

P.L. 2006, c.53
Approved July 26, 2006

[First Reprint]
SENATE, No. 1123
STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:

Senator JOSEPH CONIGLIO, District 38 (Bergen)

Assemblyman UPENDRA J. CHIVUKULA, District 17 (Middlesex and Somerset)

Assemblyman JEFF VAN DREW, District 1 (Cape May, Atlantic and Cumberland)

Assemblyman ROBERT M. GORDON, District 38 (Bergen)

Co-Sponsored by: Assemblyman Egan and Assemblywoman Oliver

SYNOPSIS

The "Worker Freedom from Employer Intimidation Act."

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on February 6, 2006, with amendments.

AN ACT concerning employer communications to employees about religious and political matters.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. For the purposes of this act:

"Employer" means a person engaged in business who has employees, including the ¹[state] State¹ and any political subdivision or other instrumentality of the ¹[state] State¹.

"Employee" means any person engaged in service to an employer for wages, salary or other compensation.

¹["Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in connection with employment.]¹

"Political matters" include political party affiliation and decisions to join or not join or participate in any lawful political, social, ¹or¹ community ¹[or labor]¹ organization or activity.

2. No employer or employer's agent, representative or designee may, except as provided in section 3 of this act, require its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

¹This act shall not be construed as prohibiting an employer from permitting its employees to

voluntarily attend employer-sponsored meetings or providing other communications to the employees, if the employer notifies the employees that they may refuse to attend the meetings or accept the communications without penalty.¹

3. a. An employer or its agent, representative or designee may communicate to employees information about religious or political matters that the employer is required by law to communicate, but only to the extent required by law.

b. Nothing in this act shall prohibit:

(1) A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's religious beliefs, practices or tenets;

(2) A political organization or party from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's political tenets or purposes; or

(3) An educational institution from requiring a student or instructor to attend lectures on political or religious matters that are part of the regular course work at the institution.

4. No employer or employer's agent, representative or designee shall discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or suspected violation of this act.

5. Any aggrieved employee may enforce the provisions of this act by means of a civil action brought no later than ninety days after the date of the alleged violation in a court of competent jurisdiction. The court shall award a prevailing employee all appropriate relief, including any of the following which are applicable to the violation:

a. A restraining order against any continuing violation;

b. The reinstatement of the employee to the employee's former position or an equivalent position and the reestablishment of any employee benefits and seniority rights;

c. The payment of any lost wages, benefits or other remuneration; and

d. The payment of reasonable attorneys' fees and costs of the action.

In addition, the court may award the prevailing employee punitive damages not greater than treble damages, or an assessment of a civil fine of not more than \$1,000 for a first violation of the act and not more than \$5,000 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund.

6. Nothing in this act shall be construed to limit an employee's right to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

7. This act shall take effect immediately.