

1 S.106

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; employer communications

6 Statement of purpose of bill as introduced: This bill proposes to prohibit  
7 adverse employment actions against an employee who declines to attend a  
8 meeting or view a communication related to the employer's opinion regarding  
9 religious or political matters.

10 An act relating to employer communications regarding religious or political  
11 matters

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 495o is added to read:

14 § 495o. EMPLOYER COMMUNICATIONS RELATING TO RELIGIOUS

15 OR POLITICAL MATTERS; EMPLOYEE RIGHTS

16 (a) An employer, or an employer's agent, shall not discharge, discipline,  
17 penalize, or otherwise discriminate against, or threaten to discharge, discipline,  
18 penalize, or otherwise discriminate against, an employee:

19 (1) because the employee declines:

1           (A) to attend or participate in an employer-sponsored meeting that  
2           has the primary purpose of communicating the employer's opinion about  
3           religious or political matters; or

4           (B) to view or participate in communications with or from the  
5           employer or the employer's agent that have the primary purpose of  
6           communicating the employer's opinion about religious or political matters; or

7           (2) as a means of requiring an employee to:

8           (A) attend an employer-sponsored meeting that has the primary  
9           purpose of communicating the employer's opinion about religious or political  
10           matters; or

11           (B) view or participate in communications with or from the employer  
12           or the employer's agent that have the primary purpose of communicating the  
13           employer's opinion about religious or political matters.

14           (b) Nothing in this section shall be construed to limit:

15           (1) an employee's right to bring a civil action for wrongful termination:

16           or

17           (2) diminish or limit any rights provided to an employee pursuant to a  
18           collective bargaining agreement or employment contract.

19           (c) Nothing in this section shall be construed to prohibit an employer that is  
20           a religious or denominational institution or organization, or any organization

1 operated for charitable or educational purposes, that is operated, supervised, or  
2 controlled by or in connection with a religious organization, from:

3 (1) communicating with its employees regarding the employer's opinion  
4 on religious matters;

5 (2) requiring its employees to attend a meeting regarding the employer's  
6 opinion on religious matters; or

7 (3) requiring its employees to view or participate in communications  
8 from the employer or the employer's agent regarding the employer's opinion  
9 on religious matters.

10 (d) Nothing in this section shall be construed to prohibit an employer that is  
11 a political organization, a political party, or an organization that engages, in  
12 substantial part, in political matters from:

13 (1) communicating with its employees regarding the employer's opinion  
14 on political matters;

15 (2) requiring its employees to attend a meeting regarding the employer's  
16 opinion on political matters; or

17 (3) requiring its employees to view or participate in communications  
18 from the employer or the employer's agent regarding the employer's opinion  
19 on political matters.

20 (e) Nothing in this section shall be construed to prohibit an employer or the  
21 employer's agent from:

1           (1) communicating information to an employee:

2                   (A) that the employer is required to communicate pursuant to State or  
3 federal law; or

4                   (B) that is necessary for the employee to perform the employee’s job  
5 functions or duties;

6           (2) requiring an employee to attend a meeting to discuss issues related to  
7 the employer’s business or operation when the discussion is necessary for the  
8 employee to perform the employee’s job functions or duties; or

9           (3) offering meetings, forums, or other communications about religious  
10 or political matters for which attendance or participation is entirely voluntary.

11           (f)(1) The penalty and enforcement provisions of section 495b of this  
12 subchapter shall apply to this section.

13           (2) The provisions against retaliation in subdivision 495(a)(8) of this  
14 subchapter shall apply to this section.

15           (g) As used in this section:

16                   (1) “Political matters” means matters relating to political affiliation,  
17 elections for political office, political parties, legislative proposals, proposals  
18 to change rules or regulations, and the decision to join or support any political  
19 party or political, civic, community, fraternal, or labor organization.

1           (2) “Religious matters” means matters relating to religious affiliation  
2           and practice and the decision to join or support any religious or denominational  
3           organization or institution.

4           Sec. 2. EFFECTIVE DATE

5           This act shall take effect on July 1, 2023.