

# HOUSE BILL No. 5970

June 25, 1998, Introduced by Reps. Brater, Hanley, Martinez, Hale, LaForge, Schauer, Anthony, Cherry and Schermesser and referred to the Committee on Labor and Occupational Safety.

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "employee communications monitoring act".

3       Sec. 2. As used in this act:

4       (a) "Employee" means an individual who as a volunteer or for  
5 compensation provides an employer with his or her labor.

6       (b) "Employer" means a person who employs an individual for  
7 compensation or who supervises an individual providing labor as a  
8 volunteer.

1 (c) "Monitor" means listening to, reading, or recording a  
2 communication between an employee and a person who is not the  
3 employer.

4 Sec. 3. An employer shall not monitor an employee's commu-  
5 nication with persons other than the employer unless the employer  
6 has established and disclosed in writing to the employee a commu-  
7 nication monitoring policy described in the communications moni-  
8 toring policy act.

9 Sec. 4. An employer shall comply with an employee communi-  
10 cation monitoring policy that the employer establishes under the  
11 communications monitoring policy act.

12 Sec. 5. An employer who monitors an employee communication  
13 in violation of this act is liable to that employee for actual  
14 damages or \$5,000.00, whichever is greater, plus reasonable  
15 attorney fees.

16 Enacting section 1. This act does not take effect unless  
17 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
18 no. 06609'98) of the 89th Legislature is enacted into law.