

HOUSE BILL NO. 5817

February 23, 2022, Introduced by Reps. Haadsma, Weiss, Brenda Carter, Sabo, Clemente, Coleman, Breen, Stone, Hope, Neeley, Brabec, Sowerby, Garza, Liberati, O'Neal, Pohutsky, Steckloff, Cavanagh, Rabhi, Cherry, Steenland, Tyrone Carter, Manoogian, Bolden, Kuppa, Rogers, Sneller, Scott, Thanedar, Ellison, Aiyash, Peterson, Koleszar, Hood, Young, Shannon, Tate, Morse, Jones, Hertel, Brixie and Whitsett and referred to the Committee on Workforce, Trades, and Talent.

A bill to amend 1939 PA 176, entitled

"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; to make appropriations; and to prescribe means of enforcement and penalties for violations of this act,"

by amending section 16 (MCL 423.16).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. ~~It shall be unlawful for an~~ **An** employer or any ~~an~~
2 officer ~~or agent of an employer~~ ~~(1) to interfere~~ **shall not do any**
3 **of the following:**

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

6 **(b) Initiate**, create, dominate, contribute to, or interfere
7 with the formation or administration of ~~, any a~~ labor organization.

8 ~~;~~ ~~Provided, That~~ **This subdivision does not prohibit** an employer
9 ~~shall not be prohibited from permitting~~ **allowing** employees to
10 confer with ~~him~~ **the employer** during working hours without loss of
11 time or pay. ~~;~~ ~~(3) to discriminate~~

12 **(c) Discriminate** in regard to ~~hire,~~ **hiring**, terms, or ~~other~~
13 conditions of employment ~~in order to~~ encourage or discourage
14 membership in ~~any a~~ labor organization. ~~;~~ ~~(4) to encourage~~

15 **(d) Encourage** membership in, or initiate, create, dominate, or
16 contribute to, a company union. ~~;~~ ~~(5) to discriminate~~

17 **(e) Discriminate** against ~~any an~~ employee because he **or she** has
18 given testimony or instituted a proceeding under this act. ~~;~~ ~~or (6)~~
19 ~~to refuse~~

20 **(f) Refuse** to bargain collectively with ~~the a~~ representative
21 of ~~his~~ **the employer's** employees, subject to ~~the provisions of~~
22 section 26.

23 **(g) Offer or grant the status of a permanent replacement**
24 **employee to an individual for performing bargaining unit work for**
25 **the employer during a labor dispute, or otherwise offer or grant an**
26 **individual an employment preference because the individual was**
27 **employed or indicated a willingness to be employed during a labor**

1 dispute over an individual who meets all of the following
2 requirements:

3 (i) Was an employee of the employer at the commencement of the
4 labor dispute.

5 (ii) Exercised the right to join, assist, or engage in other
6 concerted activities for the purpose of collective bargaining or
7 other mutual aid or protection through the labor organization
8 involved in the labor dispute.

9 (iii) Is working for, or has unconditionally offered to return
10 to work for, the employer.