Testimony of

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Judiciary Committee

March 14, 2018

HB 5473 An Act Concerning Captive Audience Meetings

Good morning Representative Tong, Senator Doyle, Senator Kissel and members of the Judiciary Committee. I am Lori Pelletier and I am proud to serve as President of the Connecticut AFL-CIO on behalf of over 900 affiliated local unions that represent more than 220,000 working men and women in every city and town of our great state. Thank you for the opportunity to testify in support of HB 5473 An Act Concerning Captive Audience Meetings.

Unions help bring workers into the middle class. On average, workers who join together to bargain wages, hours and working conditions earn higher wages, utilize fewer safety net services, have greater productivity and experience less turnover than non-union workers. Yet when workers try to form unions, employers routinely respond with campaigns of threats, coercion and misinformation. In theory, federal law protects workers' freedom to form a union. ***But in reality, workers struggle to maintain this basic right free from employer harassment and intimidation.***

HB 5473 protects a worker's fundamental right of freedom of thought against employers who misuse their authority by requiring employees to listen to speech concerning core matters of individual conscience unrelated to their jobs. The bill simply creates a clear and narrow prohibition barring employers from requiring employees to attend meetings or listen to speech concerning political and religious matters unrelated to their job performance. The bill exempts (1) communications that are legally required, (2) communications by religious organizations, (3) communications by political organizations, (4) communications that are part of an educational program within an institution of higher education, (5) casual communications, and (6) communications to supervisors and managers.

When faced with a union organizing drive, most employers hire union-avoidance consultants to orchestrate and implement anti-union campaigns. These so-called "persuaders" help employers keep their businesses union-free, by either defeating union organizing campaigns or assisting with decertification efforts to unseat an existing union. They provide anti-union talking points, flyers and other services, including training managers about how to conduct "captive audience" meetings.

A captive audience meeting is a mandatory closed-door meeting held during work hours by the employer. It is designed to discourage workers form joining the union by instilling fear. These meetings are intimidating in nature because they are often conducted one-on-one or in small groups by managers who are responsible for supervising the employees. In addition to dissuading employees from joining a union, managers use these meetings to identify and build lists of employees who support the union.

Though often described as informational by the employer, these meetings are always anti-union and coercive. They often include management exhortations, carefully scripted by union-avoidance consultants to fall within the wide latitude afforded employers under federal law, to deter workers from choosing a union. These meetings unfairly present lies and misrepresentations without the employee being afforded an alternative opinion. Common threats and mistruths uttered by employers during captive audience meetings include:

- *If workers vote to form a union, they will lose your job.*
- *Having a union will force the company to close, lay workers off. outsource the jobs and/or move to another state.*
- *The employer will be forced to cut wages and/or hours if workers vote to form a union.*
- *Voting for a union will endanger workers' legal work status.*
- *The union will undermine labor-management relations and prohibit workers from speaking directly with their employer.*
- *The union isn't interested in helping workers. It only cares about money and will put a lien on workers' homes if they don't pay union dues.*

Almost without limits, employers can force workers to attend these captive-audience meetings. ***Management can impose a "no questions or comments" rule and discipline any worker who speaks up during a "captive audience' meeting. Employers can even fire workers who do not attend or get up and leave.***

An Economic Policy Institute study found that 63% percent of employers interrogate workers in one-on-one captive audience meetings and 54% of employers threaten workers in such meetings.[1] It also found the average employer holds more than 10 captive audience meetings during an organizing drive.

Connecticut employers have frequently utilized captive audience meetings and other hostile tactics when workers have sought to form a union and continue to do so. The most recent examples include:

- ***Foxwoods Casino***
  Casino cleaners are currently seeking to form a union. Management has retaliated with inflammatory written misinformation and aggressive captive audience meetings.

- ***Becton Dickinson & Company***
  Manufacturing workers in Canaan are currently seeking to form a union. Management has brought in out-of-state "union avoidance" firms to hold 2-3 captive audience meetings per day and otherwise discourage employees choosing union representation.

- ***Severance Foods***
  Workers in Hartford were inundated with incendiary half-truths and forced to endure many captive audience meetings before voting to form a union in February 2018.

- ***Stamford Hilton Hotel***
  Housekeeping staff, most of them female immigrants, were forced to attend compulsory one-on-one captive audience meetings before winning a union election in December 2017.

[1] http://www.epi.org/publication/bp235/

HB 5473 protects employees and their right to join a union by prohibiting employers from coercing employees to attend or participate in meetings for the purpose of communicating the employers' position on politics, religion, or labor organizing activities. It does not restrict the employers' free speech. Rather, it allows an employee the right -- when the subject of the meeting is about the employers' position on politics, religion or labor organizing -- to stop listening, to walk away and not participate without the fear of facing discipline or termination.

Employers may, of course, require employees to attend meetings and listen to communications that are related to their jobs. But employers misuse their authority when they require employees to listen to speech intended to influence their views on politics, religion, labor organizing and similar matters unrelated to job performance. HB 5473 in no way prevents employers or anyone else from discussing religion, politics or any other subject. Examples of what would continue to be permitted under HB 5473:

- Discussing workplace issues and even encouraging workers to contact elected officials on issues pertaining to the business, as long as the employer does not instruct employees how to vote in an election.

- Inviting elected officials to a staff meeting to discuss current events, stress the importance of voter registration or even encourage employees to volunteer on political campaigns. HB 5473 does not impede this practice.

- Inviting employees to attend church services or participate in other religious events, as long as participation is not mandatory.

- Holding staff meetings to encourage participation in employer-sponsored charitable events and activities. Many companies have ongoing relationships with specific charities, e.g. the United Way, Girl Scouts, Special Olympics, etc. and invite employees to voluntarily participate in those endeavors.

- Calling meetings to encourage employees to join the employer in community service activities, such as assembling playground equipment in a public park or cleaning up storm debris after a natural disaster.

- Encouraging employees in staff meetings to voluntarily participate in a company-sponsored blood drive.

In short, an employer may hold any meeting they want. They can say whatever they want. HB 5473 in no way prevents employers or anyone else from discussing religion, politics or any other subject. The only thing the bill prohibits is firing (or otherwise disciplining) employees who leave the meeting because they do not wish to listen to the discussion of such topics.

We implore the Committee to allow workers the freedom to make their own decisions about forming a union, free from employer harassment and intimidation. Oregon, Wisconsin and New Jersey have passed similar legislation. Other states, including New Mexico, Michigan, Washington and West Virginia have proposed comparable worker protections.

We urge you to act favorably on HB 5473. Thank you.