

SENATE BILL No. 235

March 21, 1991, Introduced by Senators O'BRIEN, CHERRY, HART, HOLMES, POLLACK, V. SMITH, KELLY, VAUGHN, BERRYMAN, KOIVISTO and MILLER and referred to the Committee on Labor.

A bill to amend section 22 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 423.22 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 22 of Act No. 176 of the Public Acts of
2 1939, being section 423.22 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 22. (1) ~~It shall be unlawful for an employer to~~ AN
5 EMPLOYER SHALL NOT engage in a lockout ~~or for~~ AND a labor

1 organization ~~to~~ SHALL NOT engage in or instigate a strike
2 without first having served notice as required in section 9.

3 (2) ~~It shall be unlawful for any individual to~~ AN INDIVID-
4 UAL SHALL NOT instigate a lockout or strike ~~which~~ THAT is
5 ~~unlawful under this section~~ PROHIBITED UNDER SUBSECTION (1).

6 (3) AN EMPLOYER SHALL NOT DO EITHER OF THE FOLLOWING:

7 (A) HARASS AN INDIVIDUAL LAWFULLY ENGAGED IN A STRIKE.

8 (B) CARRY OR DISPLAY A FIREARM IN THE PRESENCE OF ANY
9 STRIKER.

10 (4) AN AGENT OR EMPLOYEE OF AN EMPLOYER, WHICH AGENT OR
11 EMPLOYEE PROVIDES SECURITY OR PROTECTION OF THE EMPLOYER'S PROP-
12 ERTY, SHALL NOT DURING A STRIKE DO ANY OF THE FOLLOWING:

13 (A) HARASS AN INDIVIDUAL LAWFULLY ENGAGED IN A STRIKE.

14 (B) CARRY OR DISPLAY A FIREARM IN THE PRESENCE OF ANY
15 STRIKER.

16 (C) LEAVE THE EMPLOYER'S PROPERTY WITHIN THE COURSE OF THE
17 PERFORMANCE OF HIS OR HER DUTIES.

18 (5) ~~(3) Any~~ AN individual or person may pursue any appro-
19 priate legal or equitable remedy or other relief in any circuit
20 court having jurisdiction with respect to any act or conduct in
21 violation of ~~any of the provisions of~~ this act, except FOR sub-
22 section (1) and sections 16 and 17a. The existence of a criminal
23 penalty with respect to any such act or conduct ~~shall~~ DOES not
24 ~~be deemed to~~ preclude appropriate equitable relief.

25 (6) AS USED IN THIS SECTION, "FIREARM" MEANS THAT TERM AS
26 DEFINED IN SECTION 3T OF CHAPTER 1 OF THE REVISED STATUTES OF
27 1846, BEING SECTION 8.3T OF THE MICHIGAN COMPILED LAWS.