Testimony of John D. Blair, Associate Counsel  
Connecticut Business and Industry Association  
Judiciary Committee Public Hearing  
Friday, March 4, 2022

Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, members of the Judiciary Committee, thank you for the opportunity to present testimony today.

My name is John Blair, Associate Counsel at the Connecticut Business & Industry Association. CBIA is Connecticut’s largest business organization, with thousands of member companies, small and large, representing a diverse range of industries from across the state. Ninety-five percent of our member companies are small businesses, with less than 100 employees.

CBIA opposes **SB 163 An Act Protecting Employee Freedom of Speech and Conscience**, this year’s version of the captive audience bill. As in years past, SB 163 is an attempt to suppress critical workplace communications. CBIA has consistently opposed this measure year after year.

There are many benefits of allowing employers and employees to openly discuss matters that affect each other. Our members are concerned with how this proposal greatly restricts their ability to communicate critical workplace matters with their employees.

SB 163 defines “political matters” as follows:

> “Political matters” means matters relating to elections for political office, political parties, legislation, regulation and the decision to join or support any political party or political, civic, community, fraternal or labor organization.”
The definition of “political matters” is overly broad and problematic—it includes the terms “legislation” and “regulation” which would restrict employers from communicating on critical employment issues, both during the pandemic and generally.

If the proposal was law during the pandemic, it would have restricted employers communicating the wide array of employment related executive orders, laws, and regulations associated with the government's management of the public health crisis.

For instance, employers would have been prohibited from updating employees regarding mask mandates, vaccines, flex schedules, hours and wages, impacts on essential workers, unemployment, training, and education, to name just a few.

The practical impact of this bill is that employers will never be able to hold a meeting and have honest conversations with employees without the risk of people walking out. For instance, an employer could not update employees regarding the law and regulations impacting their jobs, wages, benefits, FMLA, and corporate and community charitable giving and social activities.

The language in SB 163 mirrors that of bills from previous years, all of which failed—primarily because of legal opinions that they are preempted by federal law from governing workplace communications. Those opinions noted that the National Labor Relations Act has exclusive authority over workplace interactions and therefore preempted by federal law.

The fact that the measure keeps surfacing, year after year, is concerning enough. That it’s been resurrected again, at a time when employers—particularly small businesses—are struggling with the labor shortage crisis, inflation, supply chain bottlenecks, and COVID is just too much.
How does this bill reverse Connecticut’s rapidly declining labor force? How does it fill the state’s 110,000 job openings? How does it help struggling small businesses find their footing and recover from the pandemic?

The proposed bill ultimately places a gag order on employers, leaving employees in the dark on matters that directly affect them. It not only dictates how employers interact with employees, it reflects an adversarial attitude toward Connecticut businesses.

We urge lawmakers to vote down SB 163.