

2023 -- H 5516

LC001376

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT

Introduced By: Representatives Solomon, Edwards, and Sanchez

Date Introduced: February 10, 2023

Referred To: House Labor

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-7 of the General Laws entitled "Labor Relations Act" is hereby  
2 amended by adding thereto the following section:

3 **28-7-50. Employee rights of free speech in the workplace.**

4 (a) As used in this section:

5 (1) "Political matters" means matters relating to elections for political office, political  
6 parties, proposals to change legislation, proposals to change regulation and the decision to join or  
7 support any political party or political, civic, community, fraternal or labor organization; and

8 (2) "Religious matters" means matters relating to religious affiliation and practice and the  
9 decision to join or support any religious organization or association.

10 (b) Except as provided in subsections (c) and (d) of this section, any employer, including  
11 the state and any instrumentality or political subdivision thereof, who subjects or threatens to  
12 subject any employee to discipline or discharge on account of:

13 (1) The exercise by such employee of rights guaranteed by the first amendment to the  
14 United States Constitution or sections 3 or 21 of Article I of the Constitution of the State of Rhode  
15 Island; provided such activity does not substantially or materially interfere with the employee's  
16 bona fide job performance or the working relationship between the employee and the employer; or

17 (2) Such employee's refusal to:

18 (i) Attend an employer-sponsored meeting with the employer or its agent, representative  
19 or designee, the primary purpose of which is to communicate the employer's opinion concerning

1 religious or political matters; or

2 (ii) Listen to speech or view communications, including electronic communications, the  
3 primary purpose of which is to communicate the employer's opinion concerning religious or  
4 political matters, shall be liable to such employee for damages caused by such discipline or  
5 discharge, including punitive damages, for reasonable attorneys' fees as part of the costs of any  
6 such action for damages, and the full amount of gross loss of wages or compensation, with costs  
7 and such reasonable attorneys' fees as may be allowed by the court. If the court determines that  
8 such action for damages was brought without substantial justification, the court may award costs  
9 and reasonable attorneys' fees to the employer.

10 (c) Nothing in this section shall prohibit:

11 (1) An employer or its agent, representative or designee from communicating to its  
12 employees any information that the employer is required by law to communicate, but only to the  
13 extent of such legal requirement;

14 (2) An employer or its agent, representative or designee from communicating to its  
15 employees any information that is necessary for such employees to perform their job duties;

16 (3) An institution of higher education, or any agent, representative or designee of such  
17 institution, from meeting with or participating in any communications with its employees that are  
18 part of coursework, any symposia or an academic program at such institution;

19 (4) Casual conversations between employees or between an employee and an agent,  
20 representative or designee of an employer, provided participation in such conversations is not  
21 required; or

22 (5) A requirement limited to the employer's managerial and supervisory employees.

23 (d) The provisions of this section shall not apply to a religious corporation, entity,  
24 association, educational institution or society that is exempt from the requirements of Title VII of  
25 the Civil Rights Act of 1964 pursuant to 42 USC 2000e-1(a) with respect to speech on religious  
26 matters to employees who perform work connected with the activities undertaken by such religious  
27 corporation, entity, association, educational institution or society.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT

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1           This act would protect the rights of employees in the workplace relating to free speech,  
2 assembly and religion as well as attendance at employer-sponsored meetings regarding political or  
3 religious matters. Employees so aggrieved by discipline or discharge would have the right to bring  
4 a civil action against the employer seeking compensatory and punitive damage.

5           This act would take effect upon passage.

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