

# SENATE BILL No. 1251

May 4, 2006, Introduced by Senators BASHAM, BRATER, CLARKE, SCOTT, CLARK-COLEMAN, PRUSI, CHERRY, WHITMER, SCHAUER, EMERSON and LELAND and referred to the Committee on Commerce and Labor.

A bill to prohibit employers from making employment decisions based upon membership in certain groups that is unrelated to employment; to prohibit retaliation; and to provide 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 associational rights protection act".

3           Sec. 3. As used in this act:

4           (a) "Employee" means an individual who receives compensation  
5 for performing services for an employer under an express or implied  
6 contract of hire.

7           (b) "Employer" means an individual or entity that permits 1 or  
8 more individuals to work, accepts applications for employment, or  
9 is an agent of an employer.

1           Sec. 5. (1) Except as provided in this section, an employer  
2 shall not fail or refuse to hire or recruit, discharge, or  
3 otherwise discriminate against an individual with respect to  
4 employment, compensation, or a term, condition, or privilege of  
5 employment because the individual is, is about to become, or is  
6 regarded as being a member of an organization or advocacy group  
7 that is organized for lawful purposes.

8           (2) The prohibition in subsection (1) does not apply to any of  
9 the following:

10           (a) Membership in an organization or advocacy group organized  
11 for purposes that substantially conflict with the core mission of  
12 the employer.

13           (b) Membership in an organization or advocacy group if that  
14 membership would violate a written bona fide conflict of interest  
15 policy that has been disseminated to employees.

16           (c) Membership in an organization or advocacy group that is  
17 prohibited under state or federal law, regulation, or rule  
18 regulating the particular type of employment.

19           Sec. 7. A person shall not retaliate or discriminate against a  
20 person because the person has done or was about to do any of the  
21 following:

22           (a) File a complaint under this act.

23           (b) Testify, assist, or participate in an investigation,  
24 proceeding, or action concerning a violation of this act.

25           (c) Oppose a violation of this act.

26           Sec. 9. An employer shall not require an applicant or employee  
27 to waive any right under this act. An agreement by an applicant or

1 employee to waive any right under this act is invalid and  
2 unenforceable.

3       Sec. 11. (1) A person who is injured by a violation of this  
4 act may bring a civil suit in a court of competent jurisdiction to  
5 obtain injunctive relief and damages.

6       (2) The court shall award costs and reasonable attorney fees  
7 to a person who prevails as a plaintiff in a suit authorized under  
8 subsection (1).