

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

Labor & Employment Law Alert

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Anthony M. Rainone, Esq.
Member and Co-Chair, Labor and Employment



Matthew M. Collins, Esq.
Member and Co-Chair, Labor and Employment



Eric Magnelli, Esq.
Member, Labor and Employment



Jay Sabin, Esq.
Member, Labor and Employment



Michael A. Spizzuco, Esq.
Member, Labor and Employment

BRACH | EICHLER^{LLC}
Counsellors at Law

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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:

Anthony M. Rainone, Esq., Member and Co-Chair, Labor and Employment Practice at 973.364.8372 or arainone@bracheichler.com

Matthew M. Collins, Esq., Member and Co-Chair, Labor and Employment Practice at 973.403.3151 or mcollins@bracheichler.com

Eric Magnelli, Esq., Member, Labor and Employment Practice at 973.403.3110 or emagnelli@bracheichler.com

Jay Sabin, Esq., Member, Labor and Employment Practice at 917.596.8987 or jsabin@bracheichler.com

Michael A. Spizzuco, Esq., Member, Labor and Employment Practice at 973.364.8342 or mspizzuco@bracheichler.com

Authors

The following attorneys contributed to this insight.



Anthony M. Rainone

Member

Labor and Employment, Litigation

973.364.8372 · 973.618.5972 Fax

arainone@bracheichler.com



Matthew M. Collins

Member

Labor and Employment, Cannabis Industry, Litigation

973.403.3151 · 973.618.5551 Fax

mcollins@bracheichler.com



Eric Magnelli

Member

Labor and Employment, Environmental and Land Use, Litigation

973.403.3110 · 973.618.5550 Fax

emagnelli@bracheichler.com



Jay Sabin

Member

Labor and Employment, Cannabis Industry

917.596.8987 · 973.618.5907 Fax

jsabin@bracheichler.com



Michael A. Spizzuco, Jr.

Member

Litigation, Labor and Employment

973.364.8342 · 973.618.5944 Fax

mspizzuco@bracheichler.com