

HOUSE BILL NO. 5728

February 09, 2022, Introduced by Reps. LaFave, Clements, Markkanen, Carra, Bezotte and Bellino and referred to the Committee on Workforce, Trades, and Talent.

A bill to prohibit employers from discriminating against employees who have been infected with COVID-19 and who refuse to be vaccinated against COVID-19; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

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

1 (b) "Employer" means a person that permits 1 or more
2 individuals to work or that accepts applications for employment.
3 Employer includes an agent of an employer.

4 (c) "Person" means an individual, corporation, limited
5 liability company, partnership, firm, organization, association,
6 governmental entity, or other legal entity.

7 (d) "Qualifying employee" means an employee who has been
8 infected with COVID-19.

9 Sec. 3. An employer shall not discharge or otherwise
10 discriminate against a qualifying employee with respect to
11 employment, compensation, or a term, condition, or privilege of
12 employment, or threaten to do any of these things, because the
13 qualifying employee is not vaccinated against COVID-19 or refuses
14 to be vaccinated against COVID-19.

15 Sec. 5. An employer shall not retaliate or discriminate
16 against a person because the person has done or was about to do any
17 of the following:

18 (a) Testify, assist, or participate in an investigation,
19 proceeding, or action concerning a violation of this act.

20 (b) Oppose a violation of this act.

21 Sec. 7. An employer shall not require an employee to waive any
22 right under this act. An agreement by an employee to waive any
23 right under this act is invalid and unenforceable.

24 Sec. 9. (1) A person who is aggrieved by a violation of this
25 act may bring a civil action to obtain damages or injunctive
26 relief, or both.

27 (2) The court shall award costs, reasonable attorney fees, and
28 3 times the amount of damages to a person who prevails as a
29 plaintiff in an action authorized under this section.

1 Sec. 11. This act applies to a collective bargaining agreement
2 or employment agreement enter into, renewed, or extended on or
3 after the effective date of this act.