

Michigan Chamber of Commerce Urges 'No' Vote on Bill to Restrict Employer First Amendment Rights

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The Michigan Chamber of Commerce today urged lawmakers to vote "NO" on House Bill 4316, sponsored by State Representative Mark Meadows (D-East Lansing), because it conflicts with federal law, restricts employers' First Amendment rights, and is a potential litigation landmine.

"Our members have many concerns with HB 4316 and its attempt to prevent management from talking to employees about unionization, political or religious issues," said Wendy Block, Director of Health Policy & Human Resources for the Michigan Chamber of Commerce, a statewide business advocacy organization which represents more than 7,000 job providers throughout the state. "House Bill 4316 is bad public policy because it attempts to place a direct and overt limit on an employers' First Amendment right to freely communicate with employees."

Section 8 (c) of the National Labor Relations Act gives employers the right to communicate with workers about unionization by holding mandatory meetings and/or disseminating written or printed materials, so long as the dissemination of information does not contain threat of reprisal or force or promise of benefit.

The U.S. Supreme Court has ruled that any state law that arguably interferes with the delicate balance of employer and employee rights struck by Congress is preempted by federal law.

"This bill is in direct conflict with -- and will likely be preempted by -- federal law," Block noted.

"In addition, this legislation also conflicts with the federal Civil Rights Act of 1964," added Block. "Under that Act, employers have an obligation to address religious issues in the workplace because the law prohibits employment discrimination based on, among other things, religion.

"This may mean holding a mandatory meeting with one or more employees to counsel them about avoiding workplace harassment based on religion or it may mean meeting with employees to discuss accommodating individual religious issues. Because HB 4316 forbids mandatory meetings on political or religious issues, the bill creates inconsistent legal obligations for Michigan employers," Block concluded.

The Michigan Chamber of Commerce is a statewide business advocacy organization representing over 7,000 employers, trade associations and local chambers of commerce. The Michigan Chamber was established in 1959 to be a strong advocate for Michigan's job providers in the legislative, political and legal process. In addition to business advocacy, the Michigan Chamber provides members with a full range of services and benefits, including insurance, seminars, and publications.

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