# Compliance Plan

**What you need to know**

This is a template for developing a Compliance Plan that meets the requirements of the Minnesota Human Rights Act, [Minn. Stat. § 363A.36](https://www.revisor.mn.gov/statutes?id=363A.36), and the related [Minnesota Rules 5000.3400 – 5000.3600.](https://www.revisor.mn.gov/rules/?id=5000.3400)

Insert your company information into the required areas highlighted in **red**.

\*Company Name\*

Compliance Plan

Month/Day/Year - Month/Day/Year

(One year period)

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# Description of Company

\*Required\* You must identify your company name and describe the type of goods or services your company typically provides to the State of Minnesota, city, county, township, political subdivision, or University of Minnesota. State your company’s main address and the addresses of any other facilities represented in this plan. Include the EEO Official’s name, email, and telephone.

Our company has developed policies prohibiting the harassment of or discrimination against any employee as required by Minnesota Human Rights Act. Senior management will distribute these policies routinely to current employees and incorporate these policies as a part of new employee orientation. Employees are aware of their obligation to follow the policies. Employees are also made aware of how to report any violation of these policies. We will also share this Compliance Plan externally with recruiters, prospective employees, subcontractors, and vendors.[[1]](#footnote-2)

# Equal Employment Opportunity Policy

The Equal Employment Opportunity (EEO) Policy must be signed by the highest-ranking official of the company (CEO, President, or Chairperson of the Board). Please include it in the Compliance Plan and post at all worksites.

| **Business Name** |  | **Date** |  |
| --- | --- | --- | --- |
| **EEO Official, Name** |  | **EEO Official, Title** |  |
| **EEO Official** Phone Number |  | **EEO Official** Email Address |  |

This is to affirm our policy of providing equal employment opportunities to all employees and applicants for employment in accordance with all applicable laws and regulations.

Our companywill not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, gender identity, disability, age, marital status, familial status, membership or activity in a local human rights commission, or status regarding public assistance. Wewill ensure that all our employment practices are free of discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to applicants and employees with disabilities whenever possible.

Wewill evaluate the performance of employees based, in part, on their compliance with this policy and other related anti-discrimination and anti-harassment policies. Managers and supervisors have additional obligations under these policies and will be assessed accordingly.

Ihave appointed the above-named EEO Officialto:

* Assess our compliance with this policy and related anti-discrimination and anti-harassment policies.
* Monitor all activities and assess the effectiveness of our Compliance Plan as required by law.
* Maintain reporting and record systems to measure the effectiveness of our Compliance Plan.

Our Compliance Plan is available for all employees and job applicants upon request. Please contact the EEO Official for further information.

Any employee or job applicant who believes they have been treated in a way that violates this policy should contact either the EEO Official or any other management representative, including me.We will take immediate action to investigate and address allegations of discrimination or harassment confidentially and promptly.

Signature of CEO/President or Board Chairperson First and last name (please print)

Title Date

# Anti-Harassment Policy

**\***Sample Anti-Harassment Policy. If you do not currently have an Anti-Harassment Policy, you are free to adopt this model policy.

As a part of our commitment to equal opportunity, \*(Company Name)\* has adopted an anti-harassment policy. Any employee who engages in harassment on a prohibited basis as outlined in the Minnesota Human Rights Act, which includes race, color, national origin, religion, creed, disability, age, sex, sexual orientation, gender identity, marital status, familial status, or status with regard to public assistance, or membership or activity in a local human rights commission. Any employee who permits employees under their supervision to engage in such harassment; or any employee who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to remedial action which may include the imposition of discipline or termination of employment.

Examples of harassment may include derogatory comments regarding a person’s race, color, religion, or other protected characteristics, sexually explicit or other offensive images (whether printed or displayed on a computer), and jokes that are based on stereotypes of particular races, ethnicities, sexual orientations, gender identities, ages, religions, or other protected characteristics.

Sexual Harassment is prohibited and includes any unwelcome sexual advance, request for sexual favor and other verbal or physical conduct of a sexual nature when:

* Submission to such conduct is made, either explicitly or implicitly, as a term or condition of employment;
* Submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual; or
* Such conduct has the purpose or effect of unreasonably interfering with any employee’s work performance or creating an intimidating, hostile or offensive working environment.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is the perception of the conduct by the recipient that is relevant to whether the conduct is harassment. Given the difficulty of judging whether the conduct is welcome or unwelcome in particular situations, the company prohibits all employees from engaging in any conduct of a sexual nature or amounting to harassment based on any protected category in the work setting.

