

**2.23.2024 MSEA Testimony House Bill 802\_FAV.pdf**

Uploaded by: Christian Gobel

Position: FAV

**FAVORABLE**  
**House Bill 802**  
**Labor and Employment – Mandatory Meetings on Religious or Political**  
**Matters – Employee Attendance and Participation (Protecting Workers**  
**From Captive Audience Meetings Act)**

**House Economic Matters Committee**  
**February 28, 2024**

**Christian Gobel**  
**Government Relations**

The Maryland State Education Association supports House Bill 802. House Bill 802 prohibits an employer from engaging in adverse employment actions, such as discharge or discipline of an employee, if the employee declines to attend or participate in an employer-sponsored meeting during which the employer communicates their opinion regarding religious or political matters, including the employer's view on the decision to join a labor union.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Captive audience meetings are routinely deployed by employers as a union-busting tactic. Often, when workers seek to organize together and form a union an employer in response will require workers to attend mandatory meetings where they are subjected to anti-union propaganda and may not have the right to ask questions or hear differing viewpoints on the subject matter. Research that examined elections conducted by the National Labor Relations Board between 1999 – 2003 showed that 89% of employers conducted captive audience meetings in response to unionization



efforts by their employees.<sup>1</sup> The same research found that the use of captive audience meetings caused the average union election win rate to decline from 73% to 47%.<sup>2</sup> Employers spend an estimated \$400 million a year utilizing the services of union-avoidance consultants who specialize in defeating unionization drives, often by using captive audience meetings as part of their union-defeating tactics.<sup>3</sup>

In response to these tactics, more states are enacting legislation to ensure employees may opt-out of these meetings without fear of retaliation by their employer.<sup>4</sup> Workers should not fear retaliation by their employers for declining to participate in a meeting where their employer is sharing their opinion on religious or political matters. House Bill 802 will provide workers with the protection they need to exercise their own choice in determining whether to attend these types of meetings.

**We urge the committee to issue a Favorable Report on House Bill 802.**

---

<sup>1</sup> Daniel Perez and Jennifer Sherer, *Tackling the problem of 'captive audience' meetings: How states are stepping up to protect workers' rights and freedoms*. Economic Policy Institute (October 24, 2023), <https://www.epi.org/blog/captive-audience-meetings/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

# **HB802 - Captive Audience Meetings - ECM (1).pdf**

Uploaded by: Joe Vogel

Position: FAV

**JOE VOGEL**  
*Legislative District 17*  
Montgomery County

Ways and Means Committee

*Subcommittees*

Education

Revenues



The Maryland House of Delegates  
6 Bladen Street, Room 224  
Annapolis, Maryland 21401  
410-841-3103 · 301-858-3103  
800-492-7122 Ext. 3103  
Joe.Vogel@house.state.md.us

**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

**HB802: “Protecting Workers From Captive Audience Meetings Act”**

House Economic Matters Committee

Wednesday, February 28, 2024 1:00PM

Chair Wilson, Vice Chair Crosby, and Members of the Economic Matters Committee:

Captive Audience meetings are the tool of choice for union busters, in which an employer holds a mandatory meeting during working hours for the purpose of discouraging employees from organizing and participating in a union. Furthermore, employees risk retribution for not attending these meetings. Once disallowed under the National Labor Rights Act of 1935, more recent interpretations have deemed the practice legal, prompting states such as Connecticut, Maine, Minnesota, New York, and more to enact legislation prohibiting captive audience meetings.

HB802 would protect employees from retaliation and threats including discharge, discipline, and other penalties assessed as a result of the employee declining to attend or participate in an employer sponsored meeting during which the employer communicates their opinion regarding religious matters or political matters. Additionally, HB802 would disallow employers from refusing to hire an applicant as a result of the applicant’s refusal to attend or participate in a meeting as defined above. Religious matters prohibited in this context relate to religious belief, affiliation, practice, or the decision to join or support a religion. Political Matters prohibited in this context relate to elections for political office; political parties; proposals to change legislation, regulations, public policy; or the decision to join or support a potential civic, community, fraternal, or labor organization.

In collaboration with our key advocates, we have filed an amendment to incorporate minor technical adjustments, add enforcement language, and clarify additional employer organized meetings that would not be disallowed under this legislation.

