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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 611

February 5, 2007

Authored by Anzelc; Solberg; Lillie; Murphy, E., and Rukavina The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to labor; protecting certain communication in the workplace between
1.3 labor organizations and employees; prohibiting certain employer conduct;
1.4 providing civil remedies; proposing coding for new law in Minnesota Statutes,
1.5 chapter 181.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [181.985] WORKPLACE COMMUNICATIONS.

1.8 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms
1.9 have the meanings given them in this subdivision.

1.10 (b) "Employer" means any person, business entity, or nonprofit organization, having
1.11 one or more employees in Minnesota, and includes the state and any political subdivisions
1.12 of the state.

1.13 (c) "Employee" means a person who performs services for hire in Minnesota for an
1.14 employer, but does not include independent contractors.

1.15 (d) "Communication" means any printed or electronic document, letter, brochure,
1.16 flyer, advertisement, e-mail, text message, or similar means.

1.17 (e) "Employee organization" or "labor organization" have the same meanings given
1.18 them in sections 179.01, subdivision 6, and 179A.01, subdivision 6.

1.19 Subd. 2. Prohibited practice. An employer may not refuse to hire a job applicant
1.20 or discipline or discharge an employee because the applicant or employee has received
1.21 or responded to a communication from an employee organization or labor organization.
1.22 Nor shall an employer prohibit an employee from receiving communications from an
1.23 employee organization at their work location, work mailbox, in an employee break room
1.24 or meal area, or on their work computer. Reasonable rules concerning review of these
1.25 types of communications during break times or nonworking time are permitted.

2.1 Subd. 3. **Remedy.** The remedy for a violation of this subdivision is either through
2.2 any applicable grievance procedure if there is a collective bargaining agreement between
2.3 the employer and the employee organization involved or through a civil action for
2.4 damages. Damages are limited to wages and benefits lost by the individual because
2.5 of the violation, the costs of the organization in producing the communication, or
2.6 \$1,000, whichever is greater. A court shall award any prevailing employee or employee
2.7 organization in the action court costs and reasonable attorney fees.