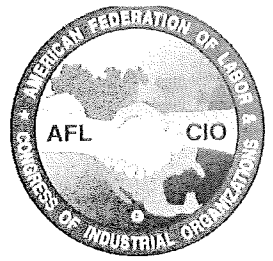




MAINE AFL-CIO

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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in Support of LD 1756, "An Act to Protect Employee Freedom of Speech"

Senator Tipping, Representative Roeder and members of the Labor & Housing Committee, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 1756.

For too long, employers have exploited our weak labor laws by forcing employees to attend "captive audience" meetings designed to prevent workers from exercising their right to form unions. These mandatory meetings are held by the employer during work hours to pressure employees against forming a union, interrogate workers, sew division and disseminate anti-union materials designed to mislead and intimidate workers. These captive audience meetings are often conducted by a high priced "union avoidance firm." It is intimidating and inappropriate for an employer, who writes your paycheck, partially controls your livelihood and can fire you at will, to force you to attend meetings opposing your freedom to organize and opposing your freedom of association or meetings about politics or religion.

One of the most cherished among our constitutional rights is our freedom of speech. The First Amendment grants us the liberty to speak our minds without fear of being censored or persecuted. The US Supreme Court recognizes that it is a form of coercion, and a violation of the First Amendment, to force people to listen to views other than their own. LD 1756 applies that standard in the workplace, allowing workers to refuse to listen to employers' coerced speech on political matters (including union organizing) or religious matters and return to work without fear of being disciplined or terminated.

The bill before you is fairly simple. It prohibits employers from disciplining, terminating or threatening an employee for refusing to attend employer sponsored captive audience meetings intended to convey the employer's opinion about religious or political matters including union organizing. It respects worker's individual conscience around matters of politics and religion.

To be crystal clear, employers may continue to hold captive audience meetings. The law in no way restricts that. Employers simply cannot compel workers to attend and discipline or fire them for doing their job - taking care of patients, serving coffee, producing goods, teaching, etc - and not attending captive audience meetings about politics or religion. Workers take jobs because we want to earn a living and because we believe in taking care of our patients, serving customers and making products that help people. We do not take jobs to have employers

impose their views. The bill prevents employers from using their economic authority over employees in order to invade core aspects of their freedom of conscience.

In recent years, workers in Maine have been joining together and seeking to form unions. Nurses, museum workers, employees on campuses, baristas, social service workers, graduate workers, manufacturing workers and many more have attempted to exercise their freedom of association by building an organization in the workplace. The surge in workers joining together to form unions in Maine has been marked by employers in our state using this very tactic of mandatory captive audience meetings.

Smaller employers like Little Dog Coffee and Portland Museum of Art, large corporations like Starbucks and high profile unionizing efforts at Bates College, Maine Medical Center and Shalom House have had varying levels of anti-union activity, often including captive audience meetings. In 2021, Maine Health spent nearly \$1 million on union busting consultants to prevent nurses from having a collective voice in the workplace.¹ Shalom House, a southern Maine nonprofit that helps people experiencing mental health challenges and homelessness had managers hold mandatory meetings and one-on-one appointments to dissuade their workers from unionizing.^{2,3} Bates College paid union buster Katie Lev \$425 per hour to defeat the union drive at their college. All of these cases represent money that could have been used to treat patients, improve mental health and fight homelessness or educate young people.

This mirrors national patterns. The use of captive audience meetings is widespread and designed to intimidate and scare workers. An Economic Policy Institute study found that 63% of employers interrogate workers in one-on-one captive audience meetings and 54% of employers threaten workers in such meetings.^{1,4}

We live in polarized times, where political speech gets more contentious, disrespectful and in some cases threatening by the day. Protection from workplace coercion in the form of the freedom not to listen to an employer's political and religious views against one's will is one way this committee can support workers, strengthen workplace democracy and fundamentally protect workers from the fear of being put in a position where their job is pitted against their political, religious or organizational allegiances. For these reasons, I ask that you vote for LD 1756.

¹McNicholas, Celine and Margaret Poydock, Samantha Sanders, and Ben Zipperer. "Employers spend more than \$400 million per year on 'union-avoidance' consultants to bolster their union-busting efforts." Economic Policy Institute, Mar. 29, 2023. <https://www.epi.org/publication/union-avoidance/>

²Allen, Emily. "Shalom House workers withdraw petition to form union." Portland Press Herald, Mar. 31, 2023. <https://www.pressherald.com/2023/03/31/shalom-house-workers-withdraw-petition-to-form-union/>

³<https://www.mainepublic.org/business-and-economy/2023-03-31/shalom-house-workers-withdraw-union-petition-amid-concerns-that-managers-discouraged-organizing>

⁴Bronfenbrenner, Kate. "No Holds Barred: The Intensification of Employer Opposition to Organizing." Economic Policy Institute, May 20, 2009. <https://files.epi.org/page/-/pdf/bp235.pdf>