



February 1, 2024

The Honorable Arthur Corvese
Chairman, House Labor Committee
Rhode Island State House
Providence, RI 02903

RE: H.7106, An Act Relating to Labor and Labor Relations – Labor Relations Act

Chairman Corvese and Committee Members:

The undersigned members of the Rhode Island Business Coalition oppose the passage of H.7106, An Act Relating to Labor and Labor Relations – Labor Relations Act.

This bill appears to attempt to protect the free speech rights of employees in the workplace, but it also limits the first amendment rights of employers. H.7106 would prohibit employers from requiring non-managerial employees to attend a meeting to learn about legislative proposals or regulatory matters as well as meetings to provide information concerning labor organization efforts. If enacted, this legislation would severely limit an employer's ability to educate employees about legislation, including legislation that would materially impact the business' operations or the employee's day-to-day job responsibilities.

The original federal Wagner Act of 1935 provided no affirmative protections for employer free speech as many believed it was covered under the First Amendment protections. In 1946, the National Labor Relations Board interpreted the lack of specific language to rule against a company, Clarke Bros., when it organized two mandatory meetings for all plant employees to provide information about a unionization effort. About a year later, Congress responded by passing the Taft-Hartley Act of 1947. The new act included language to clarify an employer's right to free speech:

“c) Expression of views without threat of reprisal or force or promise of benefit. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this subchapter, if such expression contains no threat of reprisal or force or promise of benefit.”

We believe this change in federal law makes it very clear that employers have a right to free speech in the workplace and it provides employees with an opportunity to understand all sides of an issue, proposed law, organizing effort, or any other issue that may have an impact on the company and ultimately an employee's workplace.

Connecticut passed a similar law to H.7106 that is now being challenged in the US District Court of Connecticut on the grounds that it violates the National Labor Relations Act, the First Amendment free

speech rights of the US Constitution and the 14th Amendment Equal Protection Clause. Connecticut filed a motion to dismiss the lawsuit claiming that it regulated employer conduct in the workplace, not speech, but that motion was denied and the case is moving forward.

Communication between employers and employees is vital to the well-being of every business. To limit the ability of an employer to communicate information does a disservice to the business as well as to the employees.

For these reasons, we request that you take no further action on this legislation.

Sincerely,

Associated Builders and Contractors, Rhode Island Chapter

East Greenwich Chamber of Commerce

Energy Marketers Association Rhode Island

Greater Newport Chamber of Commerce

National Federation of Independent Business

Rhode Island Beverage Association

Rhode Island Builders Association

Rhode Island Business Group on Health

Rhode Island Hospitality Association

Rhode Island Manufacturers Association

Rhode Island Marine Trades Association

Rhode Island Mortgage Bankers Association

Rhode Island Partnership for Home Care

Rhode Island Small Business Economic Summit Regulations Committee

Rhode Island Small Business Economic Summit Tax and Budget Committee

Rhode Island Society of Certified Public Accountants

Rhode Island Staffing Association

Sustainable Benefits Strategies, LLC

The Rhode Island Business Coalition represents 50 industries and 6,280 businesses that employ 231,200 people throughout Rhode Island.