

HOUSE BILL No. 5010

June 27, 1991, Introduced by Reps. Clack, Murphy, Perry Bullard, Bennane, Jonker and Scott and referred to the Committee on Labor.

A bill to amend section 16 of Act No. 176 of the Public Acts of 1939, entitled as amended

"An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,"

being section 423.16 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16 of Act No. 176 of the Public Acts of
2 1939, being section 423.16 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 16. ~~It shall be unlawful for an~~ AN employer or ~~any~~
2 AN officer or agent of an employer ~~(1) to interfere~~ SHALL NOT
3 DO ANY OF THE FOLLOWING:

4 (A) INTERFERE with, restrain, or coerce employees in the
5 exercise of their rights guaranteed in section 8. ~~;(2) to~~
6 ~~initiate~~

7 (B) INITIATE, create, dominate, contribute to, or interfere
8 with the formation or administration of ~~;~~ any labor
9 organization. ~~.; Provided, That~~ THIS SUBDIVISION DOES NOT
10 PROHIBIT an employer ~~shall not be prohibited~~ from permitting
11 employees to confer with him OR HER during working hours without
12 loss of time or pay. ~~;(3) to discriminate~~

13 (C) DISCRIMINATE in regard to ~~hire,~~ HIRING OR terms or
14 ~~other~~ conditions of employment in order to encourage or dis-
15 courage membership in ~~any~~ A labor organization. ~~;(4) to~~
16 ~~encourage~~

17 (D) ENCOURAGE membership in, or initiate, create, dominate,
18 or contribute to, a company union. ~~;(5) to discriminate~~

19 (E) DISCRIMINATE against any employee because he OR SHE has
20 given testimony or instituted a proceeding under this act. ~~;~~ or
21 ~~(6) to refuse~~

22 (F) REFUSE to bargain collectively with ~~the~~ A representa-
23 tive of his OR HER employees, subject to ~~the provisions of~~ sec-
24 tion 26.

25 (G) OFFER OR GRANT THE STATUS OF A PERMANENT REPLACEMENT
26 EMPLOYEE TO AN INDIVIDUAL FOR PERFORMING BARGAINING UNIT WORK FOR
27 THE EMPLOYER DURING A LABOR DISPUTE, OR OTHERWISE OFFER OR GRANT

1 AN INDIVIDUAL ANY EMPLOYMENT PREFERENCE BASED ON THE FACT THAT
2 THE INDIVIDUAL WAS EMPLOYED OR INDICATED A WILLINGNESS TO BE
3 EMPLOYED DURING A LABOR DISPUTE OVER AN INDIVIDUAL WHO:

4 (i) WAS AN EMPLOYEE OF THE EMPLOYER AT THE COMMENCEMENT OF
5 THE LABOR DISPUTE.

6 (ii) HAS EXERCISED THE RIGHT TO JOIN, ASSIST, OR ENGAGE IN
7 OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAIN-
8 ING OR OTHER MUTUAL AID OR PROTECTION THROUGH THE LABOR ORGANI-
9 ZATION INVOLVED IN THE LABOR DISPUTE.

10 (iii) IS WORKING FOR, OR HAS UNCONDITIONALLY OFFERED TO
11 RETURN TO WORK FOR, THE EMPLOYER.