

EMPLOYMENT, LABOR & BENEFITS LEGAL UPDATE



In this Legal Update

May 28, 2010

New Wisconsin Law Prohibits Discrimination Against Employees For Failure to Attend Religious or Political Meetings

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As of May 26, 2010, Wisconsin law prohibits employers from discriminating against employees who do not wish to attend religious or political meetings, or take part in any communication regarding religious or political matters. If an employee refuses to attend a religious or political meetings or participate in communications on such matters at the request of the employer, the employer may not terminate or otherwise take adverse action against the employee for such refusal. Any adverse action taken against an employee for refusing to attend such meetings or participate in communications on such matters is now illegal discrimination under Wisconsin's Fair Employment Act.

In only very limited circumstances can an employer force an employee to attend a attendance at religious or political meeting without engaging in employment discrimination. An employer may require attendance when:

- 1) the employer is a non-profit religious association, or an organization controlled by such religious association, and the primary purpose of the meeting is to communicate the employer's religious beliefs, tenets, or practices;
- 2) the employer is a political organization, and the primary purpose of the meeting is to communicate information about the employer's political tenets or purposes; or
- 3) the primary purpose of the meeting or communication is to communicate information about religious matters or political matters that the employer is required by law to communicate and no information is communicated about those matters beyond what is legally required.

This new law does not, however, prohibit an employer from offering meetings or communications about religious or political matters as long as attendance and participation in the communication is strictly voluntary. Therefore, if an employer wishes to hold a political or religious meeting, all employees should be informed that attendance is strictly voluntary and that an employee that chooses not to attend will not be subjected to adverse action for failing to attend or participate.

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The above change effects only Wisconsin, not federal law. Because of the newness of the law, we do not believe the Department of Workforce Development, Equal Rights Division, has had time to update its Fair Employment Rights poster. Once done, you can obtain the updated poster from the agency's website at no charge. In the meantime, you should update any internal equal employment policies that you may have.

If you have questions regarding the above, please contact Jeff Jones or Terri Smith, the authors of this article, or any of the attorneys in the Employment, Labor & Benefits Practice Group of Ruder Ware: Ron Rutlin, Dean Dietrich, Mary Ellen Schill, Chris Toner, or Sara Ackermann.

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ABOUT RUDER WARE'S EMPLOYMENT, LABOR & BENEFITS GROUP

Ruder Ware's Employment, Labor & Benefits practice group works in tandem with private and public employers providing counsel on all aspects of human resource management. The breadth of services offered, unique for a law firm headquartered in Wausau, Wisconsin, includes counsel on highly sensitive issues such as workplace harassment, employee privacy, drug and alcohol testing, and disciplinary issues. In addition, attorneys design and assist with the development, implementation, and enforcement of policies and procedures relating to benefits, hiring practices, employee handbooks, state and federal discrimination laws, FMLA, FLSA, ADA, OSHA, and workers' compensation.

Attorneys in the group regularly represent public and private sector employers in collective bargaining, negotiations, union elections, unfair labor practices, and grievance arbitration matters in addition to guiding nonunion clients on maintaining their union-free status.

Actively involved in organizations with human resource professionals as the primary member base, our attorneys are in tune with the various sensitivities and complexities of the profession. Our attorneys often present seminars and in-house training on employment law topics both across the state and nationwide.

Areas of practice by the Employment, Labor & Benefits practice group:

- Employee Benefits & Executive Compensation
- Employment Law
- Labor Law

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