

An Act to Protect Employee Freedom of Speech



Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §600-B is enacted to read:

§600-B. Adverse action against employee concerning certain religious or political matters prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Political matters" means matters relating to elections for political office, political parties, proposals to change legislation, proposals to change rules or regulations, proposals to change public policy and the decision to join or support any political party or political, civic, community, fraternal or labor organization.

B. "Religious employer" means a church or convention or association of churches or an organization that is operated primarily for religious purposes and that is operated, supervised, controlled or principally supported by a church or convention or association of churches.

C. "Religious matters" means matters relating to religious belief, affiliation and practice and the decision to join or support any religious organization or association.

2. Adverse action prohibited. An employer or the employer's agent, representative or designee may not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee:

A. Because the employee declines to attend or participate in an employer-sponsored meeting or declines to receive or listen to a communication from the employer or the agent, representative or designee of the employer if the meeting or communication is to communicate the opinion of the employer about religious matters or political matters;

B. As a means of inducing an employee to attend or participate in a meeting or receive or listen to a communication described in paragraph A; or

C. Because the employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, of a violation or a suspected violation of this section.

3. Enforcement. An aggrieved employee may bring a civil action to enforce this section no later than 90 days after the date of the alleged violation in the Superior Court for the county where the violation is alleged to have occurred or where the principal office of the employer is located. The court may award a prevailing employee all appropriate relief, including injunctive relief, reinstatement to the employee's former position or an equivalent position, back pay and reestablishment of any employee benefits, including seniority, to which the employee would otherwise have been eligible if the violation had not occurred and any other appropriate relief as considered necessary by the court. The court shall award a prevailing employee reasonable attorney's fees and costs.

4. Notice. Within 30 days after the effective date of this section, an employer subject to this section shall post and keep posted a notice of employee rights under this section where employee notices are customarily placed.

5. Communications and rights not affected. This section does not:

A. Prohibit communications of information that the employer is required by law to communicate, but only to the extent of the lawful requirement;

B. Limit the rights of an employer or its agent, representative or designee to conduct meetings involving religious matters or political matters as long as attendance is wholly voluntary or to engage in communications as long as receipt or listening is wholly voluntary; or

C. Limit the rights of an employer or its agent, representative or designee from communicating to its employees any information that is necessary for such employees to perform their lawfully required job duties.

6. Exemption. This section does not apply to a religious employer.

SUMMARY

This bill prohibits an employer from discharging, disciplining or otherwise penalizing or threatening to discharge, discipline or otherwise penalize or taking any adverse employment action against an employee because the employee declines to attend or participate in an employer-sponsored meeting or declines to receive or listen to a communication from the employer if the meeting or communication is to communicate the opinion of the employer about religious or political matters. The bill provides an exemption for a religious employer.