



# EMPLOYEE FREE CHOICE ACT

Multiple states protect workers from forced meetings about political or religious speech that is irrelevant to their work. Washington should join them and protect workers from retaliation when they choose not to participate in such meetings.

## THE PROBLEM



Workers in Washington have a legal right to form a union free of interference from their employer. But as case after case demonstrates, employers from Starbucks to Amazon to Trader Joe's regularly violate this law, holding forced meetings where employers coercively imply to workers that voting for a union may lead to layoffs, loss of benefits, or closure.

## THE SOLUTION

SB 5778 / HB 1940, the Employee Free Choice Act sponsored by Sen. Karen Keiser and Rep. Mary Fosse, would level the playing field for workers by making these meetings voluntary and prescribing civil penalties for violations. So far, six states — including Oregon and New York — have enacted similar laws to protect workers, and several more states are also considering establishing these protections.



## Washington should join other states in protecting workers' freedom.

- The Employee Free Choice Act prohibits an employer from disciplining or discharging an employee for refusal to attend an employer-sponsored meeting, listen to speech, or view communications, when the primary purpose is to communicate the employer's opinion concerning religious or political matters.
- Employers routinely abuse their power to coerce workers into attending political rallies, religious discussions, or anti-union meetings under the threat of disciplinary action.<sup>1</sup> State legislation that creates a minimum labor standard to protect workers from abusive forms of employer coercion can help workers more fully exercise their basic rights.
- Six states have approved laws protecting workers from retaliation if they decline to attend forced meetings about matters of personal conscience: Oregon, New Jersey, Connecticut, Maine, Minnesota,

### More and more states are legislating to protect worker rights—allowing them to opt out of listening to unsolicited political and religious views

State legislative action, 2006–present

State	Year	Bills and statutes	Status
Alaska	2023	SB 109	Introduced
California	2023	SB 399	Introduced
Connecticut	2022	SB 163	Enacted
Maine	2023	SP 702 / LD 1756	Enacted
Massachusetts	2023	S.958	Introduced
Minnesota	2023	HF 2442	Enacted
New Jersey <sup>†</sup>	2006	§34:19-10	Enacted
New Mexico	2023	HB 245	Introduced
New York	2023	S.4982 / A.6604	Enacted
Oregon	2010	ORS 659.785	Enacted
Rhode Island	2023	H 5516	Introduced
Vermont	2023	S. 102	Introduced
Washington	2023	SB 5417	Introduced
Wisconsin <sup>‡</sup>	2009	SB 585	Rescinded

**Note:** New Jersey statute §34:19-10 does not define communications regarding labor unions as "political matters" and thus allows anti-union captive audience meetings. Although no formal ruling was issued, Wisconsin entered a settlement to stop enforcing Act 290 following legal challenges.

**Source:** Authors' analysis of state legislation.

Economic Policy Institute

and New York. Several others are considering similar laws (see chart).

- Importantly, these state laws do not limit employers' rights to express their beliefs freely or even to continue inviting

employees to attend workplace political or religious meetings. These laws simply empower workers to opt out of unwelcome political speech by protecting them from financial harm or retaliation if they choose not to attend such meetings.

1. Tackling the problem of 'captive audience' meetings, Economic Policy Institute, 10-24-23



In addition to the Employee Free Choice Act, the Washington State Labor Council, AFL-CIO is supporting a range of issues that address economic opportunity and justice. Learn more at [www.wslc.org](http://www.wslc.org) or [www.TheStand.org](http://www.TheStand.org).

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