
HOUSE BILL 1940

State of Washington

68th Legislature

2024 Regular Session

By Representative Fosse

Prefiled 12/13/23.

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, or otherwise penalize or
20 take any adverse employment action against an employee:

1 (a) On account of the employee's refusal to:
2 (i) Attend or participate in an employer-sponsored meeting with
3 the employer or its agent, representative, or designee, the primary
4 purpose of which is to communicate the employer's opinion concerning
5 religious or political matters; or
6 (ii) Listen to speech or view communications, including
7 electronic communications, the primary purpose of which is to
8 communicate the employer's opinion concerning religious or political
9 matters; or
10 (b) As a means of requiring an employee to attend a meeting or
11 participate in communications described in (a) of this subsection; or
12 (c) Because the employee, or a person acting on behalf of the
13 employee, makes a good faith report, orally or in writing, of a
14 violation or a suspected violation of this section. This subsection
15 (1)(c) does not apply if the employee knows that the report is false.
16 (2) This section does not:
17 (a) Prohibit an employer or its agent, representative, or
18 designee from communicating to its employees any information that the
19 employer is required by law to communicate, but only to the extent of
20 the legal requirement;
21 (b) Limit the rights of an employer to offer meetings, forums, or
22 other communications about religious or political matters for which
23 attendance or participation is strictly voluntary.
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 aggrieved employee may bring a civil action in superior
32 court to enforce this section no later than 90 days after the date of
33 the alleged violation. The court may award a prevailing employee all
34 appropriate relief, including injunctive relief, reinstatement to the
35 employee's former position or an equivalent position, back pay and
36 reestablishment of any employee benefits, including seniority, to
37 which the employee would otherwise have been eligible if the
38 violation had not occurred, and any other appropriate relief as
39 considered necessary by the court.

1 (5) An employer subject to this section must post a notice of
2 employee rights under this section in a place normally reserved for
3 employment-related notices and in a place commonly frequented by
4 employees.

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

7 (a) "Political matters" means matters relating to elections for
8 political office, political parties, proposals to change legislation,
9 proposals to change regulations, and the decision to join or support
10 any political party or political, civic, community, fraternal, or
11 labor association or organization.

12 (b) "Religious matters" means matters relating to religious
13 affiliation and practice, and the decision to join or support any
14 religious organization or association.

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

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