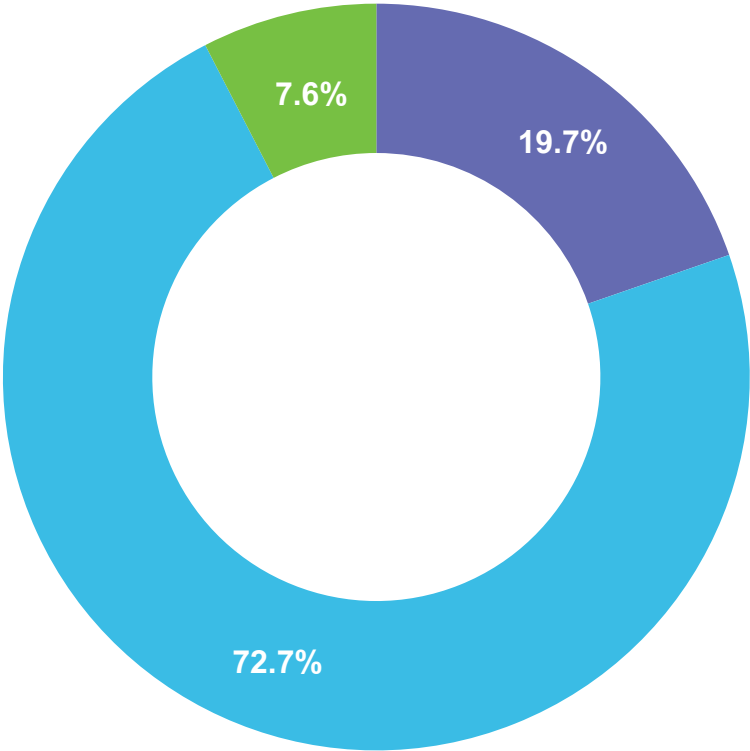
Choice	Total
● Sex	13
● Sexual orientation	6
● Gender identity	1

● Race or ethnicity	9
● Religion	6
● Disability	1
● None of the above	39
● Other	6

Q8

Have you experienced or witnessed anything that could be described as sexually harassing behavior in the legislative workplace?

MULTIPLE CHOICE



Answered
66

Unanswered
0

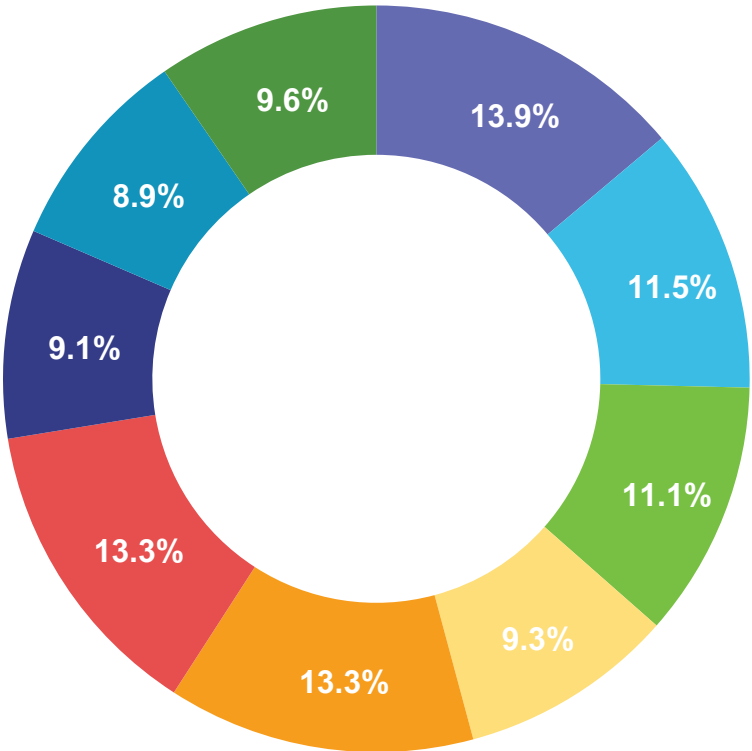
Choice	Total
● Yes	13
● No	48
● I don't know	5



In the past 12 months, how often did someone in the legislative workplace do the following?

- 1 = Never
- 2 = Once
- 3 = Once a month or less
- 4 = Two to three times a month
- 5 = Once a week or more
- 6 = One or more times a day

SCORING



Answered
65
Unanswered
1

Choice	Total	Average
● Repeatedly tell sexist stories or jokes that were offensive to you	101	1.55

● Make unwelcomed attempts to draw you into a discussion of sexual matters	84	1.29
● Make offensive remarks about your appearance, body, or sexual activities	81	1.25
● Make unwanted attempts to establish a romantic or sexual relationship with you despite your efforts to discourage it	68	1.05
● Refer to a gender in insulting or offensive terms	97	1.49
● Put you down or act in a condescending way toward you because of your gender	97	1.49
● Imply you would receive a work benefit if you entered into a sexual or romantic relationship	66	1.02
● Make you feel threatened with some sort of retaliation for not entering into a sexual or romantic relationship	65	1

- Touch you in a way that made you feel uncomfortable 70 1.08

Q10

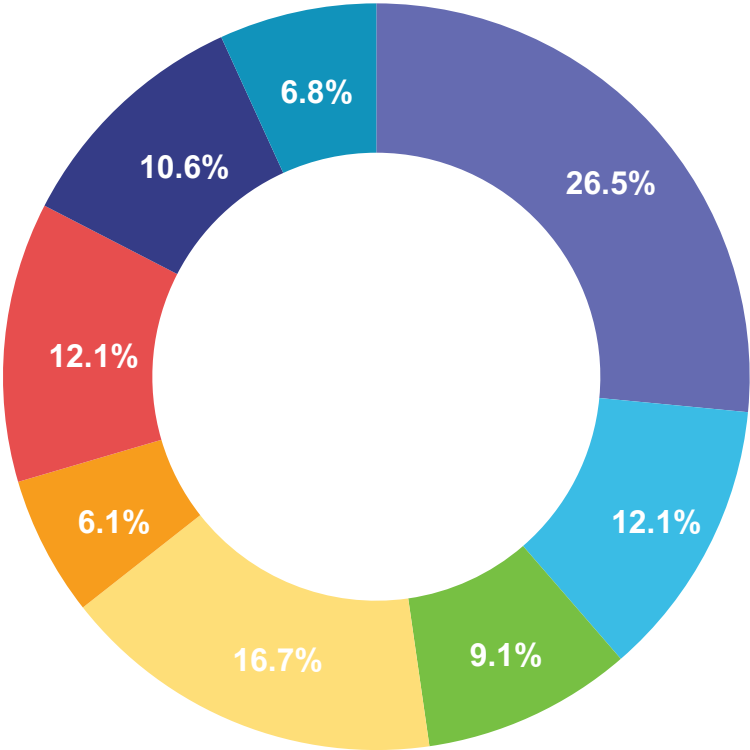
Where do you believe sexually harassing behavior takes place in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
62

Unanswered
4



Choice	Total
● Off-premises events	35
● Working areas of the Capitol complex	16
● Public areas of the Capitol complex	12
● Legislators' offices	22

