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BILL REQUEST - CODE REVISER'S OFFICE

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BILL REQ. #: H-3775.1/08

ATTY/TYPIST: BLP:rmh

BRIEF DESCRIPTION: Prohibiting certain employer communications  
about political or religious matters.

AN ACT Relating to prohibiting certain employer communications about political or religious matters; and adding new sections to chapter 49.44 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this section and sections 2 through 4 of this act unless the context clearly requires otherwise.

(1) "Adverse employment action" means discharge, discipline, or any adverse change in the status or the terms and conditions of the employee's employment.

(2) "Employee" means the same as provided in RCW 49.12.005(4).

(3) "Employer" means an employer, as defined in RCW 49.12.005(3)(b), and includes any person acting in the interest of such an employer.

(4) "Political matters" means matters directly related to candidates, elected officials, ballot propositions, legislation, election campaigns, political parties, and political, social, community, and labor or other mutual aid organizations.

(5) "Religious matters" means all aspects of religious observance and practice, as well as belief.

NEW SECTION. Sec. 2. (1) No employer may require an employee to attend a meeting, or listen to, or respond to, or participate in, any other communication when a purpose of the requirement is to ensure that employees receive communications relating to political or religious matters or to influence the employee's beliefs, opinions, or actions about political or religious matters.

(2) No employer may take or threaten to take an adverse employment action against an employee because the employee:

(a) Refuses to attend a meeting or listen or otherwise respond to, or participate in, any other communication that the employee reasonably believes violates or would violate this section;

(b) Challenges or opposes any practice or action that the employee reasonably believes violates or would violate this section; or

(c) Makes a claim, files suit, testifies, assists, or participates in any manner in any investigation, proceeding, or hearing involving any practice or action that the employee reasonably believes violates or would violate this section.

(3) This section shall not:

(a) Apply to any requirement related to meetings or any other communications about religious matters by an employer that is a religious organization, corporation, association, educational institution, or society;

(b) Prohibit any employer from requiring its employees to attend a meeting, listen or otherwise respond to, or participate in, any other communications that are (i) reasonably necessary to the performance of actions by the employees that may be lawfully required; and (ii) related to the normal operation of the employer's business or enterprise.

NEW SECTION. Sec. 3. An employee aggrieved by a violation of section 2 of this act may bring a civil action in the superior court for the county where the violation is alleged to have occurred or where the employer has its principal office. The court may award a prevailing employee injunctive relief, rehiring or reinstatement of the employee to the employee's former position or equivalent position, back pay and restoration of any other terms and conditions of employment to which the employee would otherwise have been eligible if the violation had not occurred, damages for any reasonably foreseeable losses sustained by the employee as a result of such violation, and

any other appropriate relief as deemed necessary by the court to make the employee whole and to restrain violations of section 2 of this act. The court shall award a prevailing employee an additional one hundred percent of back pay as liquidated damages to compensate for harms caused by the delay in payment, together with reasonable attorneys' fees and costs.

NEW SECTION. Sec. 4. Employers shall post a notice of employee rights under this act in a conspicuous place accessible to the employees at the employer's place of business.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 49.44 RCW.