

Hb 24-1260, Prohibition Against Employee Discipline

Written testimony submitted by Tony Gagliardi, State Director, Colorado chapter, National Federation of Independent Business,

Dear members of the House Business Affairs and Labor Committee,

The National Federation of Independent Business is an 80-year-old, Not for Profit membership organization with approximately 300,000 dues paying members nationally and dedicated to making it possible for every individual to own, operate and grow their business free from over regulation by government. Our membership is comprised of small and independent businesses engaged in every industry imaginable and who have an average of 5-9 employees.

The National Labor Relations Act (NLRA) currently allows employers to require their employees to attend meetings to educate and discuss their right to refrain from joining or forming a union. During a union organizing effort, the labor union is also allowed to communicate with employees about the benefits of joining a labor union. House bill 24-1260, is a proposal prohibiting employers from taking adverse actions against employees who refuse to attend these types of meetings. House bill 24-1260 also includes a private right of action provision that would allow aggrieved employees to bring lawsuits before the district court and recover damages.

In a survey of NFIB Colorado members in March 2024, over ninety-three percent (93.18%) oppose 24-1260.

NFIB Colorado members believe it is the right of the Employer to require attendance of such a meeting. Opponents say that labor unions only want workers to hear their message and want to “gag” employers from telling their side of the story. They say that current labor laws require employers to pay workers their regular wage to attend employer-sponsored meetings. They argue that the National Labor Relations Act protects the right of labor unions to communicate to workers in favor of joining a union **and has also recognized an employer’s right to require employees to attend meetings to discuss their rights to refrain from joining or forming a union**. They say the National Labor Relations Act already prohibits employers from using threatening or coercive speech at employer-sponsored meetings held for the purpose of discussing labor union participation.

On behalf of NFIB Colorado’s over 6,000 members we are requesting you vote NO on Hb 24-1260, Prohibition Against Employee Discipline.

Thank you,

A.F. Tony Gagliardi, State Director
303-831-8099

The above statement of opposition is submitted electronically.

Chair and Members of the committee. My name is Robert Schreiber, I'm a life skills manager at Urban Peak, and I've worked there for almost 2 years. I work every day to provide essential services to Denver youth exiting homelessness, and I am here in support of HB24-1260.

Last year, my coworkers and I formed a union and we had to fight hard for it. Throughout the process, my coworkers and I endured multiple captive audience meetings. These meetings were conducted by our CEO and members of the board to, as they said, discuss the facts of unionization. They said it was an open forum and I spoke up about why I was Union Yes.

Several managers and directors all spoke as to why they were Union No, and even though these meetings were supposed to be balanced, it was clear that leadership had a monopoly on the meeting. It went to show that they were not willing to give up any of their power both in this meeting, and at our workplace.

During these meetings, us workers were allowed no passion, and had to use our best monotone so as not to stoke any animosity. Managers were not expected to do the same. Leadership furiously swore at us, and accused us of "not being here for the kids." If us frontline workers showed an ounce of the same aggravation, we were shut down quickly, and potentially faced retaliation later. It was incredibly intimidating and demoralizing. Workers, especially essential workers like us, should not have to endure this.

These were far from constructive meetings, and it seemed their only purpose was shaming any workers that planned to vote yes. It put all of us on edge, and we were worried that we would face retaliation if we were to leave or not attend a meeting. It seriously damaged morale at a place that's supposed to be about helping our community's most vulnerable.

It also put a spotlight on me personally. Because I was willing to speak up, and have been an outspoken supporter of our union campaign, it felt like I had, and have, a watchful eye on me at work. This is not only my experience, as my coworkers have said that speaking out has caused similar reactions from their own supervisors. A coworker of mine was even fired for circumstances we believe were out of their control, because they chose to speak up in the meetings.

If I were to name a singular positive from this experience, it is that there were some of us who wouldn't be intimidated, and wouldn't be shamed, who were willing to speak up, even if the spotlight was pointed our way from that moment on. But not everyone has that mindset, and a lot of my coworkers remain scared to this day to participate in any union activity.

It seemed that the goal of these meetings was to make us feel like we hated our job, or to convince anybody on the fence that if they supported, they did too. We don't. It is precisely because we love our job that we fought so hard to have a seat at the table, so we have the voice to improve the services we provide the youth of our community.

To summarize: these meetings hurt workers. They damage morale, and they got in the way of the incredibly important work that we do. Workers shouldn't feel like they have to attend anti-union meetings or any political or religious meetings just to keep their livelihood and continue doing the work that they love.

That's why I'm asking you to pass the Worker Freedom Act. If management wants to have these meetings, workers need the right to opt out of them. No one should be forced to endure them. Thank you for your time.



INTERFAITH ALLIANCE OF COLORADO

PROTECTING FAITH AND FREEDOM

March 20, 2024

RE: In SUPPORT of HB24-1260 Prohibition Against Employee Discipline

Chairperson Amabile and members of the House Business Affairs & Labor Committee,

Thank you for the opportunity to provide testimony in support of HB24-1260. The Interfaith Alliance of Colorado promotes justice, religious liberty, and interfaith understanding through building relationships in order to educate, advocate, and catalyze social change. We work with over 400 faith communities across the state, and our network represents more than 2 dozen faith traditions.

Interfaith supports policies that protect individuals from discrimination and advance economic justice. We believe that protections against religious coercion in the workplace support the religious liberty and economic security of workers. Colorado workers should not feel compelled to participate in or fear retaliation for refusing to participate in religious activities or meetings at work.

The potential for isolation and ostracization in the workplace due to our personal differences is a long recognized harm to workers. When we are afraid to represent our whole selves, we live in fear of sharing our differences and are marginalized.

Simply put, an individual's economic security and ability to provide for their families should not be in tension with their choosing not to participate in religious activities in the workplace.

We respectfully ask that you support HB24-1260 and vote Yes to advance it from the committee with your favorable recommendation.

Thank you for your consideration,

Shara Smith, CEO

Interfaith Alliance of Colorado