● Hearing or committee rooms	8
● Everywhere/anywhere	16
● Nowhere	14
● Other	9

Q11

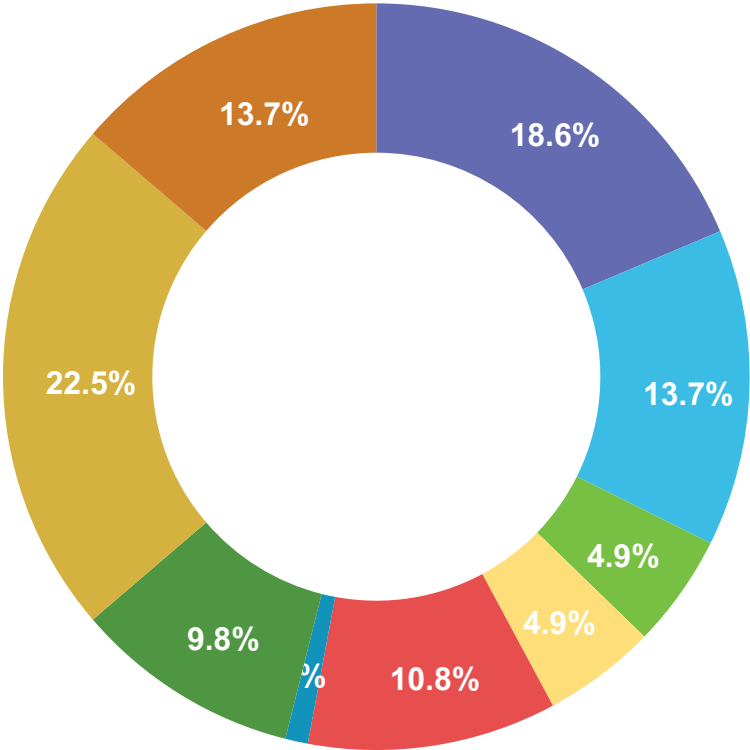
Who is engaging in sexually harassing behavior in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
59

Unanswered
7



Choice	Total
● House members	19
● Senators	14
● House staff	5
● Senate staff	5

● LCC staff	0
● Lobbyists	11
● Media	0
● Agency staff	1
● Members of the public	10
● No one	23
● Other	14

Q12

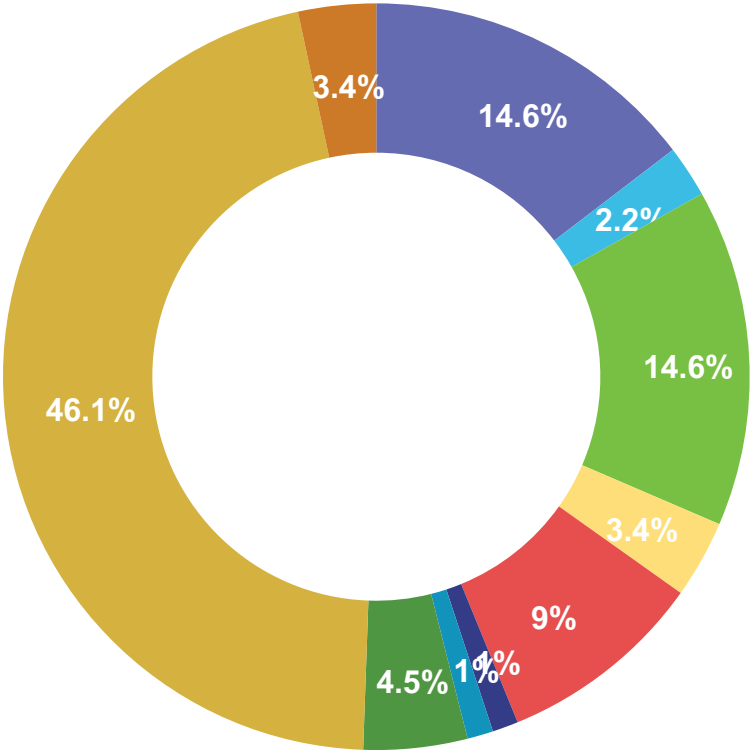
Who have you seen subjected to sexually harassing behavior in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
62

Unanswered
4



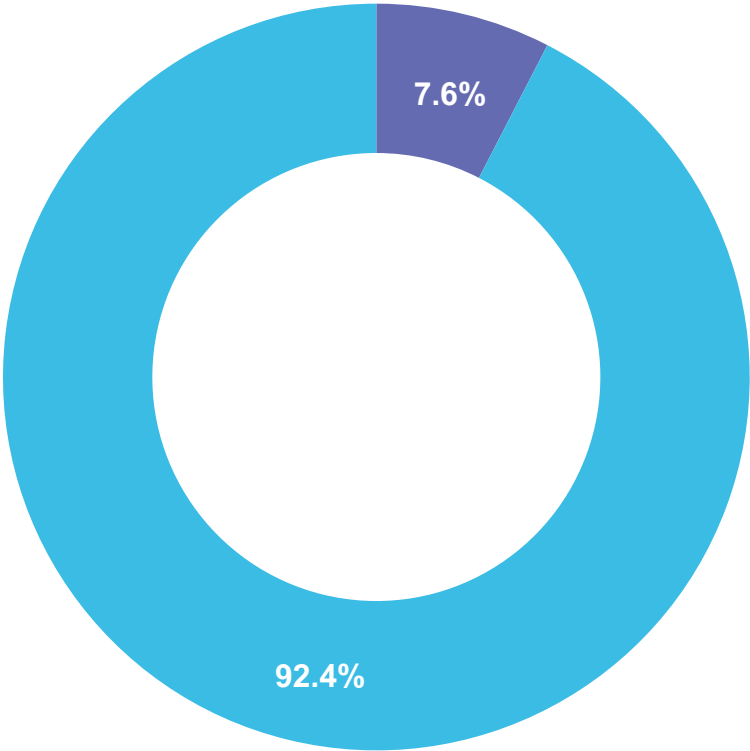
Choice	Total
● House members	13
● Senators	2
● House staff	13
● Senate staff	3

● LCC staff	0
● Lobbyists	8
● Media	1
● Agency staff	1
● Members of the public	4
● No one	41
● Other	3

Q13

Have you ever reported an incident of harassment, inappropriate behavior, or discrimination in the legislative workplace?

MULTIPLE CHOICE



Answered
66

Unanswered
0

Choice	Total
● Yes	5
● No	61

Q14

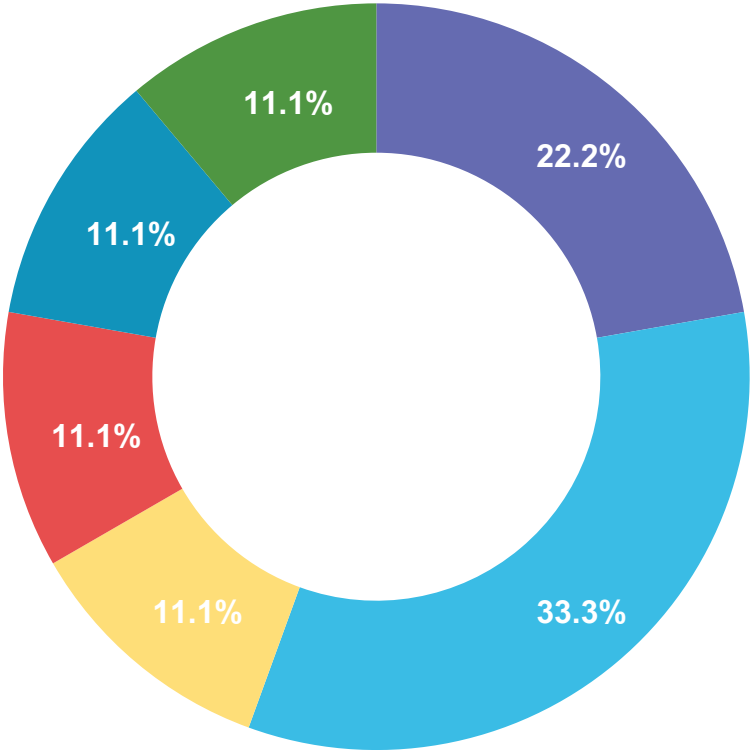
Did any of the outcomes listed below occur as a result of the complaint?

Check all that apply.

