



HELP PROTECT EMPLOYER FREE SPEECH ***PLEASE OPPOSE HB 1528 & SB 5446***

SPONSORS: REP. MIKE SELLS AND SENATOR MARGARTIA PRENTICE

Background

HB 1528 & SB 5446 seek to prohibit an employer from communicating with its employees regarding “political or religious matters.” The bill states,

“An employer may not 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.”

It creates a civil cause of action for such violations with steep financial penalties for a prevailing employee.

HB 1528 & SB 5446 Are Overly Broad

The definition of “political matters” in the legislation is unduly vague and overly broad. It would prohibit employers from discussing any of the following with their employees:

“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.”

The bill is being promoted as a way to protect employees: however, the truth is that it would stifle free speech and prevent employers from sharing legal, legislative and other information with their employees that could affect them.

For instance, there is a bill under consideration to update the architecture licensing law. One change in the bill would add a requirement that all architects complete continuing education training in order to renew their state-required licenses. Because of this legislation an employer could not discuss the law change at a mandatory staff meeting.

HB 1528 / SB5446 would prohibit employers from talking about elected officials with their employees. Architects often work with elected officials on projects and public policy matters. This bill would curtail effective communications within an office about such matters.

The bill prohibits discussion of “social, community, and labor or other mutual aid organizations.” Many firms promote civic service and charitable work. Firms would no longer be able to discuss such charitable activities or opportunities for public service with their employees.

A firm would even be prohibited from discussing professional association events. The American Institute of Architects organized volunteer architects to provide flood damage assessment services after the floods of 2007 and 2009. These calls for volunteers were included in chapter newsletters that were forwarded to employees. Some of the newsletters also discussed legislative or political matters. Thus, the entire communication would become unlawful under the proposed standards.

KEY POINTS

- *Definition of “political matters” in the legislation is unduly vague and could prevent employers from talking about issues affecting their employees*
- *Firms would no longer be able to discuss charitable activities or opportunities for public service with their employees.*
- *Without changes to the language it's possible that a firm could be prohibited from discussing professional association events*

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