This policy applies to everyone in the organization as well as senior management. No retaliation or intimidation directed towards anyone who makes a complaint will be tolerated.

If you believe you have been a victim of harassment, take the following steps:

* Discuss the matter with your supervisor or manager.
* If, for any reason, you would prefer not to speak to your supervisor (for example, if you believe your supervisor to be the source of or a party to the harassment), you may talk to any other member of management, the human resources department, or EEO Official.

The company will investigate and attempt to resolve your complaint promptly. If, for any reason, you believe this has not occurred within a reasonable period of time, refer the matter to a member of senior management up to and including the CEO of \*(Company Name)\*.

# Anti-Discrimination Policy[[2]](#footnote-3)

We do not discriminate against any qualified applicant or employee because of their race, color, national origin, religion, creed, disability, age, sex, sexual orientation, gender identity, marital status, familial status, or status with regard to public assistance, or membership or activity in a local human rights commission. Employment opportunities and conditions of employment are not based on any of the prohibited reasons listed above.

## Selection Process

We will assess if our selection process unlawfully discriminates against individuals in violations of the Minnesota Human Rights Act. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be carefully selected and trained to ensure that these processes are free from discrimination as required under the law.

\*Required\* **Schedule for Review of Job Requirements**: Wewill annually review all job requirements to ensure that these requirements do not tend to screen out qualified individuals with disabilities. We will determine whether these requirements are job-related and are consistent with business necessity and the safe performance of the job, and we will remove any physical or mental requirements that do not meet these criteria. Any job descriptions or requirements changed after review will be distributed to all relevant employees, particularly those involved in the selection process and supervision of employees.

\*Required\* **Pre-Employment Medical Examination**: If we require medical examinations or inquiries as a part of our selection process, all exams or inquiries will be conducted after a conditional offer of employment. Only job-related medical examinations and inquiries will be conducted, and the results of these examinations or inquiries will not be used to screen out qualified individuals with disabilities. Information obtained in response to such inquiries or examinations will be kept confidential except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding accommodations, (b) first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment, and (c) officials, employees, representatives, or agents of the Minnesota Department of Human Rights or local human rights agencies investigating compliance with the act or local human rights ordinances will be informed if they request such information.

## Recruitment of Employees

\*Required. Do not delete language in this section. However, you may add additional recruitment procedures that are appropriate for your company operations.\*

1. All job postings will state that our company does not discriminate against applicants on the basis of their race, color, national origin, religion, creed, disability, age, sex, sexual orientation, gender identity, marital status, familial status, or status with regard to public assistance, or membership or activity in a local human rights commission. Copies of job postings will be kept on file.
2. Recruitment resources are informed of our commitment to provide equal employment opportunity as well as our commitment to provide a workplace free from discrimination.
3. When we post jobs, we will not indicate a preference, limitation, or specification based on race, gender, disability, national origin, or other prohibited basis, unless that characteristic is a bona fide occupational qualification for a particular job. We will not allow any employment agency with which we work to express any such limitation on our behalf, and we will require that these agencies share our commitment to equal employment opportunity.
4. All positions for which we post or advertise externally will be listed with State of Minnesota Workforce Centers, America’s Job Bank, or similar governmental agencies.
5. We will keep documentation of all contacts made and responses received, in connection with paragraphs 4 and 5 above, whether formal or informal. We will make every effort to give these agencies a reasonable amount of time to locate and refer applicants \*(preferably one month prior to the closing date for receipt of applicants).\*
6. As necessary to ensure that potential candidates are aware of job openings, we will contact community organizations focused on the employment of women, people of color, and individuals with disabilities. \*(If your company hires employees from Minnesota, also include this sentence.)\* We will request the Minnesota Department of Employment and Economic Development to refer qualified individuals with disabilities for employment consideration in accordance with [Minnesota Rule 5000.3557.](https://www.revisor.mn.gov/rules/?id=5000.3557)
7. We will carry out active recruiting programs at schools and colleges, including programs with students who are predominately people of color or women as well as technical programs where applicable. In addition to sharing full-time employment opportunities at schools and colleges, we will share opportunities for part-time employment, internships, or summer employment programs.
8. We will encourage employees, including those who are people of color, women, and employees with disabilities, to refer additional candidates for employment opportunities.
9. \*(If your company hires employees from Minnesota, the company is encouraged to include this.)\* We will rely on an applicant’s skills, education, certifications, licenses, and other qualifications, as well as the job market, to set pay. We will not ask job applications or current employees about their past or current pay during the hiring process.