MULTIPLE CHOICE

Answered
5

Unanswered
61



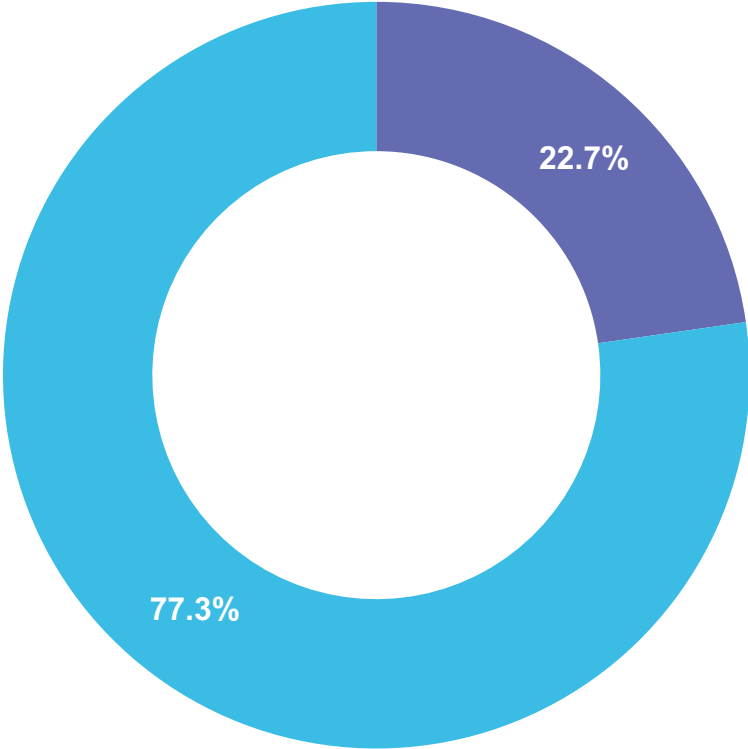
Choice	Total
● No action was taken.	2
● Someone asked the person to change his or her behavior.	3
● My work station or duties were changed in order to avoid the person.	0

- I was encouraged to "drop" the issue. 1
- The person stopped the behavior. 0
- The person did not stop the behavior. 1
- My leadership punished me for bringing it up. 0
- Adverse action was taken against the person for his or her behavior. 1
- I don't know what actions were taken. 1

Q15

MULTIPLE CHOICE

Have you ever witnessed harassment, inappropriate behavior, or discrimination in the legislative workplace but opted **not** to make an oral or written complaint about what you experienced?



Answered **66**
Unanswered **0**

Choice	Total
● Yes	15
● No	51

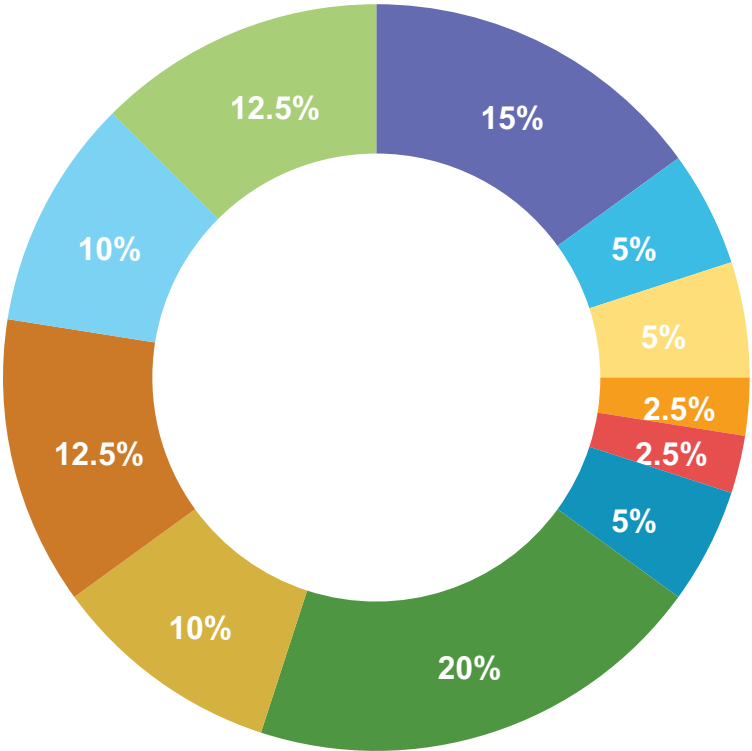
Q16

What were your reasons for not making a complaint? Check all that apply.

MULTIPLE CHOICE

Answered **14**

Unanswered **52**



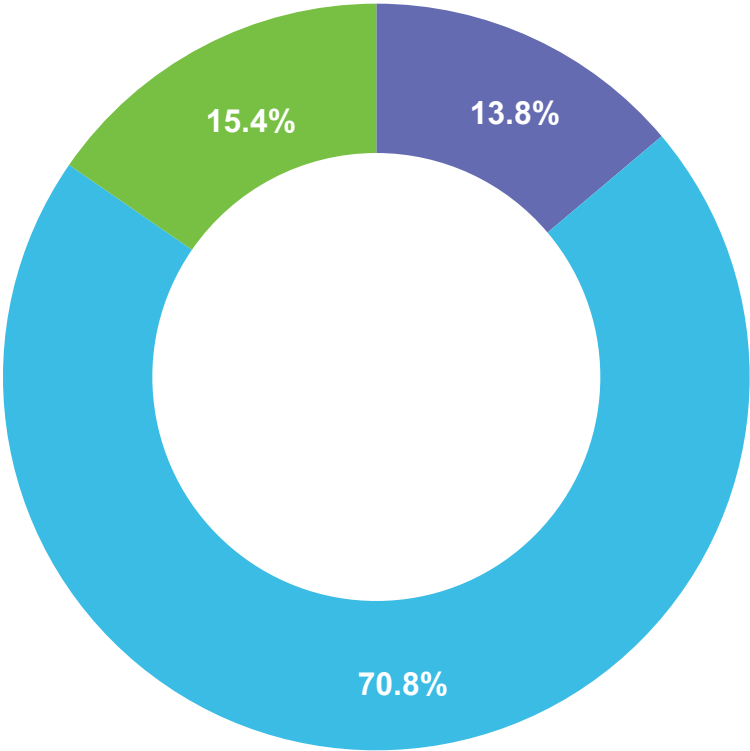
Choice	Total
<input type="radio"/> The behavior or misconduct stopped on its own.	6
<input type="radio"/> I confronted the person myself.	2
<input type="radio"/> I did not know how to file a complaint.	0
<input type="radio"/> I did not want anyone else to know.	2

● I was ashamed or embarrassed.	1
● I wanted to forget about it and move on.	1
● I did not think I would be believed.	0
● I did not trust the complaint and resolution process.	2
● I did not think anything would be done.	8
● I thought the person who did it would get away with it.	4
● I thought it might hurt my career.	5
● I was concerned for my physical safety.	0
● I feared losing my job.	0
● I did not want the person harassing or discriminating to know I had made a complaint.	4
● Other	5

Q17

Would you be afraid of retaliation if you reported harassing, inappropriate, or discriminatory behavior in the legislative workplace?

MULTIPLE CHOICE



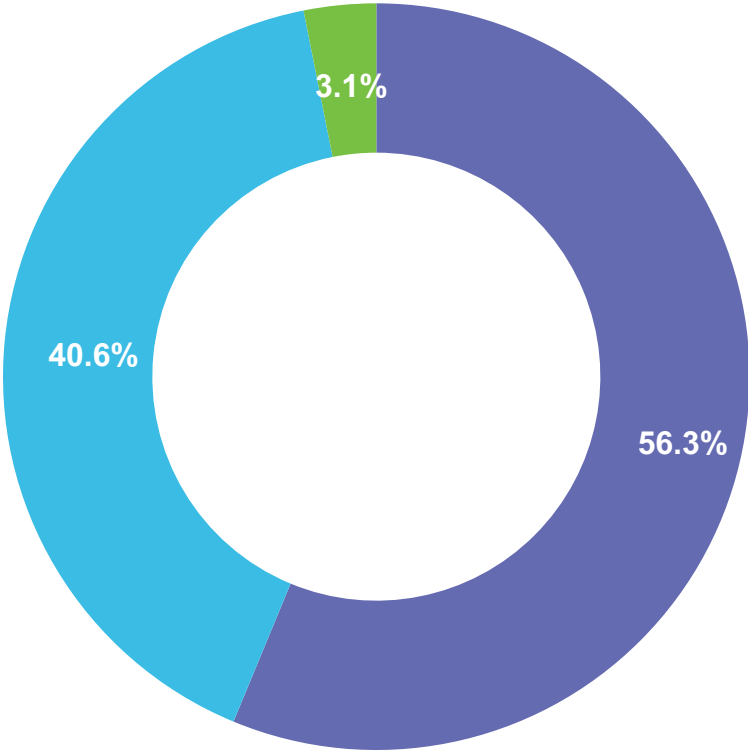
Answered
65
Unanswered
1

Choice	Total
● Yes	9
● No	46
● I don't know	10

Q18

What is your gender?

