Employee Rights Expanded Under the NJ Worker Freedom from Employer Intimidation Act



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Beginning December 2, 2025, a New Jersey employer may not require employees to attend employer-sponsored meetings, listen to speeches, or engage in communications that specifically express the employer's opinion about employees joining or supporting any political party or political, civic, community, fraternal or labor organization or association, according to a recently enacted amendment to the State's Worker Freedom from Employer Intimidation Act. This law currently prohibits such employer-mandated meetings and communications about political and religious matters. New Jersey will now follow 12 other states which ban mandatory employee meetings about unionization.

The law, as amended, does not prohibit employers from sponsoring such meetings when employee attendance is voluntary or from disseminating certain types communications to employees. The law, though, does specify "voluntary" attendance will exist only when, prior to the meeting, the employer has so notified the employees and communicated that there will be no penalty for non-attendance.

The amendment clarifies that an employer may:

- communicate information that the employer is required by law to communicate;
- communicate information necessary for employees to perform their required job duties, including requiring attendance at a meeting or participation in communications; and
- require employees to attend training regarding unlawful workplace harassment or discrimination.

As is common with many New Jersey workplace laws, employers must post a notice informing employees of their rights under the law in a conspicuous place commonly frequented by employees.

The prohibition on mandatory employee meetings seems to run counter to the First Amendment and federal labor law, the latter which specifically provides that "expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of [the National Labor Relations Act], if such expression contains no threat of reprisal or force or promise of benefit." Similar bans by other states have been challenged on those grounds (*see, e.g., Minn. Chapter of Associated Builders and Contractors v. Ellison*, No. 24-3116 (8th Cir. Sept. 3, 2025); *NLRB v. Oregon*, No. 6:20-CV-00203-MK (D. Or. Sept. 27, 2021); *California Chamber of Commerce v. Bonta*, No. 2:24-cv-03798-SCR (E.D. Cal.), so far unsuccessfully. Nonetheless, New Jersey employers should remain current on any challenges to this newly enacted amendment.

In the interim, New Jersey employers should carefully review their policies and practices to ensure compliance with the new amendments. Because of the potential risks and liability, we suggest that any employer conducting a meeting that could potentially touch upon a "political matter" first consult with legal counsel.

For more information on your organizations' obligations under the Worker Freedom from Employer Intimidation Act, please contact any member of the Firm's Labor & Employment Practice Group:

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