**I urge the committee to give a favorable report on HB802.**

**HB 802 - WLCMD - FAV.pdf**

Uploaded by: Laure Ruth

Position: FAV

BILL NO: House Bill 802  
TITLE: Labor and Employment – Mandatory Meeting on Religious or Political Matters – Employee Attendance and Participation  
COMMITTEE: Economic Matters  
HEARING DATE: February 26, 2024  
POSITION: **SUPPORT**

---

Political and religious coercion in the workplace is a growing problem that impacts workers from all backgrounds and industries. HB 802 seeks to protect workers from being forced to attend meetings at which religious or political views are discussed by prohibiting retaliation against workers who choose not to attend this type of meeting.

Maryland employers currently have the power to require workers to attend “captive audience” meetings, forcing workers to listen to the employer’s religious and political views while at work, and to take actions against those workers who choose not to attend these compulsory meetings. Because Maryland is an employment-at-will state, in the absence of a collective bargaining agreement that might provide more protection, this retaliation can include termination of the workers’ employment.

HB 802 was specifically tailored to protect Maryland workers from retaliation while also recognizing the importance of employer freedoms. HB 802 does not infringe on the rights of Maryland employers to conduct meetings regarding religious or political views, if these meetings are voluntary. HB 802 also specifically excludes religious corporations, organizations or associations, or educational institutions or private clubs that are currently exempt from the requirements of the Civil Rights Act of 1964.

Women remain under-represented in management positions and thus more likely to be in the group of workers who feel compelled to attend these meetings or face retaliation including termination, which would impact their ability to support themselves and their families. This bill will support women and their families in Maryland and as such, the Women’s Law Center of Maryland, Inc. urges a favorable report on House Bill 802.

**The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.**

# **HB0802\_FAV\_Mgoldstein 2024.pdf**

Uploaded by: Mathew Goldstein

Position: FAV





Secular Maryland

<https://secularmaryland.dorik.io> [secularmaryland@tutanota.com](mailto:secularmaryland@tutanota.com)

---

February 28, 2024

## **HB 802 - FAV**

### **Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Protecting Workers From Captive Audience Meetings Act)**

Dear Chair C. T. Wilson, Vice-Chair Brian M. Crosby, and Members of the Economic Matters Committee,

Six states, Connecticut, Maine, Minnesota, New Jersey, New York, and Oregon, have enacted laws designed to protect employees' dignity and freedom of thought and association by prohibiting employers from requiring employees to attend employer-sponsored meetings intended to communicate the employer's opinions on religious or political matter that are unrelated to job tasks or performance. Secular Maryland enthusiastically endorses this bill, which empowers workers to opt out of unwelcome political and religious speech by protecting them from financial harm or retaliation if they choose not to attend such meetings.

The 2010 Supreme Court decision *Citizens United v. Federal Election Commission* gave employers the green light to hold political captive audience meetings. In the absence of a collective bargaining agreement, most workers are considered "at-will" employees who can be terminated at any time. Employers can exercise vast authority over employees' lives, including their political activities or freedom of association.

Fortunately, states can legislate to protect workers from unwanted speech, as affirmed by the Supreme Court's 1988 ruling *Frisby v. Schultz*.

A 2015 study [Hertel-Fernandez, Alexander. (2016). How Employers Recruit Their Workers into Politics—And Why Political Scientists Should Care. *Perspectives on Politics*. 14. 410-421. 10.1017/S1537592716000098.] revealed how widespread political communication is in U.S. workplaces. One in four U.S. workers has been contacted by their employer regarding a political matter. Of these workers, 20% (representing 5% of all U.S. workers) received messages from their boss that included one or more threats of job loss, business closure, or changes to wages and hours. Under current federal labor and employment laws, it is perfectly legal for an employer to threaten, discipline, or terminate an employee for objecting to their boss's political views

Mathew Goldstein 3838 Early Glow Ln Bowie, MD

# **SEIU Local 500 Testimony on HB 802 - Protecting Wo**

Uploaded by: Terry Cavanagh

Position: FAV

**Testimony in Support of HB 802 Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation**

Terry Cavanagh on behalf of SEIU Local 500

*Presented to the House Economic Matters Committee*

Favorable

February 28, 2024

SEIU Local 500 strongly supports HB 802 Protecting Workers from Captive Audience Meetings.

As a union of over 20,000 workers who serve Marylanders many of our members have been subject to captive audience meetings. HB 802 gives us the opportunity to end these practices that force workers to listen to religious and/ or political opinions that are contrary to their beliefs.

We wish to thank Delegate Vogel for sponsoring this legislation as well as co-sponsors Charkoudian and Stewart.

Why should workers need to tolerate being held captive and being forced to listen to their boss and his or her opinions about religious or political matters?

