
SUBSTITUTE SENATE BILL 5417

State of Washington

68th Legislature

2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Conway, Hasegawa, Hunt, Saldaña, Stanford, Valdez, and C. Wilson)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to protecting the rights of workers exercising
2 their right to refrain from attending meetings or listening to their
3 employer's speech on political or religious matters; adding new
4 sections to chapter 49.44 RCW; and creating a new section.

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

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

8 (1) The legislature recognizes that freedom of speech is a
9 foundational ideal that is core to this nation's identity.

10 (2) The legislature intends that workers be protected from
11 retaliation by certain employers when the worker chooses to perform
12 their job duties instead of listening to the employer's speech on
13 political or religious matters.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.44
15 RCW to read as follows:

16 (1) Except as provided in subsections (2) and (3) of this
17 section, any employer, including the state and any instrumentality or
18 political subdivision thereof, may not subject or threaten to subject
19 any employee to discipline or discharge on account of such employee's
20 refusal to:

1 (a) Attend an employer-sponsored meeting with the employer or its
2 agent, representative, or designee, the primary purpose of which is
3 to communicate the employer's opinion concerning religious or
4 political matters; or

5 (b) Listen to speech or view communications, including electronic
6 communications, the primary purpose of which is to communicate the
7 employer's opinion concerning religious or political matters.

8 (2) Nothing in this section shall prohibit:

9 (a) An employer or its agent, representative, or designee from
10 communicating to its employees any information that the employer is
11 required by law to communicate, but only to the extent of such legal
12 requirement;

13 (b) An employer or its agent, representative, or designee from
14 communicating to its employees any information that is necessary for
15 such employees to perform their job duties;

16 (c) An institution of higher education, or any agent,
17 representative, or designee of such institution, from meeting with or
18 participating in any communications with its employees that are part
19 of coursework, any symposia, or an academic program at such
20 institution; or

21 (d) Casual conversations between employees or between an employee
22 and an agent, representative, or designee of an employer, provided
23 participation in such conversations is not required.

24 (3) The provisions of this section do not apply to a religious
25 corporation, entity, association, educational institution, or society
26 that is exempt from the requirements of Title VII of the civil rights
27 act of 1964 pursuant to 42 U.S.C. Sec. 2000e-1(a), with respect to
28 speech on religious matters to employees who perform work connected
29 with the activities undertaken by such religious corporation, entity,
30 association, educational institution, or society.

31 (4) An employer who violates this section is liable in a civil
32 cause of action for damages caused by such discipline or discharge,
33 including punitive damages, the full amount of gross loss of wages or
34 compensation, and reasonable attorneys' fees and costs.

35 (5) The definitions in this subsection apply throughout this
36 section unless the context clearly requires otherwise.

37 (a) "Political matters" means matters relating to elections for
38 political office, political parties, proposals to change legislation,
39 proposals to change regulation, and the decision to join or support

1 any political party or political, civic, community, fraternal, or
2 labor organization.

3 (b) "Religious matters" means matters relating to religious
4 affiliation and practice, and the decision to join or support any
5 religious organization or association.

6 NEW SECTION. **Sec. 3.** This act may be known and cited as the
7 employee free choice act.

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