
ENGROSSED SUBSTITUTE SENATE BILL 5778

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Lovick, Conway, Trudeau, Stanford, Randall, Shewmake, Dhingra, Van De Wege, Nguyen, Valdez, Kauffman, Hasegawa, Lovelett, Lias, Frame, Hunt, Cleveland, Kuderer, Nobles, Salomon, and C. Wilson)

READ FIRST TIME 01/17/24.

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 (c) Limit the rights of an employer or its agent, representative,
25 or designee from communicating to its employees any information, or
26 requiring employee attendance at a meeting or other event, that is
27 necessary for the employees to perform their lawfully required job
28 duties; or
29 (d) Prohibit an employer or its agent, representative, or
30 designee from requiring its employees to attend any training intended
31 to reduce and prevent workplace harassment or discrimination.
32 (3) The provisions of this section do not apply to a religious
33 corporation, entity, association, educational institution, or society
34 that is exempt from the requirements of Title VII of the civil rights
35 act of 1964 pursuant to 42 U.S.C. Sec. 2000e-1(a), with respect to
36 speech on religious matters to employees who perform work connected
37 with the activities undertaken by such religious corporation, entity,
38 association, educational institution, or society.
39 (4) An aggrieved employee may bring a civil action in superior
40 court to enforce this section no later than 90 days after the date of

1 the alleged violation. The court may award a prevailing employee all
2 appropriate relief, including injunctive relief, reinstatement to the
3 employee's former position or an equivalent position, back pay and
4 reestablishment of any employee benefits, including seniority, to
5 which the employee would otherwise have been eligible if the
6 violation had not occurred, and any other appropriate relief as
7 considered necessary by the court.

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

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

14 (a) "Political matters" means matters relating to elections for
15 political office, political parties, proposals to change legislation,
16 proposals to change regulations, and the decision to join or support
17 any political party or political, civic, community, fraternal, or
18 labor association or organization.

19 (b) "Religious matters" means matters relating to religious
20 affiliation and practice, and the decision to join or support any
21 religious organization or association.

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

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