

# HOUSE BILL NO. 4438

May 06, 2025, Introduced by Reps. Hope, Weiss, McFall, Morgan, Rheingans, Pohutsky, T. Carter, Hoskins, Price, Wilson, Martus, Brixie, Foreman, B. Carter, Breen, Rogers, Longjohn, Young, Wegela, McKinney, Skaggs, Andrews, Mentzer, Paiz and Miller and referred to Committee on Economic Competitiveness.

A bill to prohibit an employer from retaliating against an employee who engages in certain activities that address the employer's response to or management of certain diseases; and to provide remedies.

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

- 1       Sec. 1. As used in this act:
- 2       (a) "Communicable disease" means that term as defined in
- 3 section 5101 of the public health code, 1978 PA 368, MCL 333.5101.
- 4       (b) "Damages" means any of the following:

1 (i) Actual injury or loss.

2 (ii) Reasonable attorney fees and court costs.

3 (iii) Punitive damages.

4 (c) "Employee" means an individual who performs a service for  
5 wages or other remuneration under a contract of hire, written or  
6 oral, expressed or implied.

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

10 (e) "Person" means an individual, partnership, corporation,  
11 association, or other legal entity.

12 (f) "Retaliate" means to do or threaten to do any of the  
13 following:

14 (i) Sanction.

15 (ii) Reduce pay.

16 (iii) Deny a promotion.

17 (iv) Terminate employment.

18 (v) Publicly demean or embarrass.

19 (vi) Any other form of intimidation.

20 (g) "Social media" means a service, platform, or website where  
21 users communicate with one another and share media, such as  
22 pictures, videos, music, and blogs, with other users free of  
23 charge.

24 Sec. 3. An employer shall not retaliate against an employee  
25 who criticizes or otherwise raises concerns to any of the following  
26 regarding the employer's response to or management of any  
27 communicable disease in the workplace:

28 (a) The employer.

29 (b) Another employee.

1 (c) A department or agency of this state.

2 (d) A political subdivision of this state.

3 (e) The public, including through the use of social media.

4 Sec. 5. (1) An employee who alleges a violation of this act  
5 may bring a civil action for appropriate injunctive relief or  
6 damages, or both, not later than 90 days after the alleged  
7 violation.

8 (2) Except as provided in chapter 64 of the revised judicature  
9 act of 1961, 1961 PA 236, MCL 600.6401 to 600.6475, an action may  
10 be brought under this subsection in the circuit court for the  
11 county where the alleged violation occurred, or for the county  
12 where the employer against whom the civil complaint is filed has  
13 its principal place of business or is located.

14 (3) An employer shall not retaliate or discriminate against an  
15 employee because the employee has done any of the following:

16 (a) Opposed a violation of this act.

17 (b) Filed a complaint under this act.

18 (c) Testified, assisted, or participated in a civil action  
19 brought under this act.

20 Sec. 7. (1) If a collective bargaining agreement or other  
21 contract that is inconsistent with this act is in effect for an  
22 employee on the effective date of this act, this act applies to  
23 that employee beginning on the date the collective bargaining  
24 agreement or other contract expires or is amended, extended, or  
25 renewed.

26 (2) This act does not permit the disclosure of information  
27 that would impair or diminish the rights an individual has to the  
28 continued protection of confidentiality of communications under the  
29 law.

1           (3) This act does not require an employer to compensate an  
2 employee for participation in an investigation, hearing, or inquiry  
3 that results from an action brought under this act.

4           (4) This act applies to employees in the classified state  
5 civil service to the extent that it is not inconsistent with  
6 section 5 of article XI of the state constitution of 1963.