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SENATE BILL 5446

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State of Washington

61st Legislature

2009 Regular Session

By Senators Prentice, Kohl-Welles, Keiser, McDermott, Fairley, Franklin, Kline, Murray, Ranker, Tom, Shin, Regala, Hobbs, Kauffman, Pridemore, McAuliffe, Kastama, Hatfield, Oemig, Fraser, and Jacobsen

Read first time 01/22/09. Referred to Committee on Labor, Commerce & Consumer Protection.

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

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

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

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

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

12 (3) "Employer" means an employer, as defined in RCW  
13 49.12.005(3)(b), and includes any person acting in the interest of such  
14 an employer.

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

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

3 NEW SECTION. **Sec. 2.** (1) An employer may not require an employee  
4 to attend a meeting, or listen to, or respond to, or participate in,  
5 any other communication when a purpose of the requirement is to ensure  
6 that employees receive communications relating to political or  
7 religious matters or to influence the employee's beliefs, opinions, or  
8 actions about political or religious matters.

9 (2) An employer may not take or threaten to take an adverse  
10 employment action against an employee because the employee:

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

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

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

20 (3) This section does not:

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

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

31 NEW SECTION. **Sec. 3.** An employee aggrieved by a violation of  
32 section 2 of this act may bring a civil action in the superior court  
33 for the county where the violation is alleged to have occurred or where  
34 the employer has its principal office. The court may award a  
35 prevailing employee injunctive relief, rehiring or reinstatement of the  
36 employee to the employee's former position or equivalent position, back

1 pay and restoration of any other terms and conditions of employment to  
2 which the employee would otherwise have been eligible if the violation  
3 had not occurred, damages for any reasonably foreseeable losses  
4 sustained by the employee as a result of such a violation, and any  
5 other appropriate relief as deemed necessary by the court to make the  
6 employee whole and to restrain violations of section 2 of this act.  
7 The court shall award a prevailing employee an additional one hundred  
8 percent of back pay as liquidated damages to compensate for harms  
9 caused by the delay in payment, together with reasonable attorneys'  
10 fees and costs.

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

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

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