MULTIPLE CHOICE



Answered
64

Unanswered
2

Choice	Total
● Male	36
● Female	26
● Non-binary	2

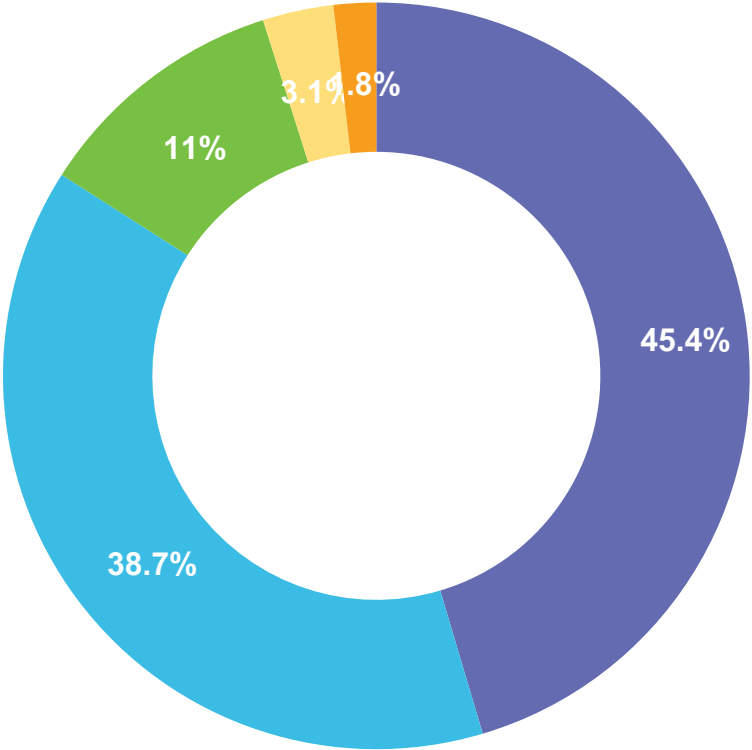
Q1

How satisfied are you with the work culture at the Minnesota House of Representatives?

MULTIPLE CHOICE

Answered
163

Unanswered
0



Choice	Total
Very satisfied	74
Satisfied	63
Neither satisfied nor dissatisfied	18
Dissatisfied	5
Very dissatisfied	3

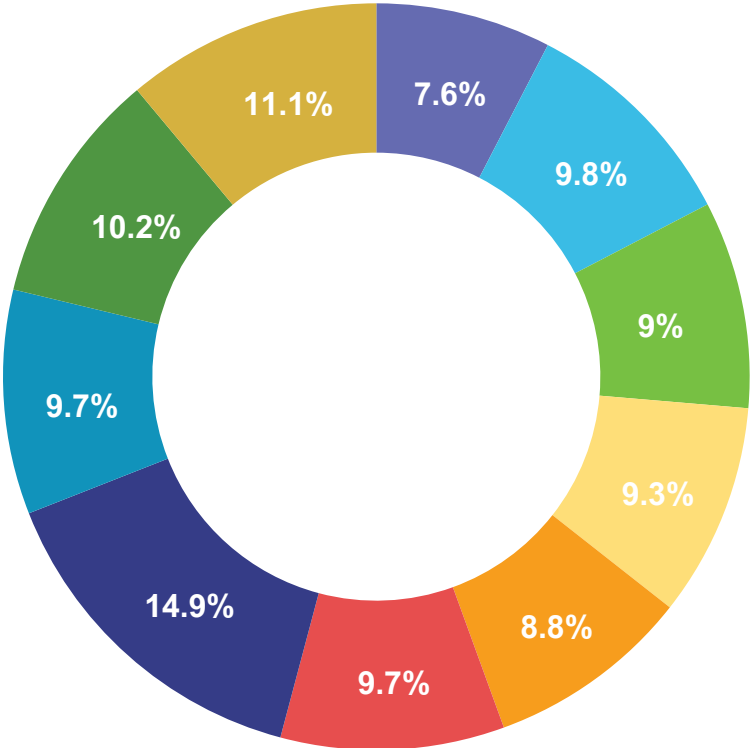


Do you agree with the following statements?

SCORING

Answered
163

Unanswered
0



Choice	Total	Average
● My coworkers treat each other respectfully.	280	1.72
● Members of the House treat staff respectfully.	360	2.21
● House leadership is committed to having a respectful workplace.	331	2.03

● Harassment complaints against House members are taken seriously.	341	2.09
● Harassment complaints against House employees are taken seriously.	326	2
● I would feel comfortable reporting harassment or discrimination.	357	2.19
● Individuals who harass others get away with it.	549	3.37
● House leadership is taking action to prevent harassment.	358	2.2
● Employees engaging in misconduct are held accountable for their actions.	375	2.3
● House members engaging in misconduct are held accountable for their actions.	408	2.5

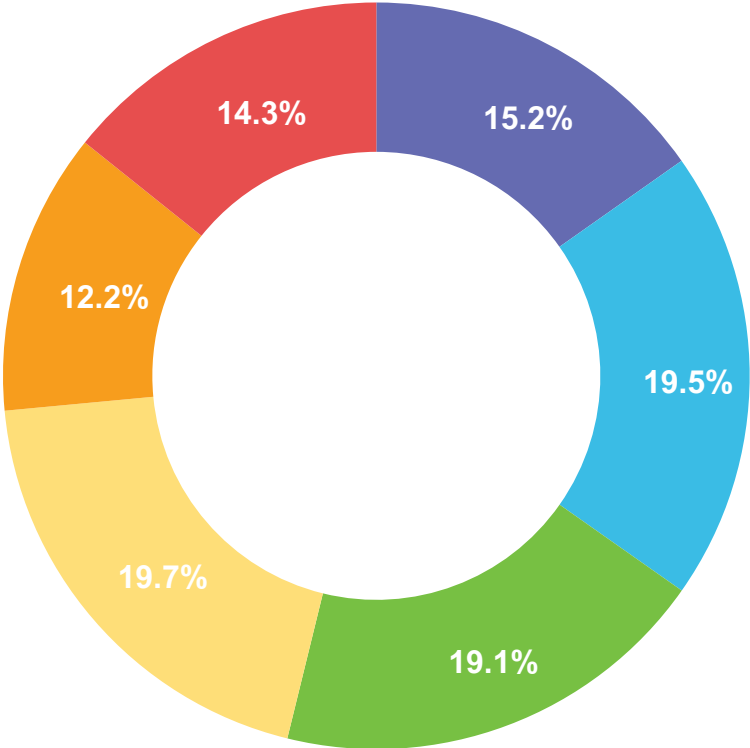


How likely are you to discuss a behavior or experience that made you feel uncomfortable with:

SCORING

Answered
163

Unanswered
0



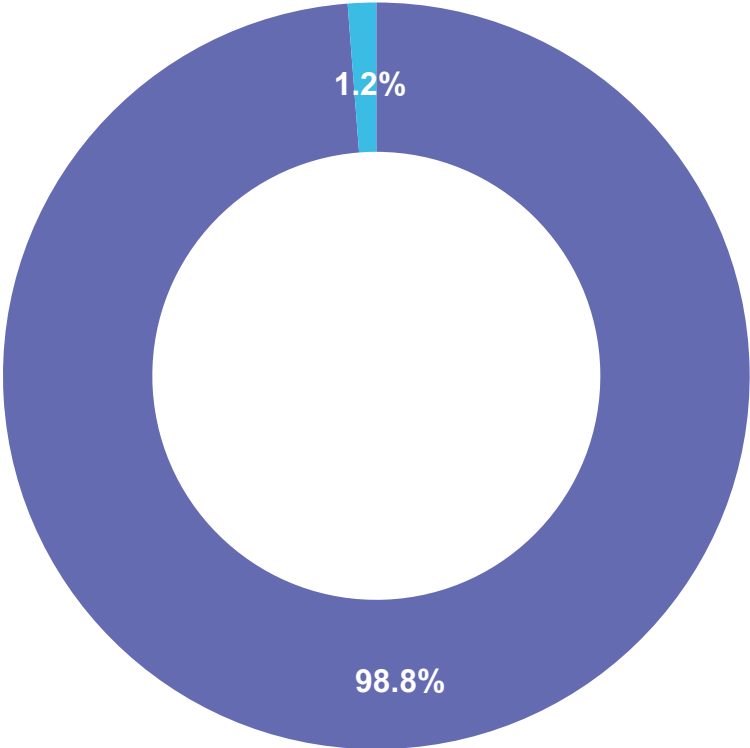
Choice	Total	Average
● The person involved	483	2.96
● A non-supervisory coworker	619	3.8
● A supervisor	605	3.71
● Human resources	624	3.83

● A House member	388	2.38
● Caucus leadership staff	452	2.77

Q4

Are you familiar with the House's policy against discrimination and harassment?