The answer to that question has been, 'because they are getting paid',

That answer reflects the historic attitude of employer – worker relationships as one of master and servant.

As our workplaces have become more ethnically, culturally, and religiously more diverse, we have the opportunity to look anew at this relationship and ask, 'Should workers have the freedom to refrain from attending these meetings?'

We are also witnessing a growing shrillness in our political discourse.

We believe it would be a benefit to all in eliminating mandatory attendance at these opinion-based, nonwork-related meetings. We believe it's better for workers to be entrusted to pursue the answers to their political and religious questions on their own time and in the matter of their choosing. They are more than capable of making these decisions on their own.

**We ask a FAVORABLE report on HB 802.**

Thank you.

# **HB 802 Captive Audience Meeting 2024.pdf**

Uploaded by: Tom Clark

Position: FAV



# International Brotherhood of Electrical Workers

JOSEPH F. DABBS: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President  
CHRISTOPHER M. CASH: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • PAULO C. HENRIQUES: Treasurer



## TESTIMONY IN SUPPORT OF HOUSE BILL 802 LABOR&EMPLOYMENT-MANDATORY MEETINGS-ATTENDANCE (PROTECTING WORKERS-CAPTIVE AUDIENCE MEETINGS ACT)

**TO: Chair Wilson, Vice Chair Crosby and members of the House Economic Matters Committee**  
**FROM: Tom Clark, Political Director, International Brotherhood of Electrical Workers Local 26**

Mr. Chair, Mr. Vice Chair and members of the Committee. In today's partisan political world that we live in, **HB 802** is a necessary piece of legislation to protect all working people. Whether it be for religious, political or social reasons, I encourage you to **vote in favor of HB 802**.

The timing could not be better for this bill. With the November elections nine months away, its time to extinguish an employer's idea of holding a captive audience meeting and the threat of job termination for non-compliance. As a man of faith, I also do not think I persons spiritual belief should be brought to the surface, at the workplace. There is a time and a place for religion and politics, neither one should be "on the clock".

The answer is simple, make these meetings voluntary. Do not let someone in the business world communicate political interests to their employees. And do not let someone in the business world preach their religious beliefs to their employees. Leave those conversations to the Sunday morning talk shows and the sermon.

Please consider voting **favorable on HB 802**. Thank you!



**HB 802 Greg Akerman BDCBT (SUPPORT).pdf**

Uploaded by: Victoria Leonard

Position: FAV



Electrical Workers

Insulators

Boilermakers

United Association

Plumbers & Gas Fitters

Sprinkler Fitters

Steam Fitters

Roofers

Cement Masons

Teamsters

Laborers

Bricklayers

Ironworkers

Sheet Metal Workers

Elevator Constructors

Painters

Operating Engineers

Carpenters

February 28, 2024

The Honorable CT Wilson, Chair  
The Honorable Brian Crosby, Vice Chair  
House Economic Matters Committee  
House Office Building Room 231  
Annapolis, Maryland 21401

**HB 802 - Labor and Employments - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation Position - Support**

Thank you Chair Wilson and Vice Chair Crosby and members of the House Economic Matters Committee for the opportunity to submit written testimony in support of HB 802.

The BDCBT represents 28 construction trade unions across Maryland, Northern Virginia, and the District of Columbia. Combined, our trade unions represent more than 30,000 thousand skilled craft professionals in the construction industry.

BDCBT supports HB 802. It prohibits employers from retaliation against an employee who declines to attend a meeting regarding political or religious matters. Unfortunately, political and religious coercion in the workplace is a growing problem affecting workers from all backgrounds and across the political spectrum. According to the Economic Policy Institute, US employers have tremendous power over worker conduct under current federal laws. Employers can require workers to attend “captive audience” meetings—and force employees to listen to political, religious, or anti-union employer views—*on work time*.

To address this growing threat, six states have enacted laws to protect workers from offensive or unwanted political and religious speech unrelated to job tasks or performance. In addition to Maryland, legislators in more than a dozen states have advanced bills to prohibit employers from threatening, disciplining, firing, or retaliating against workers who refuse to attend mandatory workplace meetings focused on communicating opinions on political or religious matters. Given that 2024 is a pivotal election year, now is the time for Maryland to pass the Captive Audience Meetings Act. We urge the committee to issue a favorable report on HB 802.