## Employment Decisions

1. Educational, training, and apprenticeship programs will be offered to all employees, including people of color, women, and employees with disabilities.
2. Our promotion process has been developed and documented and only legitimate qualifications are considered in our promotion decisions.
3. We also use progressive discipline before terminating employees, where appropriate. All employees are made aware of our discipline process.
4. We will appropriately train supervisors and human resources professionals to ensure that employees are not subject to discipline, including termination from employment, because of their race, color, national origin, religion, creed, disability, age, sex, sexual orientation, gender identity, marital status, familial status, or status with regard to public assistance, or membership or activity in a local human rights commission.
5. We will make reasonable accommodations for an employee or applicant with a disability unless such an accommodation would impose an undue hardship on the conduct of the business.
6. We will also make reasonable accommodations for our employees’ religious observances and practices, except where the requested accommodation would cause undue hardship on the conduct of our business.

## We will regularly review employment decisions to ensure they are lawful.

# Problem Resolution Policy

Problem Resolution Policy. If you do not currently have an employee grievance or problem resolution policy, you are free to adopt this model policy.

In any organization, dissatisfaction may arise because an employee does not know, understand, or agree with certain policy interpretations or management decisions. Such dissatisfactions are commonly referred to as grievances. At \*(Company Name)\*, we believe that if any employee has a grievance concerning their wages, hours of work, or other terms or conditions of employment, the matter should receive attention from management.

An employee who feels aggrieved is urged to take the matter up immediately with their supervisor. The supervisor is required to investigate the grievance and provide a response or decision within a reasonable period of time.This investigation may consist of, but is not limited to, gathering information from other employees involved, reviewing company policy, and any other action necessary to understand the matter completely.

If an employee is not satisfied with the response/decision from their immediate supervisor, the employee is encouraged to notify the next level of management in writing. This next level of supervision will have a reasonable period of time in which to investigate the matter and respond to the employee in writing.

If, after these steps are taken, the employee believes inadequate action has been taken to resolve the complaint, contact \*the human resources department [If you do not have a designated HR department, type in the name of the EEO manager who will investigate the issues]. It is the policy of this organization to respond to any and all complaints, and to take immediate and necessary actions to resolve the issue.

There will be no adverse action taken against a complaining employee as a result of making the complaint, regardless of the outcome of the investigation.

If an employee has a problem which is more specifically addressed by the anti-harassment policy, please follow the procedure described in the anti-harassment policy section.

# Equal Employment Opportunity Official and Role[[3]](#footnote-4)

\*(Name and title)\* is designated as the company’s Equal Employment Opportunity (EEO) Official and is tasked with monitoring all employment activity to ensure that our equal employment related policies are being carried out. The EEO Official has been given the necessary staffing and support from senior management to fulfill the duties of the position. These duties include, but are not limited to, the following:

1. Develop an EEO Policy statement and Compliance Plan that are consistent with the company’s EEO policies and objectives.
2. Develop and implement internal and external strategies for sharing the company’s equal employment policies and related anti-discrimination and anti-harassment policies.
3. Conduct and/or coordinate equal employment recruitment, training, and orientation.
4. Ensure that our managers and supervisors understand it is their responsibility to take action to prevent the harassment of employees and applicants for employment.
5. Ensure that all people of color, Indigenous people, women, and employees with disabilities are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefit plans, pay, and other working conditions.
6. Implement and maintain EEO audit, reporting, and record-keeping systems in order to measure the effectiveness of our Compliance Plan and policies and to determine whether our objectives have been attained.
7. Serve as liaison on behalf of our company with relevant governmental enforcement agencies and community organizations.
8. Keep management informed of the latest developments in the areas of equal employment, anti-discrimination, and anti-harassment.

# Internal Audit and Reporting Systems[[4]](#footnote-5)

Our EEO Official is responsible for implementing and monitoring our Compliance Plan. Department heads, managers, and supervisors are responsible for providing the EEO Official with information and/or data as necessary to assess our company’s compliance with anti-discrimination provisions under the Minnesota Human Rights Act. In addition, the EEO Official is also responsible for submitting formal reports to the EEO Official’s manager or supervisor on a scheduled basis regarding the company’s availability analysis and Workforce Certificate Annual Compliance Reports.

At least annually, internal audit reports will be prepared in table format and dated. Data collected for these reports will include applicant flow, new hires, promotions, transfers, and terminations (voluntary and involuntary) by job group. Figures for each personnel process must show a breakdown by gender, race, and disability status. Reports will be disseminated to appropriate levels of management, and any problem areas will be addressed as promptly as possible.

We will preserve all audit data and other applicable documentation and information available as required by law to the Minnesota Department of Human Rights and other government agencies.

