



**'Shut Up About Your Beliefs' Bill
(Bill S.4982-Ramos/A.6604-Reyes)
Memorandum of Opposition**

Bill S.4982-Ramos/A.6604-Reyes, the Shut Up About Your Beliefs Bill, is a classic example of a bill that would create more problems than it would solve. This bill, which purports to protect employee freedom of speech and conscience, would actually require state courts to police employers' political and religious speech.

This legislation would bar New York employers from discriminating against any employee who declines to "attend an employer-sponsored meeting" or to "listen to speech or view communications, the primary purpose of which is to communicate the employer's opinion concerning religious or political matters." The bill sets forth exceptions for management-level employees, conversations relating to job duties, university coursework, casual conversations ("provided [that] participation in such conversations is not required"), and religious speech amongst employees of a church or other house of worship. An employer who violates this measure could face civil penalties or money damages.

This legislation is ill-advised. First, the sponsors have offered no hard data showing that any New York employer forces its employees to participate in meetings about politics or religion. Furthermore, the sponsors provide no indication that a single New York employer has retaliated against an employee who declined to take part in non-work-related political or religious discourse during work hours. In the absence of such data, this bill appears to be a "solution" in search of a problem. Second, the bill's provisions—especially its definitions of "political matters" and "religious matters"—are so vague that they would be impracticable for courts to interpret. Also, the thin line between a mandatory workplace interaction and a casual conversation between an employer and an employee could prove difficult to draw. Third, the bill raises free expression concerns. By its very nature, the legislation implies that a nonexistent "right"—the right to avoid hearing speech that one deems disagreeable—should take priority over the First Amendment's guarantees.

The scenario envisioned by the sponsors of this bill—in essence, a scenario in which an employer requires an employee to submit to non-work-related political or religious proselytization—is deeply distasteful. However, the spectre of increased state regulation of workplace speech is a matter of much greater concern.