MULTIPLE CHOICE



Answered **163**

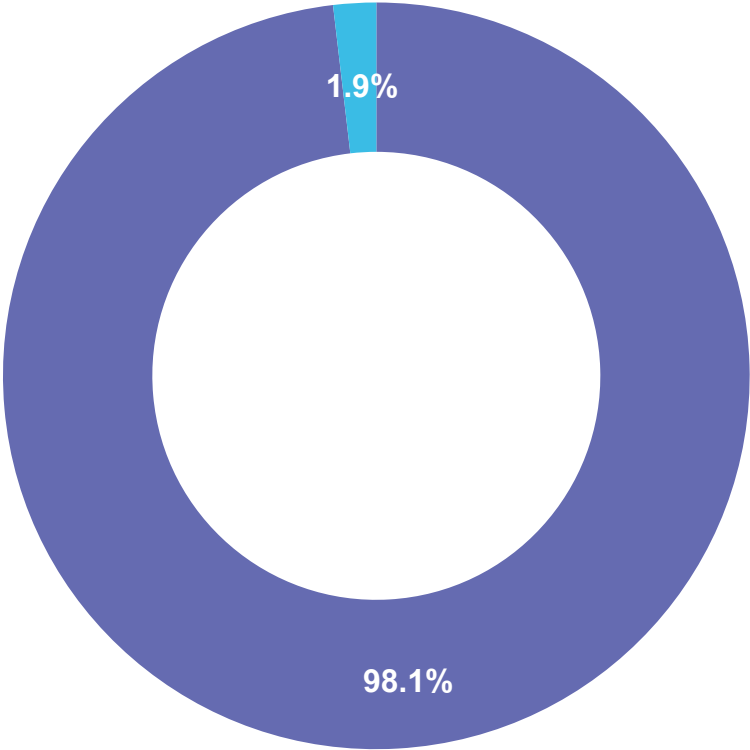
Unanswered **0**

Choice	Total
● Yes	161
● No	2

Q5

Do you know how you can report harassment or discrimination in the legislative workplace?

MULTIPLE CHOICE



Answered **162**

Unanswered **1**

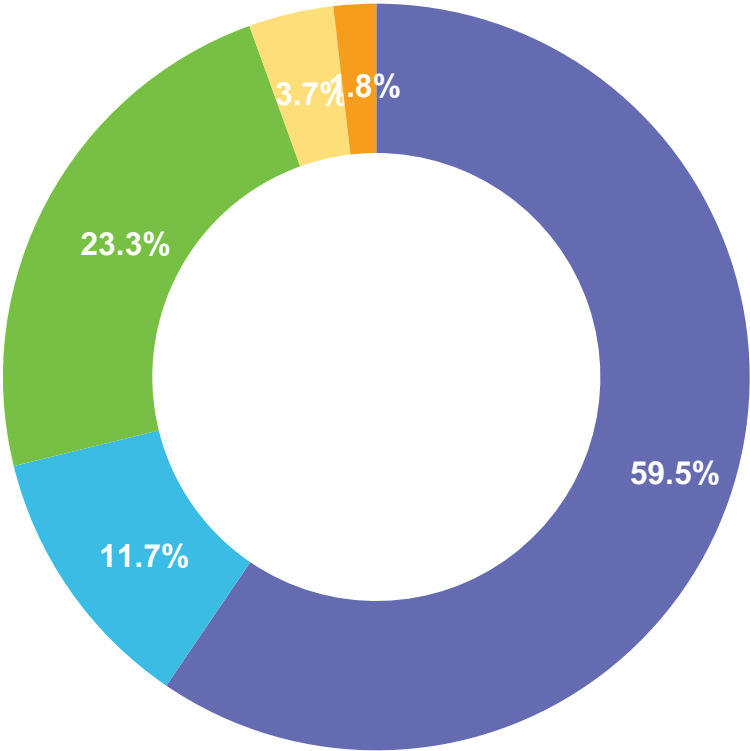
Choice	Total
● Yes	159
● No	3

Q6

In the past 12 months, how often have you experienced or witnessed harassment, inappropriate behavior, or discrimination in the legislative workplace?

MULTIPLE CHOICE

Answered
163
Unanswered
0



Choice	Total
● Never	97
● Once	19
● Once a month or less	38
● Two to three times a month	6

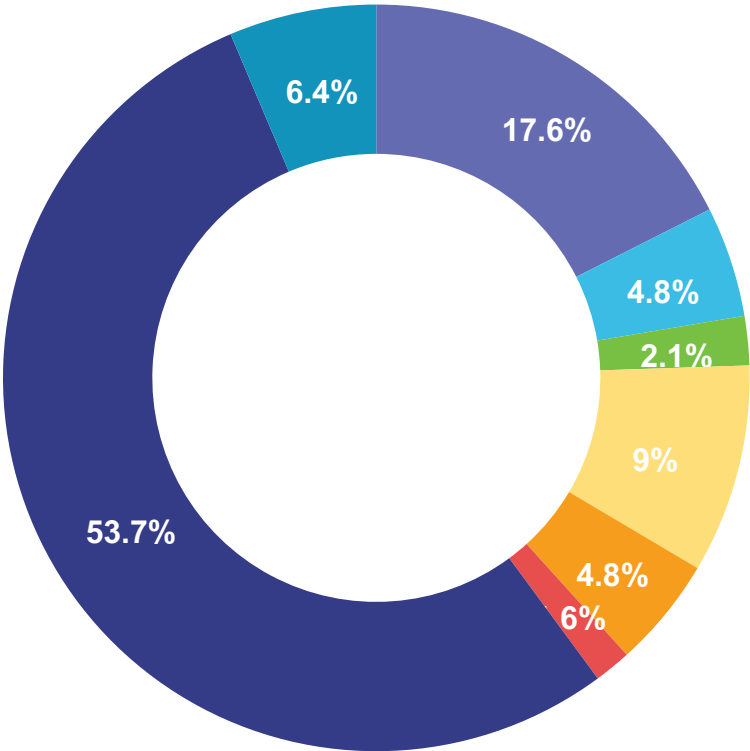
- Once a week or more 3
- One or more times a day 0

Q7

In the past 12 months, have you experienced or witnessed any harassment, inappropriate behavior, or discrimination based on the following?

Check all that apply.

