

HOUSE BILL NO. 5826

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

A bill to establish the right of an employee to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected religious or political programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of this act; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "worker freedom act".

2 Sec. 3. As used in this act:

1 (a) "Employee" means an individual engaged in service to and
2 in the business of an employer for wages or other remuneration.
3 Employee includes a research assistant, research fellow, teaching
4 assistant, teaching fellow, postdoctoral associate, postdoctoral
5 fellow, and medical intern and resident.

6 (b) "Employer" means a person that has 1 or more employees.
7 Employer includes an agent or representative of the employer, this
8 state, or a political subdivision of this state.

9 (c) "Labor organization" means an organization that exists, in
10 whole or in part, for the purpose of doing any of the following:

11 (i) Collective bargaining.

12 (ii) Dealing with employers concerning grievances or terms or
13 conditions of employment.

14 (iii) Mutual aid or protection in connection with employment.

15 (d) "Political matters" includes political party affiliation
16 or the decision to join or not join a lawful political, social, or
17 community group or activity or labor organization.

18 Sec. 5. Except as necessary to comply with another law of this
19 state or federal law, or as provided in section 13, an employer
20 shall not require an employee to attend an employer-sponsored
21 meeting or participate in any communication with the employer if
22 the primary purpose is to communicate the employer's opinion about
23 a religious or political matter or to discourage unionization and
24 collective bargaining.

25 Sec. 7. (1) An employer shall not discharge, discipline, or
26 otherwise penalize, or threaten to discharge, discipline, or
27 otherwise penalize, an employee that does any of the following:

28 (a) Makes a written or oral good-faith report of a violation
29 or suspected violation of this act.

1 (b) Brings an action to enforce this act.

2 (c) Cooperates in an investigation or proceeding to enforce
3 this act.

4 (2) The prohibitions under this section do not apply if the
5 employee knows that the information upon which a report, cause of
6 action, or investigation under subsection (1) is based is false.

7 Sec. 9. An employee may bring a civil action to enforce this
8 act. The action must be brought not more than 1 year after the date
9 of the last alleged violation. The court shall award damages and
10 equitable relief, which may include reinstatement, to fully
11 compensate the employee. The court shall award a prevailing
12 employee reasonable attorney fees and costs and may award up to 3
13 times the actual damages.

14 Sec. 11. This act provides an alternative cause of action to
15 any remedy that may exist under law. This act does not limit an
16 employee's right to bring a common law cause of action for wrongful
17 termination or diminish or impair the rights under a collective
18 bargaining agreement.

19 Sec. 13. The prohibitions under this act do not apply to
20 either of the following:

21 (a) Meetings or communications of a religious, political, or
22 labor organization that are directed to the organization's
23 employees.

24 (b) Lectures or classes that are required for student
25 instructors that cover matters that are part of the regular
26 coursework at an educational institution.