



SENATE BILL No. 113

January 13, 1993, Introduced by Senator DI NELLO and referred to the Committee on Labor.

A bill to provide that the right of persons to work shall not be denied for certain reasons; to prescribe the powers and duties of employers, labor organizations, and certain other persons with respect thereto; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan right to work law".

3 Sec. 2. As used in this act:

4 (a) "Employee" means an individual who performs a service
5 for wages or other remuneration under a contract of hire, written
6 or oral, express or implied. Employee includes an individual
7 employed by the state or a political subdivision of the state
8 except a state classified civil service employee.

1 (b) "Employer" means a person who has 1 or more employees.
2 Employer includes an agent of an employer and the state or a
3 political subdivision of the state.

4 (c) "Labor organization" means:

5 (i) An organization of any kind or an agency or employee
6 representation committee, group, association, or plan in which
7 employees participate and that exists for the purpose, in whole
8 or in part, of dealing with employers concerning grievances,
9 labor disputes, wages, rates of pay, hours of work, or other
10 terms or conditions of employment.

11 (ii) A conference, general committee, joint or system board,
12 or joint council that is subordinate to a national or interna-
13 tional labor organization.

14 (iii) An agent of a labor organization.

15 (d) "Person" means an individual, sole proprietorship, part-
16 nership, corporation, association, labor organization, or any
17 other legal entity.

18 Sec. 3. An employer shall not require a person as a condi-
19 tion of employment or of continued employment to do any of the
20 following:

21 (a) Resign or refrain from voluntary membership in, volun-
22 tary affiliation with, or voluntary financial support of a labor
23 organization.

24 (b) Become or remain a member of a labor organization.

25 (c) Pay any dues, fees, assessments, or other charges of any
26 kind or amount to a labor organization.

1 (d) Pay to a charitable organization or other third party,
2 instead of the payments described in subdivision (c), an amount
3 equal to or a pro rata portion of dues, fees, assessments, or
4 other charges regularly required of members of a labor
5 organization.

6 (e) Be recommended, approved, referred, or cleared by or
7 through a labor organization.

8 Sec. 4. An employer, employee, other person, or labor orga-
9 nization shall not:

10 (a) Compel or attempt to compel an employee or prospective
11 employee to join, affiliate with, or financially support a labor
12 organization, to refrain from doing so, or to otherwise forfeit
13 his or her rights guaranteed by this act by any threatened or
14 actual intimidation of the employee or prospective employee, his
15 or her parent, spouse, child, grandchild, or any other person
16 residing in his or her home, or by any threatened or actual
17 damage to his or her property.

18 (b) Cause or attempt to cause the discharge from employment
19 of an employee or the denial of employment or of certain jobs or
20 positions to an employee or prospective employee, as applicable,
21 because of support or nonsupport of a labor organization by
22 inducing or attempting to induce an employee to refuse to work
23 with the employee or prospective employee.

24 Sec. 5. (1) An agreement, understanding, or practice, writ-
25 ten or oral, express or implied, between an employer and a labor
26 organization that violates this act is void.

1 (2) A strike, picket, boycott, or other action conducted by
2 employees or a labor organization for the purpose of inducing or
3 attempting to induce an employer to enter into an agreement pro-
4 hibited under this act is a violation of this act.

5 Sec. 6. A person who directly or indirectly violates this
6 act is guilty of a misdemeanor, punishable by imprisonment for
7 not more than 90 days, or a fine of not more than \$1,000.00, or
8 both. Each day of unlawful conduct constitutes a separate
9 offense.

10 Sec. 7. A person injured as a result of a violation or
11 threatened violation of this act is entitled to injunctive relief
12 against a violator or a person threatening a violation of this
13 act and, in addition, may recover all damages, including costs
14 and reasonable attorney fees, resulting from the violation or
15 threatened violation. This remedy is independent of and in addi-
16 tion to the penalty set forth in section 6.

17 Sec. 8. The attorney general or a prosecuting attorney of
18 the county in which a violation is alleged to have occurred or is
19 threatened to occur shall investigate each complaint of an
20 alleged or threatened violation of this act and shall initiate,
21 as necessary, an action to enforce this act.

22 Sec. 9. This act applies to a collective bargaining agree-
23 ment entered into after the effective date of this act and to a
24 renewal or extension of a collective bargaining agreement in
25 effect on the effective date of this act.

26 Sec. 10. This act shall not take effect unless all of the
27 following bills of the 87th Legislature are enacted into law:

1 (a) Senate Bill No. 120.

2

3 (b) Senate Bill No. 121.

4