

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Workers from Political or Religious Intimidation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA c. 7, sub-c. 11 is enacted to read:

SUBCHAPTER 11

EMPLOYMENT ACTION BASED ON POLITICAL OR RELIGIOUS VIEWS

§ 878. Employment action based on political or religious views

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any public or private employer.

B. "Political matter" means:

(1) Party affiliation;

(2) Support for or opposition to a candidate for, or a holder of, public office;

(3) A partisan or nonpartisan public policy issue presented for the vote of the electors in the form of a constitutional amendment, a new or amended law or the repeal of a law; or

(4) Support for or opposition to joining any lawful political, social, community or labor organization.

2. Employment action based on political or religious views prohibited. An employer may not directly or indirectly appoint, demote, suspend, lay off, discharge or in any manner change the official rank or compensation of an employee or promise or threaten to take any such action or harass, discipline or coerce an employee because the employee:

A. Attends or refuses to attend an employer-sponsored meeting, the primary purpose of which is to communicate the employer's opinion about a religious or political matter; or

B. Participates in or refuses to participate in any communication, the primary purpose of which is to communicate the employer's opinion about a religious or political matter.

3. Retaliation for reporting violations prohibited. An employer may not demote, suspend, lay off, discharge or otherwise penalize or threaten to penalize an employee because the employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, of a violation or a suspected violation of this section.

4. Exceptions. This section does not prohibit an employer from taking employment action when religious or political beliefs or communications are a bona fide part of the employee's job responsibilities.

5. Remedies. An employee who alleges a violation of that employee's rights under this section may bring a complaint before the Maine Human Rights Commission for action under Title 5, section 4612 as long as the employee has first brought the alleged violation to the attention of a person having supervisory authority with the employer and has allowed the employer a reasonable opportunity to correct that violation. Prior notice to an employer is not required if the employee has specific reason to believe that reports to the employer will not result in a prompt correction of the violation.

6. Rights preserved. This section does not limit an employee's right to bring action under any other common law or statute relating to employment. This section does not diminish or impair the rights of a person under a collective bargaining agreement. This section does not prohibit an employer from banning political speech in the workplace during work hours. This section may not be construed to diminish or impair the rights of either employers or employees under the National Labor Relations Act, 29 United States Code, Section 151 et seq.

SUMMARY

This bill prohibits an employer from discriminating in employment matters on the basis of an employee's refusal to participate in meetings or communication related to the employer's political or religious views. An employee seeking redress must allow the employer to correct the violation; any further action by the employee must be through the Maine Human Rights Commission. The bill does not affect the right of the employer to ban political speech in the workplace during work hours.