

# Enrolled Senate Bill 519

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)

CHAPTER .....

AN ACT

Relating to mandatory workplace communications to employee about employer’s opinions.

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

**SECTION 1. As used in this section and section 2 of this 2009 Act:**

- (1) “Constituent group” includes, but is not limited to, civic associations, community groups, social clubs and mutual benefit alliances, including labor organizations.**
- (2) “Employee” means an individual engaged in service to an employer in a business of the employer.**
- (3) “Employer” includes:**
  - (a) A person engaged in business that has employees; and**
  - (b) A public body, as defined in ORS 174.109.**
- (4) “Labor organization” means an organization that exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employment.**
- (5) “Political matters” includes political party affiliation, campaigns for legislation or candidates for political office and the decision to join, not join, support or not support any lawful political or constituent group or activity.**
- (6) “Religious matters” includes religious affiliation or the decision to join, not join, support or not support a bona fide religious organization.**

**SECTION 2. (1) An employer or the employer’s agent, representative or designee may not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee:**

- (a) Who declines to attend or participate in an employer-sponsored meeting or communication with the employer or the agent, representative or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters;**
- (b) As a means of requiring an employee to attend a meeting or participate in communications described in paragraph (a) of this subsection; or**
- (c) Because the employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, of a violation or a suspected violation of this section. This paragraph does not apply if the employee knows that the report is false.**

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

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

(4) This section does not:

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

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

(c) Limit the application of ORS 260.432;

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

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

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

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

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

**Passed by Senate June 8, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 19, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State