

House Bill 2893

Sponsored by Representative SCHAUFLER; Representatives CANNON, CLEM, D EDWARDS, GREENLICK, HOLVEY, MERKLEY, RILEY, ROSENBAUM, SHIELDS, WITT, Senators AVAKIAN, BROWN, MONROE, MORRISETTE, WALKER, WESTLUND (at the request of Oregon AFL-CIO)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits employer from requiring employee to attend meeting or participate in communication concerning employer's opinion about religious or political matters. Prohibits employer from taking adverse employment action against employee related to such meeting or communication. Requires employer to post notice. Provides exceptions for religious organizations, political organizations and certain meetings and communications. Creates cause of action.

A BILL FOR AN ACT

1
2 Relating to mandatory workplace communications to employee about employer's opinions.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in this section and section 2 of this 2007 Act:**

5 (1) "Constituent group" includes, but is not limited to, civic associations, community
6 groups, social clubs and mutual benefit alliances, including labor organizations.

7 (2) "Employee" means an individual engaged in service to an employer in a business of
8 the employer.

9 (3) "Employer" includes:

10 (a) A person engaged in business that has employees; and

11 (b) A public body, as defined in ORS 174.109.

12 (4) "Labor organization" means an organization that exists for the purpose, in whole or
13 in part, of collective bargaining, of dealing with employers concerning grievances, terms or
14 conditions of employment or of other mutual aid or protection in connection with employ-
15 ment.

16 (5) "Political matters" includes political party affiliation, campaigns for legislation or
17 candidates for political office and the decision to join, not join, support or not support any
18 lawful political or constituent group or activity.

19 (6) "Religious matters" includes religious affiliation or the decision to join, not join,
20 support or not support a bona fide religious organization.

21 **SECTION 2.** (1) An employer or the employer's agent, representative or designee may
22 not require an employee to attend any employer-sponsored meeting or participate in any
23 communication with the employer or the employer's agent, representative or designee if the
24 purpose of the meeting or communication is to communicate the employer's opinion about
25 religious or political matters.

26 (2) An employer or the employer's agent, representative or designee may not discharge,
27 discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or
28 take any adverse employment action against an employee:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) As a means of requiring an employee to attend a meeting or participate in commu-
2 nications described in subsection (1) of this section; or

3 (b) Because the employee, or a person acting on behalf of the employee, makes a good
4 faith report, orally or in writing, of a violation or a suspected violation of this section. This
5 paragraph does not apply if the employee knows that the report is false.

6 (3) An aggrieved employee may bring a civil action to enforce this section no later than
7 90 days after the date of the alleged violation in the circuit court of the judicial district
8 where the violation is alleged to have occurred or where the employer has its principal office.
9 The court may award a prevailing employee all appropriate relief, including injunctive relief,
10 rehiring or reinstatement of the employee to the employee's former position or an equivalent
11 position, back pay and reestablishment of any employee benefits, including seniority, to
12 which the employee would otherwise have been eligible if the violation had not occurred and
13 any other appropriate relief as deemed necessary by the court to make the employee whole.
14 The court shall award a prevailing employee treble damages, together with reasonable at-
15 torney fees and costs.

16 (4) An employer subject to this section shall post a notice of employee rights under this
17 section in a place normally reserved for employment-related notices and in a place commonly
18 frequented by employees.

19 (5) This section does not:

20 (a) Limit an employee's right to bring a common law cause of action against an employer
21 for wrongful termination;

22 (b) Diminish or impair the rights of a person under a collective bargaining agreement;

23 (c) Limit the application of ORS 260.432;

24 (d) Prohibit a religious organization from requiring its employees to attend an
25 employer-sponsored meeting or participate in any communication with the employer or its
26 agent, representative or designee for the primary purpose of communicating the employer's
27 religious beliefs, practices or tenets;

28 (e) Prohibit a political organization, including political parties and other organizations
29 that engage, in substantial part, in political activities, from requiring its employees to attend
30 an employer-sponsored meeting or participate in any communication with the employer or
31 its agent, representative or designee for the primary purpose of communicating the employ-
32 er's political tenets or purposes;

33 (f) Prohibit communications of information about religious or political matters that the
34 employer is required by law to communicate, but only to the extent of the legal requirement;
35 or

36 (g) Prohibit meetings of an employer's executive or administrative personnel to discuss
37 issues related to the employer's business.

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