HOUSE DOCKET, NO. 2275 FILED ON: 1/15/2025

HOUSE . . . . . No. 1653

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting employee free speech.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*1/15/2025*
Steven Ultrino	*33rd Middlesex*	*4/7/2025*
David Henry Argosky LeBoeuf	*17th Worcester*	*4/7/2025*
Margaret R. Scarsdale	*1st Middlesex*	*4/8/2025*
James B. Eldridge	*Middlesex and Worcester*	*6/11/2025*
Estela A. Reyes	*4th Essex*	*5/28/2025*
Natalie M. Higgins	*4th Worcester*	*9/3/2025*

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By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 1653) of Marjorie C. Decker relative to protecting employee free speech. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act protecting employee free speech.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Section 1 of Chapter 149 of the Massachusetts General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following definitions:

"Political matters" means matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulation and the decision to join or support any political party or political, civic, community, fraternal or labor organization; and

"Religious matters" means matters relating to religious affiliation and practice and the decision to join or support any religious organization or association.

SECTION 2. Chapter 149 of the Massachusetts General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following section:-

Section 20F. Except as provided in subsections (c) and (d) of this section, any employer, including the state and any instrumentality or political subdivision thereof, who subjects or threatens to subject any employee to discipline or discharge on account of (1) the exercise by

such employee of rights guaranteed by the first amendment to the United States Constitution, provided such activity does not substantially or materially interfere with the employee's bona fide job performance or the working relationship between the employee and the employer, or (2) such employee's refusal to (a) attend an employer-sponsored meeting with the employer or its agent, representative or designee, the primary purpose of which is to communicate the employer's opinion concerning religious or political matters, or (b) listen to speech or view communications, including electronic communications, the primary purpose of which is to communicate the employer's opinion concerning religious or political matters, shall be liable to such employee for damages caused by such discipline or discharge, including punitive damages, and for reasonable attorney's fees as part of the costs of any such action for damages, and the full amount of gross loss of wages or compensation, with costs and such reasonable attorney's fees as may be allowed by the court.

(c) Nothing in this section shall prohibit: (1) An employer or its agent, representative or designee from communicating to its employees any information that the employer is required by law to communicate, but only to the extent of such legal requirement; (2) an employer or its agent, representative or designee from communicating to its employees any information that is necessary for such employees to perform their job duties; (3) an institution of higher education, or any agent, representative or designee of such institution, from meeting with or participating in any communications with its employees that are part of coursework, any symposia or an academic program at such institution; (4) casual conversations between employees or between an employee and an agent, representative or designee of an employer, provided participation in such conversations is not required; or (5) a requirement limited to the employer's managerial and supervisory employees.

(d) The provisions of this section shall not apply to a religious corporation, entity, association, educational institution or society that is exempt from the requirements of Title VII of the Civil Rights Act of 1964 pursuant to 42 USC 2000e-1(a) or is exempt from sections 4a-60a, 46a- 81a and 46a-81o pursuant to section 46a-81p, with respect to speech on religious matters to employees who perform work connected with the activities undertaken by such religious corporation, entity, association, educational institution or society.