Also, once a year we will submit to the Minnesota Department of Human Rights, on or before, the anniversary date of our Workforce Certificate of Compliance, our **Annual Compliance Report** as required under Minnesota Rule 5000.3580 for the company’s regular workforce.

**\*Only include if your company is a construction company\* Construction Companies[[5]](#footnote-6)**: In addition, as a construction company we will submit and require our subcontractors to submit the following reports and information on all construction projects that we are awarded.

1. **Preconstruction Packets:** We will submit a Prime Contractor Preconstruction Packet**,** and require each Subcontractor to submit a Subcontractor Preconstruction Packet**.** We will collect the Subcontractor Preconstruction Packets from our subcontractors and submit them to the Minnesota Department of Human Rights (MDHR). We understand all the Preconstruction Packets are due within ten (10) days from the date on the Minnesota Department of Human Rights’ letter requesting these packets. We understand that failure to submit the Preconstruction Packets may result in the inability to initiate work on a project or delays in payments.
2. **Monthly Reports:** For each active Construction project, which we have been awarded, we will submit a Prime Contractor Monthly Report for each month during the life of each project. We will also require our subcontractors to complete and submit to us, as the Prime Contractor, a completed Subcontractor Monthly Report. We will combine all reports (and the totals) and submit them to MDHR by the tenth (10th) day of the month following the period being reported. We understand that failure to submit the monthly reports may result in delays in payments.

# Availability Analysis[[6]](#footnote-7)

We will make good faith efforts to meet or exceed the availability percentage for women and people of color in relevant job groups, as assessed by the availability, utilization, and underutilization analysis that we will complete on an annual basis when completing our Workforce Certificate Annual Compliance Report.

\*(In addition to attesting to the statement above, construction companies must also attest the following.)\*We will make a good faith effort to meet our project construction goals, as the prime or as a subcontractor. We will include the project goals in each subcontract agreement and we will communicate verbally and in writing, the project goals to all employees, including the subcontractors’ employees, at the beginning of the project and throughout the life of the project. We will keep a record of all meetings and the sign-in logs of all attendees.

# Problem Area Identification[[7]](#footnote-8)

\*Company name\* periodically conducts an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity may exist. We commit to:

1. **Prohibit unlawful discrimination:** We will monitor our workforce and employment practices to ensure that we are not engaging in any unlawful discrimination.
2. **Compensation system**: We will routinely review our compensation system, including rates of pay and bonuses, to determine whether any employees are paid less because of a prohibited basis such as their gender, race, or disability. If we identify any such situations, we will promptly act to address the matter. In offering employment to individuals with disabilities, we will not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.
3. **Personnel procedures:** We will routinely review all of our personnel procedures and processes, including selection, recruitment, referral, transfers and promotions, seniority provisions, apprenticeship programs and company-sponsored training programs and other company activities to determine if all employees or applicants are fairly considered.
4. **Other company systems:** We continually analyze any other areas that may impact our success, such as accessibility of our facility to the available workforce, the attitude of our current workforce towards equal employment opportunities, proper posting of our EEO policy and required governmental posters, proper notification to our subcontractors or vendors, and retention of records in accordance with applicable law.
5. **Prompt corrective action:** We take prompt action to remedy any problems in these areas through training of staff or other methods.

1. [Minnesota Rule 5000.3440](https://www.revisor.mn.gov/rules/5000.3440/) [↑](#footnote-ref-2)
2. [Minnesota Rule 5000.3480](https://www.revisor.mn.gov/rules/?id=5000.3480) [↑](#footnote-ref-3)
3. [Minnesota Rules 5000.3430](https://www.revisor.mn.gov/rules/?id=5000.3430) and [Minn. Stat. § 363A.36](https://www.revisor.mn.gov/statutes/?id=363A.36&year=2016) [↑](#footnote-ref-4)
4. [Minnesota Rule 5000.3490](https://www.revisor.mn.gov/rules/?id=5000.3500), [5000.3570, and 5000.3580](https://www.revisor.mn.gov/rules/?id=5000.3580) [↑](#footnote-ref-5)
5. [Minnesota Rule 5000.3530](https://www.revisor.mn.gov/rules/5000.3530/) and [Minnesota Rule 5000.3570](https://www.revisor.mn.gov/rules/5000.3570/) [↑](#footnote-ref-6)
6. [Minnesota Rule 5000.3460](https://www.revisor.mn.gov/rules/?id=5000.3460) [↑](#footnote-ref-7)
7. [Minnesota Rule 5000.3470](https://www.revisor.mn.gov/rules/?id=5000.3470) [↑](#footnote-ref-8)