The Work Week

Bassford Remele Employment Practice Group

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Welcome to another edition of *The Work Week with Bassford Remele.* Each Monday, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

Bassford Remele Labor & Employment Practice Group

Minnesota's Captive Audience Law Just Survived the Supreme Court – Here's What Employers Need to Know

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On February 23, 2026, the United States Supreme Court declined to hear a challenge to Minnesota's ban on so-called "captive audience meetings," ending a multi-year legal battle and confirming that this law is here to stay…for now. If you're a Minnesota employer, especially one that has faced, or expects to face, union organizing campaigns, this decision matters.

What Are Captive Audience Meetings?

A captive audience meeting is a mandatory meeting where an employer requires employees to listen to the company's views, most commonly its position against unionization during an organizing campaign. For decades, these meetings were a staple of the employer playbook and were perfectly legal under federal labor law so long as the employer avoided threats or promises.

That changed when Minnesota and a growing number of other states stepped in to restrict the practice.

What Minnesota's Law Does

Minnesota's Employer-Sponsored Meetings or Communications Act, Minn. Stat. § 181.531, took effect in August 2023. The law prohibits employers from retaliating against an employee who declines to attend meetings or receive communications where the employer shares its opinions about "religious or political matters." The statute broadly defines "political matters" to include the employer's opinions on the decision to join or support any labor organizations.

Importantly, the law doesn't silence employers. Employers can still communicate their views – but employee participation must be genuinely voluntary. Any punishment or threat of punishment for an employee opting out can trigger liability. The law gives employees a private right of action to sue if they are retaliated against for opting out, for declining to receive communications, or even for making a good faith complaint about a suspected violation. It also requires employers to post a workplace notice informing employees of these rights. Unlike similar laws in some other states, Minnesota's version includes no exemption for religious organizations.

How the Legal Challenge Played Out

Business groups quickly moved to challenge the statute, suing Attorney General Keith Ellison and Minnesota Department of Labor and Industry Commissioner Nicole Blissenbach in their official capacities, arguing the law violated the First Amendment and was preempted by the National Labor Relations Act. Governor Walz was added as a defendant after publicly stating that employers who violated the law would "go to jail."

The State moved to dismiss, arguing it had never enforced or threatened to enforce the statute, especially as it relates to the notice posting. In September 2025, the Eighth Circuit agreed and dismissed the case in a 2-1 decision, finding the plaintiffs lacked standing to bring a pre-enforcement challenge. With the Supreme Court's denial of certiorari, that procedural ruling now stands.

Critically, no court ruled on the merits. The First Amendment and preemption questions remain unresolved and could resurface in employee-initiated litigation or State enforcement actions.

The Federal Wild Card

The federal picture adds another layer of complexity. In November 2024, the Biden-era NLRB overturned more than 75 years of precedent and declared mandatory captive audience meetings unlawful under the National Labor Relations Act in *Amazon.com Services LLC v. NLRB*. But the Trump administration's newly confirmed NLRB General Counsel, Crystal S. Carey, has since pulled back from that aggressive posture, and the current Board is widely expected to reverse course when the right case arises.

Here's the key point: even if the federal ban goes away, Minnesota's state law independently prohibits retaliation against employees who decline to attend these meetings. The two operate on parallel tracks. Until federal precedent stabilizes and a court addresses the merits of Minnesota's law, employers face significant legal risk when considering mandatory meetings during an organizing campaign.

What Employers Should Do Now

The practical takeaways are straightforward. Employers should not require attendance at meetings addressing unions, politics, or religion. Any such meetings must be clearly voluntary, with advance notice and no pressure. Ensure the required workplace notice is properly posted.

Train managers and supervisors on the current status of captive audience meetings, because the biggest compliance risk is usually a front-line manager acting on outdated assumptions. Review handbooks or policies for language that could conflict with § 181.531. And employers facing an organizing campaign should consult with experienced labor counsel before acting, as the interplay between state and federal law in this area is genuinely complex and evolving, and missteps can be costly.

Minnesota is among a growing number of states that have restricted captive audience meetings, and legal challenges are still unfolding nationwide. Even so, Minnesota's Employer Sponsored Meetings or Communications Act is currently enforceable. Until a court says otherwise, employers should assume the law will remain in place and adjust their practices accordingly.

Bassford Remele's Labor and Employment Group continues to monitor labor developments and trends, including in the context of labor organizing campaigns. We are available to help with proactively reviewing your company's policies and guidelines, as well as provide training to management, to ensure legal compliance and minimize risk should an organizing campaign occur. Please reach out with any questions or if you need assistance.

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