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RWH 3/27/08

P.L. 2006, CHAPTER 53, *approved July 26, 2006*
Senate, No. 1123 (*First Reprint*)

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

3

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

6

7 1. For the purposes of this act:

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

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

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

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

21

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

28 ¹This act shall not be construed as prohibiting an employer from
29 permitting its employees to voluntarily attend employer-sponsored
30 meetings or providing other communications to the employees, if
31 the employer notifies the employees that they may refuse to attend
32 the meetings or accept the communications without penalty.¹

33

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

38 b. Nothing in this act shall prohibit:

39 (1) A religious organization from requiring its employees to
40 attend an employer-sponsored meeting or to participate in any
41 communications with the employer or its agents or representatives,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted
and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted February 6, 2006.

1 the purpose of which is to communicate the employer's religious
2 beliefs, practices or tenets;

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

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

11

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

18

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

24 a. A restraining order against any continuing violation;

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

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

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

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

37

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

42

43 7. This act shall take effect immediately.

44

45

46

47

48 The "Worker Freedom from Employer Intimidation Act."

SENATE, No. 1123

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

The "Worker Freedom from Employer Intimidation Act."

CURRENT VERSION OF TEXT

As introduced.



S1123 CONIGLIO

2

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

3

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

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7 1. For the purposes of this act:

8 "Employer" means a person engaged in business who has
9 employees, including the state and any political subdivision or other
10 instrumentality of the state.

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

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

18 "Political matters" include political party affiliation and
19 decisions to join or not join or participate in any lawful political,
20 social, community or labor organization or activity.

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

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

33 b. Nothing in this act shall prohibit:

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

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

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

S1123 CONIGLIO

- 1 2. A religious organization may communicate its religious
2 beliefs, practices or tenets to its employees;
- 3 3. A political organization may communicate its political tenets
4 or purposes to its employees; and
- 5 4. An educational institution may require students and
6 instructors to attend lectures on political or religious matters that
7 are part of the regular course work at the institution.
- 8 Employers are prohibited from retaliating against employees
9 because the employee, or a person acting on behalf of the employee,
10 makes a good faith report a violation, verbally or in writing.
- 11 An aggrieved employee is authorized to bring a civil action
12 against a violation of the bill not later than ninety days after the
13 violation occurs. If the employee prevails in the action, the court is
14 required to award all appropriate relief, including any of the
15 following which are applicable to the violation:
- 16 1. A restraining order against any continuing violation;
- 17 2. The reinstatement of the employee to the employee's former
18 position or an equivalent position and the reestablishment of any
19 employee benefits and seniority rights;
- 20 3. The payment of lost wages, benefits or other remuneration;
21 and
- 22 4. The payment of attorneys' fees and other costs of the action.
- 23 In addition, the court is permitted to award punitive damages not
24 greater than treble damages to the employee and an assessment of a
25 civil fine, paid to the State Treasurer, of not more than \$1,000 for a
26 first violation and not more than \$5,000 for each subsequent
27 violation.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1123

STATE OF NEW JERSEY

DATED: JUNE 1, 2006

The Assembly Labor Committee reports favorably Senate Bill No.1123 (1R).

This bill protects employees from employer intimidation by prohibiting any employer, with certain exceptions, from requiring 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. "Political matters" are defined as political party affiliation and decisions to join or not join or participate in any lawful political, social, or community organization or activity.

The exceptions to the prohibition are:

1. An employer may communicate information about religious or political matters to employees to the extent required by law;
2. A religious organization may communicate its religious beliefs, practices or tenets to its employees;
3. A political organization may communicate its political tenets or purposes to its employees; and
4. An educational institution may require students and instructors to attend lectures on political or religious matters that are part of the regular course work at the institution.

Employers are prohibited from retaliating against an employee because the employee, or a person acting on behalf of the employee, in good faith reports a violation,

An aggrieved employee is authorized to bring a civil action not later than ninety days after the alleged violation occurs. If the employee prevails in the action, the court is required to award all appropriate relief, including any of the following which are applicable to the violation:

1. A restraining order against any continuing violation;
2. 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;
3. The payment of lost wages, benefits or other remuneration; and
4. The payment of attorneys' fees and other costs of the action.

In addition, the court is permitted to award punitive damages not greater than treble damages to the employee and an assessment of a civil fine, paid to the State Treasurer, of not more than \$1,000 for a first violation and not more than \$5,000 for each subsequent violation.

The bill does not prohibit 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.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1123

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2006

This bill, as amended, protects employees from employer intimidation by prohibiting any employer, with certain exceptions, from requiring 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. "Political matters" are defined as political party affiliation and decisions to join or not join or participate in any lawful political, social, or community organization or activity.

