

# HOUSE BILL No. 5024

September 28, 2011, Introduced by Reps. McMillin, Price, Shirkey, Haveman and Lyons and referred to the Committee on Oversight, Reform, and Ethics.

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

by amending section 9f (MCL 423.9f).

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

1           Sec. 9f. ~~(1) It shall be unlawful (1) for any person or~~  
2 ~~persons to hinder~~ **A PERSON SHALL NOT DO ANY OF THE FOLLOWING:**

3           **(A) HINDER** or prevent by ~~masspicketing,~~ **MASS PICKETING,**  
4 unlawful threats, or force, the pursuit of any lawful work or

1 employment. , ~~(2) to obstruct~~

2 (B) **OBSTRUCT** or interfere with entrance to or egress from any  
3 place of employment. , ~~(3) to obstruct~~

4 (C) **OBSTRUCT** or interfere with free and uninterrupted use of  
5 public roads, streets, highways, railways, airports, or other ways  
6 of travel or conveyance. , ~~or (4) to engage~~

7 (D) **ENGAGE** in picketing a private residence by any means or  
8 methods whatever.  ~~: Provided, That picketing, to the extent that~~  
9 ~~the same is authorized under constitutional provisions, shall in no~~  
10 ~~manner be prohibited. Violation of this section shall be a~~  
11 ~~misdemeanor and punishable as such.~~ **THE PROHIBITION IN THIS**  
12 **SUBDIVISION DOES NOT EXTEND TO PICKETING THAT IS AUTHORIZED UNDER**  
13 **THE FEDERAL CONSTITUTION OR THE STATE CONSTITUTION OF 1963.**

14 (2) **AN EMPLOYER OR OTHER PERSON OR ENTITY THAT IS SUBJECT TO**  
15 **AN ACTIVITY PROHIBITED UNDER SUBSECTION (1) MAY BRING AN ACTION TO**  
16 **ENJOIN THE PROHIBITED ACTIVITY IN THE CIRCUIT COURT FOR THE COUNTY**  
17 **IN WHICH THE AFFECTED EMPLOYER, PERSON, OR ENTITY IS LOCATED. A**  
18 **COURT HAVING JURISDICTION OF AN ACTION BROUGHT UNDER THIS**  
19 **SUBSECTION SHALL GRANT INJUNCTIVE RELIEF IF THE COURT FINDS THAT**  
20 **ANY PERSON, UNION, OR ORGANIZATION HAS ENGAGED OR IS ENGAGING IN**  
21 **ANY OF THE CONDUCT PROHIBITED UNDER SUBSECTION (1), WITHOUT REGARD**  
22 **TO THE EXISTENCE OF OTHER REMEDIES, DEMONSTRATION OF IRREPARABLE**  
23 **HARM, OR OTHER FACTORS. THE COURT SHALL AWARD COURT COSTS AND**  
24 **REASONABLE ATTORNEY FEES TO A PLAINTIFF WHO PREVAILS IN AN ACTION**  
25 **BROUGHT UNDER THIS SUBSECTION.**

26 (3) **FAILURE TO COMPLY WITH AN ORDER OF THE COURT ISSUED UNDER**  
27 **THIS SECTION MAY BE PUNISHED AS CONTEMPT.**

1           (4) A PERSON WHO VIOLATES SUBSECTION (1) AND HAS PREVIOUSLY  
2 BEEN ENJOINED FOR A VIOLATION OF SUBSECTION (1) IS SUBJECT TO A  
3 CIVIL FINE OF \$1,000.00 FOR EACH DAY OF THE VIOLATION. IF A UNION  
4 OR ORGANIZATION CONTINUES TO SPONSOR OR ASSIST IN THE PROHIBITED  
5 ACTIVITY IN VIOLATION OF AN INJUNCTION, THE UNION OR ORGANIZATION  
6 IS SUBJECT TO A CIVIL FINE OF \$10,000.00 FOR EACH DAY OF THE  
7 VIOLATION. THE CIVIL FINE ASSESSED UNDER THIS SUBSECTION SHALL BE  
8 PAID TO THE COURT, AND UPON A SHOWING OF DAMAGES TO BUSINESS SALES,  
9 BUSINESS OPPORTUNITIES, OR PROPERTY, THE EMPLOYER, UNION,  
10 ORGANIZATION, OR OTHER ENTITY THAT WAS THE SUBJECT OF THE ACTIVITY  
11 PROHIBITED UNDER SUBSECTION (1) SHALL BE COMPENSATED FROM THE  
12 PAYMENT MADE TO THE COURT.

13           (5) AN EMPLOYER THAT IS THE SUBJECT OF PICKETING MAY OBTAIN  
14 INJUNCTIVE RELIEF AGAINST PICKETERS WITHOUT A SHOWING OF  
15 IRREPARABLE HARM IF THE COURT FINDS THE PICKETING TO BE IN  
16 VIOLATION OF SUBSECTION (1).