MULTIPLE CHOICE



Answered
149

Unanswered
14

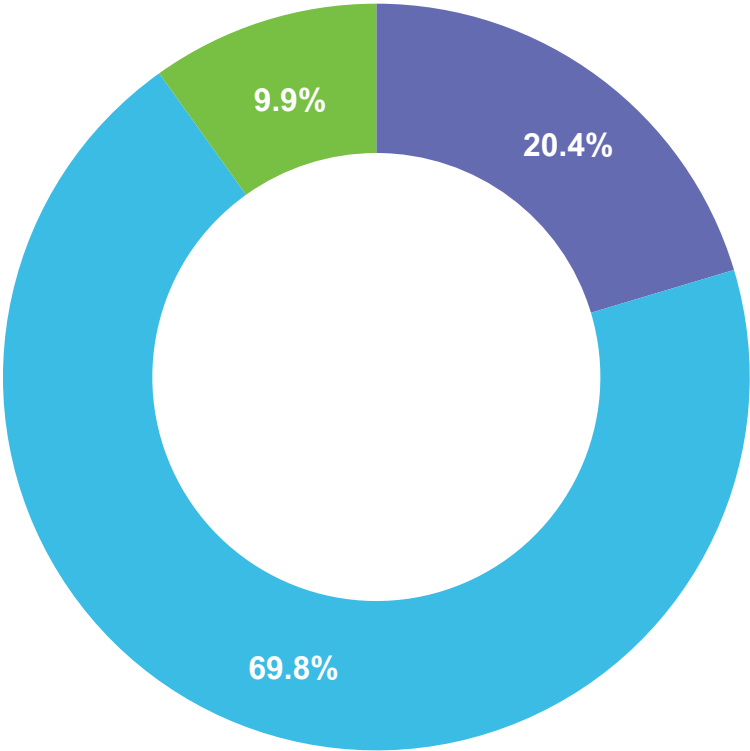
Choice	Total
Sex	33
Sexual orientation	9
Gender identity	4

● Race or ethnicity	17
● Religion	9
● Disability	3
● None of the above	101
● Other	12

Q8

Have you experienced or witnessed anything that could be described as sexually harassing behavior in the legislative workplace?

MULTIPLE CHOICE



Answered
162

Unanswered
1

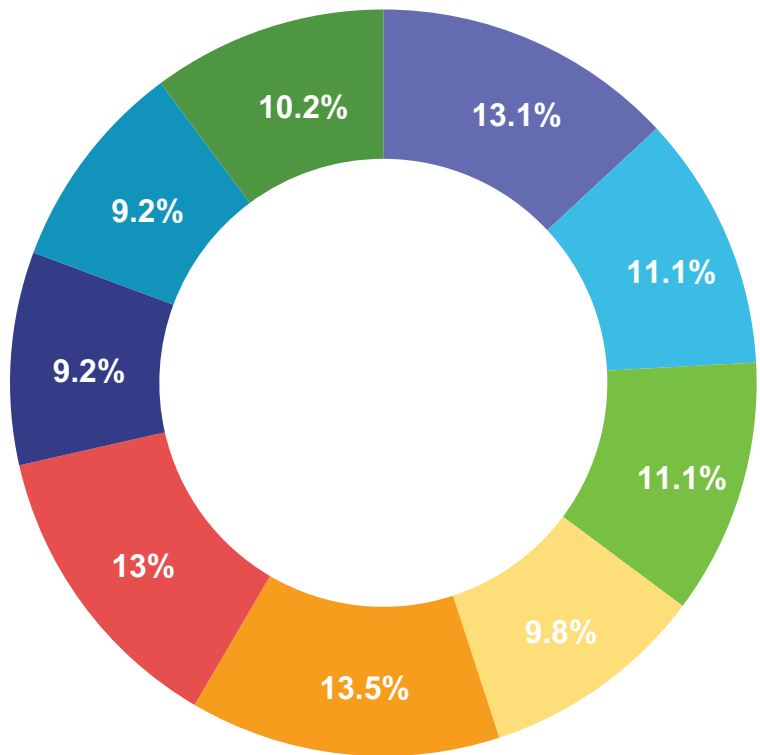
Choice	Total
● Yes	33
● No	113
● I don't know	16



SCORING

In the past 12 months, how often did someone in the legislative workplace do the following?

- 1 = Never
- 2 = Once
- 3 = Once a month or less
- 4 = Two to three times a month
- 5 = Once a week or more
- 6 = One or more times a day



Answered
162

Unanswered
1

Choice	Total	Average
● Repeatedly tell sexist stories or jokes that were offensive to you	234	1.44

● Make unwelcomed attempts to draw you into a discussion of sexual matters	198	1.22
● Make offensive remarks about your appearance, body, or sexual activities	198	1.22
● Make unwanted attempts to establish a romantic or sexual relationship with you despite your efforts to discourage it	175	1.08
● Refer to a gender in insulting or offensive terms	241	1.49
● Put you down or act in a condescending way toward you because of your gender	233	1.44
● Imply you would receive a work benefit if you entered into a sexual or romantic relationship	165	1.02
● Make you feel threatened with some sort of retaliation for not entering into a sexual or romantic relationship	164	1.01

- Touch you in a way that made you feel uncomfortable

182

1.12

Q10

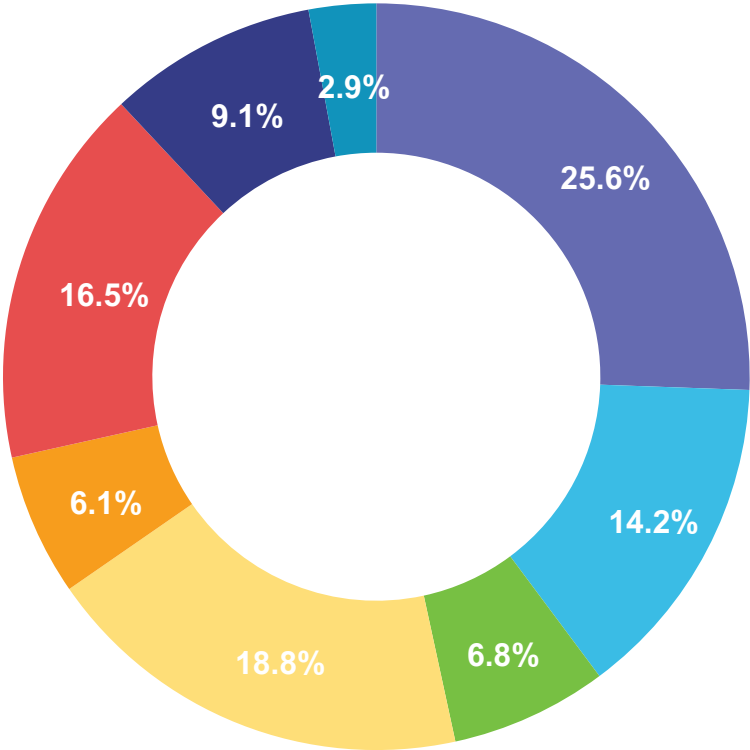
Where do you believe sexually harassing behavior takes place in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
155

Unanswered
8



Choice	Total
● Off-premises events	79
● Working areas of the Capitol complex	44
● Public areas of the Capitol complex	21
● Legislators' offices	58

● Hearing or committee rooms	19
● Everywhere/anywhere	51
● Nowhere	28
● Other	9

Q11

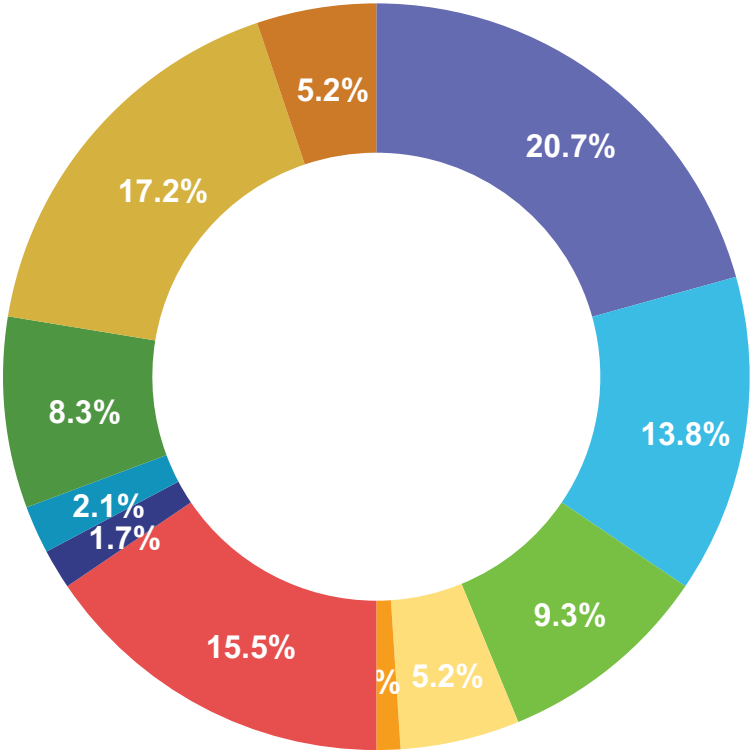
Who is engaging in sexually harassing behavior in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
138

