

## ISSUES & POLICIES

# Oppose ‘Captive Audience’ Legislation



**HB 5460** Prohibits employers from discussing “political matters” at staff meetings. “Political matters” includes social and community events, charitable campaigns and any issue that falls under a collective bargaining agreement.

**What’s wrong with HB 5460?** The term “*political*,” is so broadly defined in this bill that almost any topic could be considered off limits in workplace meetings — including developments at the State Capitol, employee health and safety, government contracts, employee health benefit plans, and many more subjects.

**Why do employers and employees need to freely communicate with each other?** Employers often use mandatory staff meetings to keep employees informed

of important issues affecting their jobs, the workplace and employee benefits. Bills that limit such communication may leave employees unaware of important issues affecting job security, employee benefits and government operations affecting the workplace.

**Who does the bill impact?** Everyone. This bill will stop employers from talking with their employees about their retirement plans, health benefits, wages, union organizing campaigns and even community service projects. Employees will be denied a good, reliable source of information about things that will directly affect them, their families and their communities at a time when they need to hear such information directly from their employers.

**If enacted, will HB 5460 be legal?** Probably not. Since it limits employer-employee communications about labor union organizing, it is pre-empted by federal law. The National Labor Relations Act (NLRA) has long been held to be the exclusive authority governing relations and communications between employers and labor unions in the workplace.

When analyzing a captive audience bill a few year ago, the Office of Legislative Research (OLR) found that the NLRA exclusively governs private-sector union organizing, collective bargaining rights, and employer-employee communications about union organizing issues. Therefore, OLR found:

**“[i]t appears likely that, based on the history of the NLRA and court rulings, that the NLRA would preempt the bill’s provisions as they relate to labor organizing. . . . If the NLRA does not preempt state legislation, the bill could also face a First Amendment challenge.”** (OLR Report, 2006-R-0204)

*At a time of great economic and political uncertainty, employers and employees must be able to speak freely about issues affecting the workplace.*

**Vote NO on HB 5460 AAC Captive Audience Meetings**