Greg Akerman  
President

**Value on Display... Everyday.**





**HB 802 - UNF - MHLA.pdf**

Uploaded by: Amy Rohrer

Position: UNF

# MHLA

## Maryland Hotel Lodging Association

### Testimony on behalf of the Maryland Hotel Lodging Association

#### In Opposition to HB 802

Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation

*Economic Matters Committee - February 28, 2024*

The Maryland Hotel Lodging Association (MHLA) serves as the sole statewide trade association dedicated to advocacy for Maryland's 750+ hotels. Our industry employs more than 25,000 individuals and provides the state with \$1 billion in state and local taxes, \$5 billion in total wages and salaries, and \$9 billion in total gross domestic product.

House Bill 802, often referred to as "Captive Audience" legislation, has been introduced around the country to limit employers' legal rights to effectively present their case to their employees during an organizing campaign. However, this bill is not simply about employees' ability to avoid forced political and religious messages in the workplace. The proposed language would go far beyond that purpose.

If passed, an employer may now have to consider whether discussions involving its position on matters of public importance, such as public health measures and COVID-19 vaccine mandates, fall within the definition of "legislation, regulations or public policy" or "religious matters".

Another emerging and common topic of conversation in the workplace is diversity, equity and inclusion. Like public health discussions, an employer may now have to consider whether DEI discussions and trainings fall within the undefined scope of an employer sponsored meeting with the primary purpose of communicating the employer's position on political matters. Under this law, employees could theoretically refuse to participate in employer-sponsored DEI discussions and trainings, claiming that these meetings involve the employer's views on "religious or political matters".

It would have a chilling effect on community and charity fundraising drives, whether required or not, due to uncertainty over "support of a community organization" falling under the definition of "political matters".

HB 802 is drafted in such a broad and vague way that it will dissuade important and necessary workplace communications, not just during organizing campaigns when the only way to ensure that workers can hear both sides without reprisal from coworkers is to require everyone to attend.

It should be noted that only six states in the country have a similar law – most of which have been challenged on First Amendment grounds. Connecticut passed a bill in 2022, but it is currently being challenged in Federal Court.

For these reasons, the Maryland Hotel Lodging Association respectfully requests an Unfavorable Report on HB 802.

# **HB 802\_MDCC\_Protecting Workers From Captive Audien**

Uploaded by: Hannah Allen

Position: UNF



**LEGISLATIVE POSITION:**

**Unfavorable**

**House Bill 802 - Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Protecting Workers From Captive Audience Meetings Act)**

**House Economic Matters Committee**

**Wednesday, February 28, 2024**

Dear Chairman Wilson and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

HB802 would, among other things, prohibit a Maryland employer from exercising its constitutional and statutory right to speak to its employees about “political issues,” which the bill defines to include “the decision to join or support any labor union.” As set forth in detail below, HB 802 presents significant constitutional, statutory, and economic concerns. We believe that this legislation provides unconstitutional restrictions on employers’ freedom of speech, its preemptive nature conflicting with federal labor laws, and its potential adverse effects on Maryland’s business climate and economy.

**Constitutional Concerns**

HB 802 directly violates the First and Fourteenth Amendments of the U.S. Constitution by impeding employers’ rights to express their viewpoints on political matters, including issues related to labor and unionization. By regulating the content of employers communications with their employees, this legislation unlawfully restricts freedom of speech and inhibits employers from sharing vital information on matters of public concern. Moreover, the bill’s broad and vague definitions of “political matters” introduce further constitutional concerns, as they fail to provide clear guidance to employers and may result in arbitrary enforcement. If enacted, this legislation would likely be subject to immediate legal challenges.

By its express terms, HB 802 would regulate speech on “matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.” Because “the legislature is constitutionally disqualified from dictating the subjects about which persons may speak and the speakers who may address a public issue,” HB 802 violates Maryland employers’ rights. See *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 784-85 (1978).

**Conflict with Federal Labor Laws**

HB 802 is preempted by federal labor law, particularly Section 8(c) of the National Labor Relations Act (NLRA). This provision explicitly safeguards employers' rights to express their views on labor-related issues including politics and unionization, without fear of reprisal or penalty. The NLRA also safeguards the right to require employees to attend meetings or otherwise view communications about those issues. This legislation would create a new Article 3-718 under Maryland's Labor and Employment Code which would eviscerate these rights. HB 802's attempt to regulate employer speech directly contradicts the protections afforded by the NLRA and undermines the balance of labor relations established at the federal level.

