

June 5, 2024

The Honorable Aisha Wahab
California State Senate
1021 O Street, Suite 7330
Sacramento, CA 95814

R.E. SB 399 (Wahab) – Letter of Opposition

Dear Senator Wahab:

On behalf of SHRM and the California State Council of SHRM (CalSHRM), we write to express our opposition to SB 399, which would prohibit both public and private employers in California from taking an adverse employment action against an employee because the employee declines to attend an employer-sponsored meeting or participate in, receive, or listen to communications regarding the employer's opinion about religious or political matters.

SHRM is the foremost expert, researcher, advocate and thought leader on issues and innovations impacting today's evolving workplaces. With nearly 340,000 members in 180 countries, SHRM touches the lives of more than 362 million workers globally. CalSHRM is the support organization that links all 16 of California's local SHRM chapters with SHRM's regional and national organizations and unites California's nearly 30,000 SHRM members.

SHRM champions fostering civil, inclusive and productive workplaces where everyone feels valued and respected. Through respectful communication and empathy, employers and employees can create more dynamic, diverse and productive workplaces. SHRM research shows the importance of navigating the delicate balance of encouraging open dialogue while respecting individual differences as we aim to build a more understanding and collaborative world of work:

- Nearly two-thirds (66 percent) of U.S. workers have experienced or witnessed incivility in their workplace within the past month; and
- One-third of U.S. workers believe workplace conflict will increase over the next 12 months.

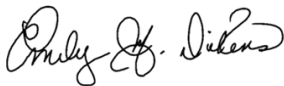
While SB 399 seeks to advance our shared goal of addressing workplace incivility, we are concerned that the legislation, in its current form, would have the unintended consequence of stifling conversations that promote civility. The overly broad language used in the bill pertaining to "employer-sponsored meetings" and "participating in, receiving, or listening to any communications" creates significant uncertainty for California employers that seek to create open, civil dialogues with employees.

We would also like to emphasize that existing California law under 2023 Cal. Lab. Code § 1101 and 2023 Cal. Lab. Code § 1102 and federal law under the National Labor Relations Act already safeguard employees from employer coercion related to political and religious matters. In its current form, however, SB 399 would create confusion and legal redundancy, which could unintentionally cause compliance challenges for HR professionals and employers.

Now more than ever, we need to cultivate respect and empathy at work and beyond, even when we disagree. Each of us can be a catalyst for civility — one conversation at a time. By engaging in open and civil dialogue, we can bridge divides and build understanding, reminding our workplace communities that what unites us is stronger than what divides us. While SHRM and CalSHRM oppose this legislation as drafted, we believe our expertise can be a valuable resource towards finding common ground. Together we can make the world a better place, one civil conversation at a time.

If you have questions regarding SHRM and CalSHRM's position on SB 399 or other policies impacting the workplace, please contact Steven Perrotta (Steven.Perrotta@shrm.org), Michael Kalt (mkalt@wilsonturnerkosmo.com) or Sean McIntosh (Sean.McIntosh@shrm.org).

Sincerely,



Emily M. Dickens, J.D.,
Chief of Staff, Head of Government Affairs,
and Corporate Secretary for SHRM



Michael S. Kalt
Government Affairs Director for CalSHRM