Unanswered
25



Choice	Total
● House members	60
● Senators	40
● House staff	27
● Senate staff	15

● LCC staff	3
● Lobbyists	45
● Media	5
● Agency staff	6
● Members of the public	24
● No one	50
● Other	15

Q12

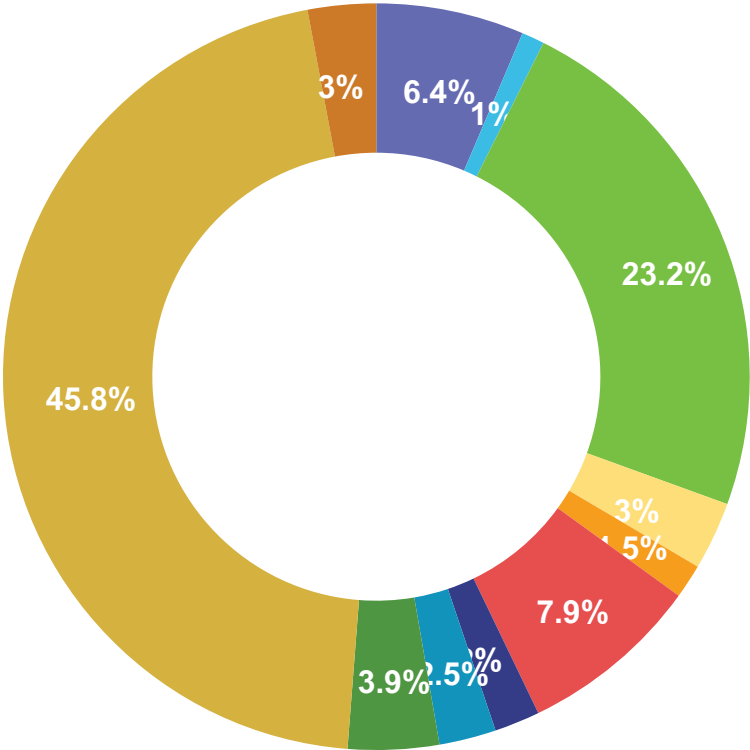
Who have you seen subjected to sexually harassing behavior in the legislative workplace?

Check all that apply.

MULTIPLE CHOICE

Answered
150

Unanswered
13



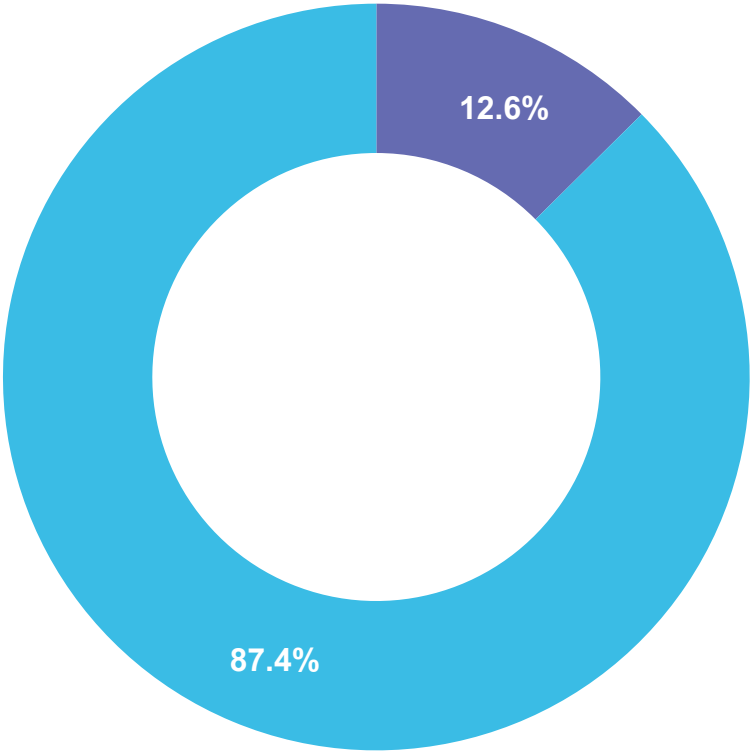
Choice	Total
● House members	13
● Senators	2
● House staff	47
● Senate staff	6

● LCC staff	3
● Lobbyists	16
● Media	4
● Agency staff	5
● Members of the public	8
● No one	93
● Other	6

Q13

Have you ever reported an incident of harassment, inappropriate behavior, or discrimination in the legislative workplace?

MULTIPLE CHOICE



Answered
159

Unanswered
4

Choice	Total
● Yes	20
● No	139

Q14

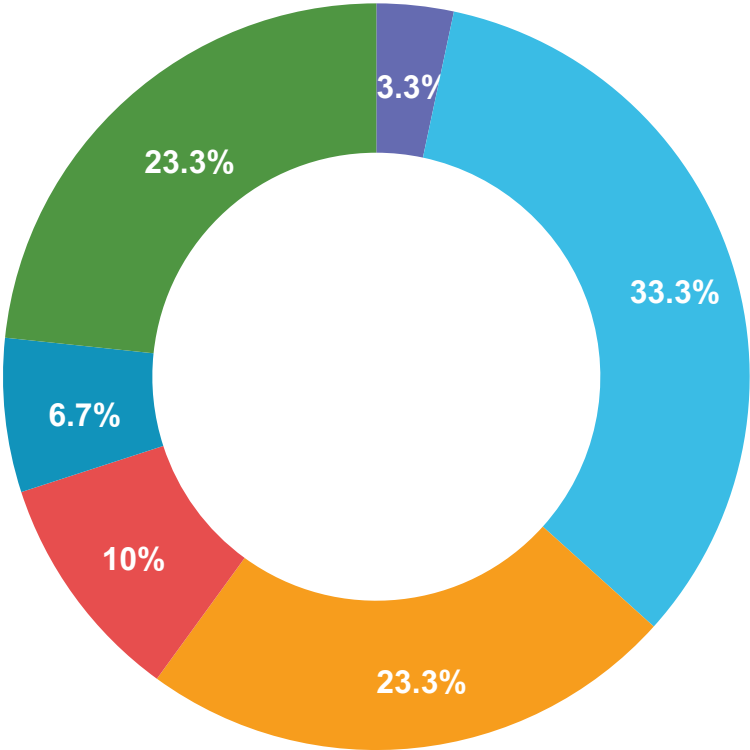
Did any of the outcomes listed below occur as a result of the complaint?

Check all that apply.

