

A-Engrossed
Senate Bill 519

Ordered by the Senate May 5
Including Senate Amendments dated May 5

Sponsored by Senators ROSENBAUM, DEVLIN, Representatives SCHAUFLEER, WITT; Senators BATES, MONNES ANDERSON, MONROE, WALKER, Representatives BAILEY, BARKER, BUCKLEY, DEMBROW, GALIZIO, HOLVEY, NOLAN, ROBLAN, SHIELDS (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.

Prohibits employer from taking adverse employment action against employee who declines to attend meeting or participate in communication concerning employer's opinion about religious or political matters. 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 2009 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 discharge, discipline or otherwise penalize or threaten to discharge, discipline or other-**
23 **wise penalize or take any adverse employment action against an employee:**

24 (a) **Who declines to attend or participate in an employer-sponsored meeting or commu-**
25 **nication with the employer or the agent, representative or designee of the employer if the**
26 **primary purpose of the meeting or communication is to communicate the opinion of the**

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 employer about religious or political matters;

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

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

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

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

20 (4) This section does not:

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

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

24 (c) Limit the application of ORS 260.432;

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

29 (e) Prohibit a political organization, including a political party or other organization that
30 engages, in substantial part, in political activities, from requiring the political organization's
31 employees to attend an employer-sponsored meeting or participate in any communication
32 with the employer or the employer's agent, representative or designee for the primary pur-
33 pose of communicating the employer's political tenets or purposes;

34 (f) Prohibit communications of information about religious or political matters that the
35 employer is required by law to communicate, but only to the extent of the lawful require-
36 ment;

37 (g) Prohibit mandatory meetings of an employer's executive or administrative personnel
38 to discuss issues related to the employer's business, including those issues addressed in this
39 section; or

40 (h) Limit the rights of an employer to offer meetings, forums or other communications
41 about religious or political matters for which attendance or participation is strictly volun-
42 tary.

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