

HOUSE BILL No. 4316

February 27, 2007, Introduced by Reps. Meadows, Hopgood, Alma Smith, Vagnozzi, Miller and Condino and referred to the Committee on Labor.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "worker freedom act".

3 Sec. 3. As used in this act:

4 (a) "Employee" means an individual engaged in service to an
5 employer in the business of the employer and includes research
6 assistants, research fellows, teaching assistants, teaching

1 fellows, postdoctoral associates, postdoctoral fellows, and medical
2 interns and residents.

3 (b) "Employer" means an individual or entity engaged in
4 business that has employees and includes this state and a political
5 subdivision of this state.

6 (c) "Labor organization" means an organization that exists for
7 the purpose, in whole or in part, of collective bargaining; dealing
8 with employers concerning grievances or terms or conditions of
9 employment; or mutual aid or protection in connection with
10 employment.

11 (d) "Political matters" includes political party affiliation
12 or the decision to join or not join any lawful political, social,
13 or community group or activity or any labor organization.

14 Sec. 5. Except as necessary to comply with another law or as
15 provided in section 13, an employer or an employer's agent,
16 representative, or designee shall not require its employee to
17 attend an employer-sponsored meeting or participate in any
18 communication with the employer or its agent or representative if
19 the primary purpose is to communicate the employer's opinion about
20 religious or political matters.

21 Sec. 7. (1) An employer or an employer's agent,
22 representative, or designee shall not discharge, discipline, or
23 otherwise penalize, or threaten to discharge, discipline, or
24 otherwise penalize, an employee because the employee or a person
25 acting on behalf of the employee does any of the following:

26 (a) Makes a written or oral good faith report of a violation
27 or a suspected violation of this act.

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

2 (c) Cooperates in an investigation or proceeding for
3 enforcement of this act.

4 (2) The prohibition in this section does not apply if the
5 employee knows that the report or the information on which the
6 action or investigation is based is false.

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

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

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

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

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