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HOUSE BILL 3068

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Conway, Chase, McDermott, Dickerson, Sells, Cody, Ormsby, Simpson, Schual-Berke and Hasegawa

Read first time 01/19/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employer communications about political,  
2 religious, or labor organizing matters; and adding a new section to  
3 chapter 49.44 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW  
6 to read as follows:

7 (1)(a) It is unlawful for an employer to require its employees to  
8 attend an employer-sponsored meeting or to participate in any  
9 communications with the employer if the primary purpose is to  
10 communicate the employer's opinion about religious or political  
11 matters.

12 (b) This subsection does not:

13 (i) Apply to communications about religious or political matters  
14 that the employer is required by law to communicate to employees, but  
15 only to the extent of such requirement;

16 (ii) Prohibit a religious organization from requiring its employees  
17 to attend an employer-sponsored meeting or to participate in any  
18 communications with the employer if the primary purpose is to  
19 communicate the employer's religious beliefs, practices, or tenets;

1 (iii) Prohibit a political organization from requiring its  
2 employees to attend an employer-sponsored meeting or to participate in  
3 any communications with the employer if the primary purpose is to  
4 communicate the employer's political tenets or purposes; or

5 (iv) Prohibit an educational institution from requiring student  
6 instructors to attend lectures on political or religious matters that  
7 are part of the regular coursework at such institution.

8 (2) An employer may not discharge or in any manner discriminate  
9 against, or threaten to discharge or discriminate against, an employee  
10 because the employee, or a person acting on behalf of the employee,  
11 makes a good faith report, orally or in writing, of a violation or a  
12 suspected violation of this section. This subsection does not apply  
13 when the employee knows that such report is false.

14 (3)(a) An employee aggrieved by a violation of this section may,  
15 within ninety days after the date of the alleged violation, bring a  
16 civil action in the superior court for the county where the violation  
17 is alleged to have occurred or where the employer has its principal  
18 office. The court may award a prevailing employee all appropriate  
19 relief, including rehiring or reinstatement of the employee to the  
20 employee's former position with back pay and without loss of seniority  
21 or benefits to which the employee would otherwise have been eligible if  
22 such violation had not occurred. The court shall award a prevailing  
23 employee treble damages, together with reasonable costs and attorneys'  
24 fees.

25 (b) This subsection does not limit an employee's right to bring a  
26 common law cause of action against an employer for wrongful termination  
27 or diminish or impair the rights of a person under a collective  
28 bargaining agreement.

29 (4) The definitions in this subsection apply throughout this  
30 section unless the context clearly requires otherwise.

31 (a) "Employer" means the same as the definition in RCW  
32 49.12.005(3)(b) and includes any person acting in the interest of an  
33 employer.

34 (b) "Employee" means the same as the definition in RCW  
35 49.12.005(4).

36 (c) "Labor organization" means any organization that exists for the  
37 purpose, in whole or in part, of collective bargaining or of dealing

1 with employers concerning grievances, terms or conditions of  
2 employment, or of other mutual aid or protection in connection with  
3 employment.

4 (d) "Political matters" includes political party affiliation or the  
5 decision to join or not join a lawful, political, social, or community  
6 group or activity, or a labor organization.

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