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2. A religious organization may communicate its religious beliefs, practices or tenets to its employees;
3. A political organization may communicate its political tenets or purposes to its employees; and
4. An educational institution may require students and instructors to attend lectures on political or religious matters that are part of the regular course work at the institution.

Employers are prohibited from retaliating against employees because the employee, or a person acting on behalf of the employee, in good faith reports a violation,

An aggrieved employee is authorized to bring a civil action not later than ninety days after the alledged violation occurs. If the employee prevails in the action, the court is required to award all appropriate relief, including any of the following which are applicable to the violation:

1. A restraining order against any continuing violation;
2. 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;
3. The payment of lost wages, benefits or other remuneration; and
4. The payment of attorneys' fees and other costs of the action.

In addition, the court is permitted to award punitive damages not greater than treble damages to the employee and an assessment of a civil fine, paid to the State Treasurer, of not more than \$1,000 for a first violation and not more than \$5,000 for each subsequent violation.

The committee amendments remove the term “labor organization” from the definition of political matters. Moreover, the committee amendments provide that nothing shall 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.

ASSEMBLY, No. 275

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

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

SYNOPSIS

The "Worker Freedom from Employer Intimidation Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/2/2006)

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

3

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

6

7 1. For the purposes of this act:

8 "Employer" means a person engaged in business who has
9 employees, including the state and any political subdivision or other
10 instrumentality of the state.

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

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

18 "Political matters" include political party affiliation and
19 decisions to join or not join or participate in any lawful political,
20 social, community or labor organization or activity.

21

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

28

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

33 b. Nothing in this act shall prohibit:

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

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

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

- 1 1. An employer may communicate information about religious
2 or political matters to employees to the extent required by law;
 - 3 2. A religious organization may communicate its religious
4 beliefs, practices or tenets to its employees;
 - 5 3. A political organization may communicate its political tenets
6 or purposes to its employees; and
 - 7 4. An educational institution may require students and
8 instructors to attend lectures on political or religious matters that
9 are part of the regular course work at the institution.
- 10 Employers are prohibited from retaliating against employees
11 because the employee, or a person acting on behalf of the employee,
12 makes a good faith report a violation, verbally or in writing.
- 13 An aggrieved employee is authorized to bring a civil action
14 against a violation of the bill not later than ninety days after the
15 violation occurs. If the employee prevails in the action, the court is
16 required to award all appropriate relief, including any of the
17 following which are applicable to the violation:
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20 position or an equivalent position and the reestablishment of any
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 - 24 4. The payment of attorneys' fees and other costs of the action.
- 25 In addition, the court is permitted to award punitive damages not
26 greater than treble damages to the employee and an assessment of a
27 civil fine, paid to the State Treasurer, of not more than \$1,000 for a
28 first violation and not more than \$5,000 for each subsequent
29 violation.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 275

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2006

The Assembly Labor Committee reports favorably Assembly Bill No. 275, with committee amendments.

This bill, as amended, protects employees from employer intimidation by prohibiting any employer, with certain exceptions, from requiring 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. "Political matters" are defined as political party affiliation and decisions to join or not join or participate in any lawful political, social, or community organization or activity.

The exceptions to the prohibition are:

1. An employer may communicate information about religious or political matters to employees to the extent required by law;
2. A religious organization may communicate its religious beliefs, practices or tenets to its employees;
3. A political organization may communicate its political tenets or purposes to its employees; and
4. An educational institution may require students and instructors to attend lectures on political or religious matters that are part of the regular course work at the institution.

Employers are prohibited from retaliating against an employee because the employee, or a person acting on behalf of the employee, in good faith reports a violation,

An aggrieved employee is authorized to bring a civil action not later than ninety days after the alledged violation occurs. If the employee prevails in the action, the court is required to award all appropriate relief, including any of the following which are applicable to the violation:

1. A restraining order against any continuing violation;
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3. The payment of lost wages, benefits or other remuneration; and

4. The payment of attorneys' fees and other costs of the action.

In addition, the court is permitted to award punitive damages not greater than treble damages to the employee and an assessment of a civil fine, paid to the State Treasurer, of not more than \$1,000 for a first violation and not more than \$5,000 for each subsequent violation.

COMMITTEE AMENDMENTS:

The committee amendments remove the term "labor organization" from the definition of political matters. Moreover, the committee amendments provide that nothing shall 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.

As amended, this bill is identical to Senate No. 1123(1R), also reported by the committee today.

This bill was prefiled for introduction in the 2006 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.