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**SENATE BILL 5417**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Keiser and Conway

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, and it is  
10 this freedom that enables working Washingtonians to have democratic  
11 representation in the workplace.

12 (2) The legislature recognizes that currently workers who wish to  
13 exercise their right to collectively bargain may be subject to  
14 mandatory, closed door meetings in their workplace during working  
15 hours in which the workers may be subjected to harassment or implied  
16 threats for their desire to exercise their right to collectively  
17 bargain.

18 (3) The legislature intends that workers be protected from  
19 retaliation by certain employers when the worker chooses to perform  
20 their job duties instead of listening to the employer's speech on  
21 political or religious matters.

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

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

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

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

15       (2) Nothing in this section shall prohibit:

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

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

23       (c) An institution of higher education, or any agent,  
24   representative, or designee of such institution, from meeting with or  
25   participating in any communications with its employees that are part  
26   of coursework, any symposia, or an academic program at such  
27   institution;

28       (d) Casual conversations between employees or between an employee  
29   and an agent, representative, or designee of an employer, provided  
30   participation in such conversations is not required; or

31       (e) A requirement limited to the employer's managerial and  
32   supervisory employees.

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

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

5 (5) 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 regulation, and the decision to join or support  
10 any political party or political, civic, community, fraternal, or  
11 labor 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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