The NLRA comprehensively regulates labor matters throughout the United States. See *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959) (forbidding states to regulate activity that the NLRA protects, prohibits, or arguably protects or prohibits) ("*Garmon* preemption") & *Machinists v. Wisconsin Employment Relations Comm'n*, 427 U.S. 132, 140 (1976) (forbidding both the National Labor Relations Board (NLRB) and states from regulating conduct that Congress intended be left to be controlled by the free play of economic forces) ("*Machinists* preemption").

### **Anti-Competitive Impact**

HB 802 denies employers their Constitutional right to speak about a range of important issues. The legislation sends a negative message to the business community. At a time when Governor Moore is trying to declare that Maryland is "*Open for Business*," in a season when state and local budgetary challenges are becoming impossible to ignore, telling Maryland's business community that they must now litigate to protect their First Amendment rights sends a devastating message.

HB 802 poses a significant threat to Maryland's economic competitiveness and business climate. By depriving employers of their constitutional rights and introducing legal uncertainty, the bill creates a hostile environment for businesses, discouraging investment and hindering economic growth. Maryland's already sluggish economic performance will further decline if HB 802 is enacted, leading to business out-migration and diminished prospects for attracting new enterprises.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **HB 802**.



**HB802\_RestaurantAssoc\_Thompson\_UNFAVORABLE.pdf**

Uploaded by: Melvin Thompson

Position: UNF



## **House Bill 802**

*Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation*

February 28, 2024

### **POSITION: Oppose**

Mr. Chairman and Members of the Economic Matters Committee:

The *Restaurant Association of Maryland* opposes House Bill 802.

We are concerned that the scope of this legislation goes far beyond discussion of typical religious or political matters. The bill's definition of "political matters" also broadly includes proposals to change legislation, regulations or public policy, and the decision to join or support a civic, community, fraternal, or labor organization. This legislation would prohibit employers from communicating their opinions on these matters during an employer-sponsored meeting that may cover a broad range of issues related to business operations or employment, or are otherwise warranted. The reasons for this bill are unclear and the language is overly broad and vague.

Foodservice industry employers often have pre-shift or other staff meetings where a variety of issues may be discussed. During the COVID pandemic, for example, numerous public policy and regulatory issues were discussed during mandatory staff meetings and employer opinions on various issues were likely shared. Employers also sometimes discuss changes in policies that are necessary to comply with laws, regulations, or for other reasons. The opinion of the employer may also be communicated during such meetings.

If there is a specific labor and employment-related issue that should be debated, then proposed legislation should be drafted to address that issue more narrowly for legislative debate. But the broad and vague nature of this legislation's restrictions on employer communication during employer-sponsored meetings seems unjustified.

For these reasons, we oppose this legislation and request an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson". The signature is written in a cursive style and is followed by a long horizontal line.

Melvin R. Thompson  
Senior Vice President

**HB802\_NFIB\_unf (2024).pdf**

Uploaded by: Mike O'Halloran

Position: UNF





---

NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – [www.NFIB.com/Maryland](http://www.NFIB.com/Maryland)

TO: House Economic Matters Committee

FROM: NFIB – Maryland

DATE: February 28, 2024

RE: **OPPOSE HOUSE BILL 802** – Labor and Employment – Mandatory Meetings on Religious and Political Matters – Employee Attendance and Participation

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland's small businesses, NFIB-Maryland opposes House Bill 802 – legislation prohibiting employers from communicating certain things to their employees.

This legislation, while claiming to protect free speech, would actually create constraints on the free speech rights of Maryland employers. The language in this bill prohibits employers from discussing legislation that could impact the operation of a small business, along with the job security of their workforce. This would include communicating how regulations will affect a small business and the workers' jobs.

Additionally, a similar piece of legislation adopted in Connecticut now faces a federal lawsuit. The plaintiffs argue that the law violates the guarantee of free speech and equal protection rights under the Constitution. The plaintiffs in the case also state that Connecticut's law conflicts with First Amendment and NLRA precedents regarding employer free speech rights. In 2008, a similar California law was challenged in *Chamber of Commerce of the U.S. v. Brown* and the Supreme Court struck down the law (7-2). The Court states it was preempted by federal law.

In June of 2023, a federal judge denied the state of Connecticut's motion to dismiss the challenge to the Connecticut law. A similar law in Minnesota has been recently challenged as well. Maryland should not consider advancing this legislation until the courts decide whether this proposal is even legal. The handful of states that passed this legislation (Maine and New York) are considering whether to follow Minnesota's and

# HB802

Connecticut's lead and file legal challenges. Maryland should anticipate a similar legal challenge if House Bill 802 becomes law.

For these reasons **NFIB opposes HB802** and requests an unfavorable committee report.