MULTIPLE CHOICE

Answered
21

Unanswered
142



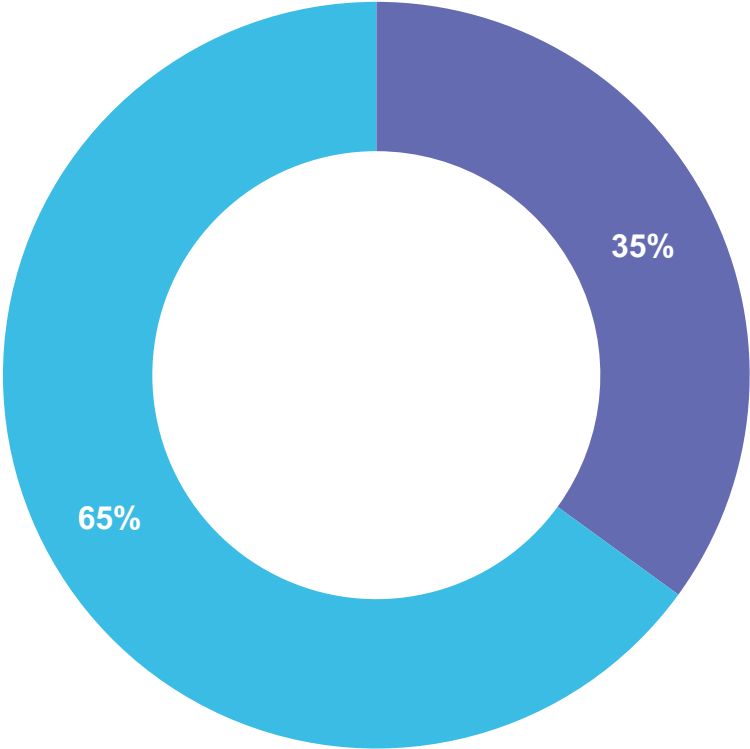
Choice	Total
● No action was taken.	1
● Someone asked the person to change his or her behavior.	10
● My work station or duties were changed in order to avoid the person.	0

- I was encouraged to "drop" the issue. 0
- The person stopped the behavior. 7
- The person did not stop the behavior. 3
- My leadership punished me for bringing it up. 0
- Adverse action was taken against the person for his or her behavior. 2
- I don't know what actions were taken. 7

Q15

MULTIPLE CHOICE

Have you ever witnessed harassment, inappropriate behavior, or discrimination in the legislative workplace but opted **not** to make an oral or written complaint about what you experienced?



Answered
160
Unanswered
3

Choice	Total
● Yes	56
● No	104

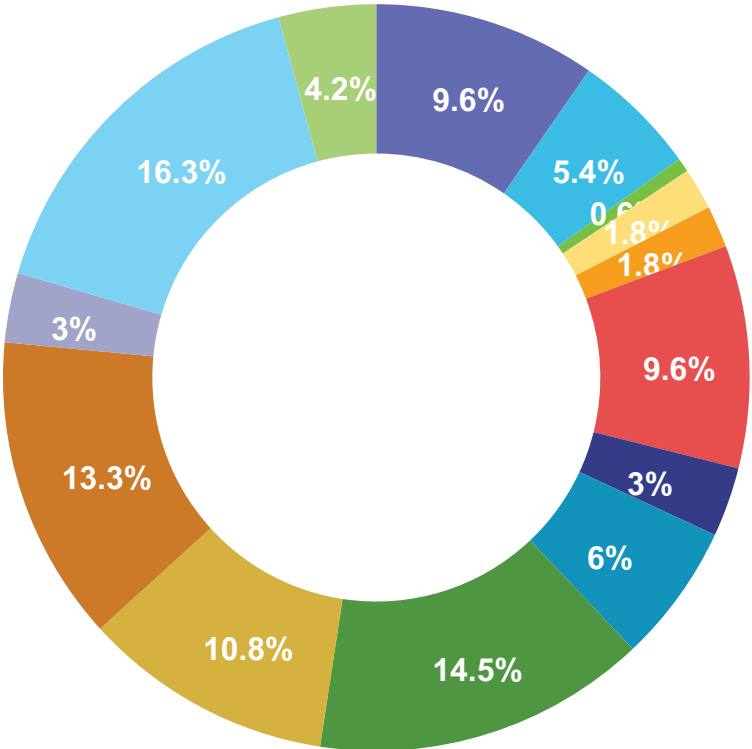
Q16

What were your reasons for not making a complaint? Check all that apply.

MULTIPLE CHOICE

Answered
56

Unanswered
107



Choice	Total
● The behavior or misconduct stopped on its own.	16
● I confronted the person myself.	9
● I did not know how to file a complaint.	1
● I did not want anyone else to know.	3

● I was ashamed or embarrassed.	3
● I wanted to forget about it and move on.	16
● I did not think I would be believed.	5
● I did not trust the complaint and resolution process.	10
● I did not think anything would be done.	24
● I thought the person who did it would get away with it.	18
● I thought it might hurt my career.	22
● I was concerned for my physical safety.	0
● I feared losing my job.	5
● I did not want the person harassing or discriminating to know I had made a complaint.	27
● Other	7

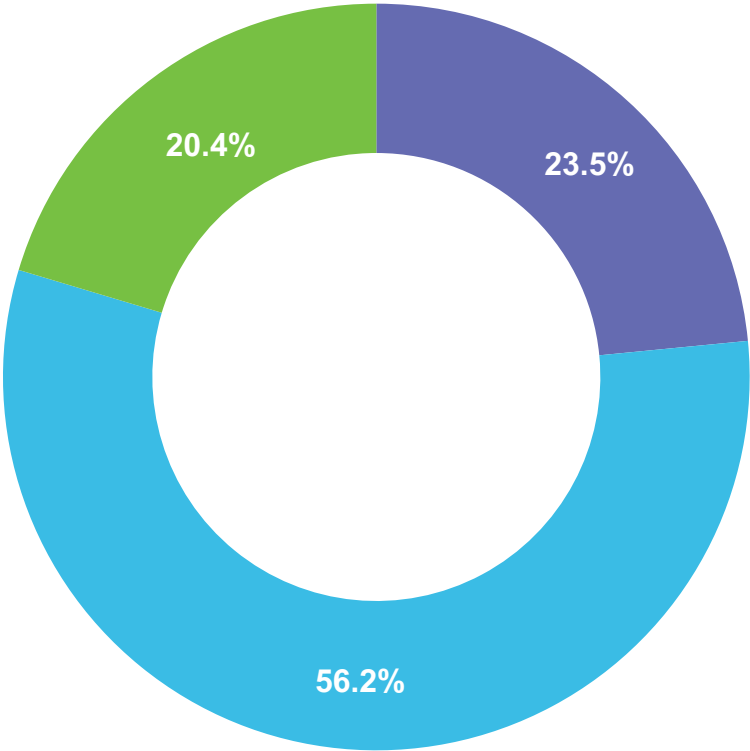
Q17

Would you be afraid of retaliation if you reported harassing, inappropriate, or discriminatory behavior in the legislative workplace?

MULTIPLE CHOICE

Answered
162

Unanswered
1

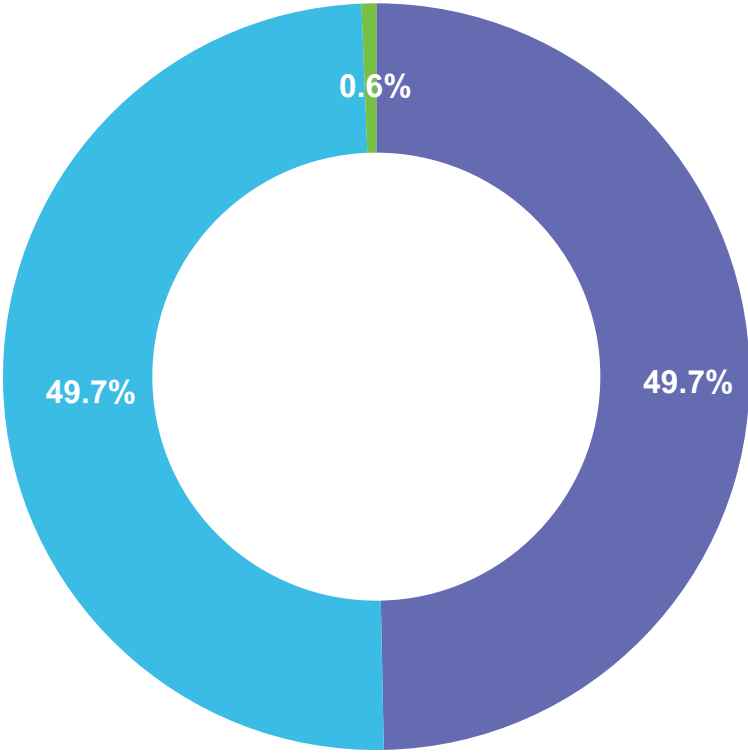


Choice	Total
● Yes	38
● No	91
● I don't know	33

Q18

What is your gender?

MULTIPLE CHOICE



Answered **157**
Unanswered **6**

Choice	Total
● Male	78
● Female	78
● Non-binary	1