

1 AN ACT relating to workplace harassment.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Political matters" means matters relating to elections for political office,
7 political parties, proposals to change legislation or regulations, and the
8 decision to join or support any political party or political, civic, community,
9 fraternal, or labor association or organization; and

10 (b) "Religious matters" means matters relating to religious affiliation and
11 practice, and the decision to join or support any religious organization or
12 association.

13 (2) An employer shall post a notice of employee rights under this section in a place
14 normally reserved for employment-related notices and in a place commonly
15 frequented by employees.

16 (3) Except as provided in subsections (4) and (5) of this section, any employer shall
17 not subject or threaten to subject any employee to discipline or discharge, or
18 otherwise penalize or take any adverse employment action against an employee:

19 (a) For an employee's refusal to:

20 1. Attend or participate in an employer-sponsored meeting with the
21 employer or its agent, representative, or designee, the primary purpose
22 of which is to communicate the employer's opinion concerning
23 religious or political matters; or

24 2. Listen to speech or view communications, the primary purpose of
25 which is to communicate the employer's opinion concerning religious
26 or political matters;

27 (b) As a means of requiring an employee to attend a meeting or participate in

1 communications described in paragraph (a) of this subsection; or
2 (c) Because the employee, or a person acting on behalf of the employee, makes
3 a good faith report, orally or in writing, of a violation or a suspected
4 violation of this section. This paragraph does not apply if the employee
5 knows the report is false.

6 (4) This section does not:

7 (a) Prohibit an employer or its agent, representative, or designee from
8 communicating to its employees any information that the employer is
9 required by law to communicate, but only to the extent of the legal
10 requirement;

11 (b) Limit the right of an employer to offer meetings, forums, or other
12 communications about religious or political matters for which attendance or
13 participation is strictly voluntary;

14 (c) Limit the right of an employer or its agent, representative, or designee from
15 communicating to its employees any information, or requiring employee
16 attendance at a meeting or other event, that is necessary for the employees
17 to perform their lawfully required job duties; or

18 (d) Prohibit an employer or its agent, representative, or designee from
19 requiring its employees to attend any training intended to reduce and
20 prevent workplace harassment or discrimination.

21 (5) This section does not apply to a religious corporation, entity, association,
22 educational institution, or society that is exempt from the requirements of Title
23 VII of the Civil Rights Act of 1964 under 42 U.S.C. sec. 2000e-1(a), with respect
24 to speech or religious matters to employees who perform work connected with the
25 activities undertaken by a religious corporation, entity, association, educational
26 institution, or society.

27 (6) An employee may bring a civil action in a court of competent jurisdiction to

1 enforce this section no later than ninety (90) days after the date of the alleged
2 violation. The court may award a prevailing employee all appropriate relief,
3 including injunctive relief, reinstatement to the employee's former position or an
4 equivalent position, back pay, and reestablishment of any employee benefits,
5 including seniority, to which the employee would otherwise have been eligible if
6 the violation had not occurred, and any other appropriate relief as considered
7 necessary by the court.