

Act No. 8
Public Acts of 2023
Approved by the Governor
March 24, 2023
Filed with the Secretary of State
March 24, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Camilleri, Brinks, Moss, Hertel, McDonald Rivet, Singh, McMorrow, Geiss, Cherry, Bayer, Chang, Irwin, Shink, Wojno, McCann, Polehanki, Klinefelt, Santana, Cavanagh and Anthony

ENROLLED SENATE BILL No. 34

AN ACT 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; to make appropriations; and to prescribe means of enforcement and penalties for violations of this act,” by amending sections 1, 2, 14, and 17 (MCL 423.1, 423.2, 423.14, and 423.17), as amended by 2012 PA 348.

The People of the State of Michigan enact:

Sec. 1. It is hereby declared as the public policy of this state that the best interests of the people of the state are served by preventing or promptly settling labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the state, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such disputes under the guidance and supervision of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the state.

Sec. 2. As used in this act:

(a) "Company union" includes any employee association, committee, agency, or representation plan, formed or existing for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment, which in any manner or to any extent, and by any form of participation, interference, or assistance, financial or otherwise, either in its organization, operation, or administration, is dominated or controlled, sponsored or supervised, maintained, directed, or financed by the employer.

(b) "Dispute" and "labor dispute" include, but are not limited to, any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of employees in negotiating, fixing, maintaining, or changing terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(c) "Commission" means the employment relations commission created by section 3.

(d) "Person" includes an individual, partnership, association, corporation, business trust, labor organization, or any other private entity.

(e) "Employee" includes any employee, and is not limited to the employees of a particular employer, unless this act explicitly provides otherwise, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any act that is illegal under this act, and who has not obtained any other regular and substantially equivalent employment, but does not include any individual employed as an agricultural laborer, or in the domestic service of any family or any person at the person's home, or any individual employed by the person's parent or spouse, or any individual employed as an executive or supervisor, or any individual employed by an employer subject to the railway labor act, 45 USC 151 to 188, or by any other person who is not an employer.

(f) "Employer" means a person and includes any person acting as an agent of an employer, but does not include the United States or any corporation wholly owned by the United States; any federal reserve bank; any employer subject to the railway labor act, 45 USC 151 to 188; this state or a political subdivision of this state; or any labor organization, or anyone acting in the capacity of officer or agent of a labor organization, other than when acting as an employer.

(g) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Sec. 14. (1) An employer and a labor organization may enter into a collective bargaining agreement that requires all employees in the bargaining unit to share fairly in the financial support of the labor organization. This act does not, and a law or policy of a local government must not, prohibit or limit an agreement that requires all bargaining unit employees, as a condition of continued employment, to pay to the labor organization membership dues or service fees.

(2) For fiscal year 2022-2023, \$1,000,000.00 is appropriated to the department of labor and economic opportunity to be expended to do all of the following regarding the 2023 amendatory act that added this sentence:

(a) Respond to public inquiries regarding the amendatory act.

(b) Provide the commission with sufficient staff and other resources to implement the amendatory act.

(c) Inform employers, employees, and labor organizations about changes to their rights and responsibilities under the amendatory act.

(d) Any other purposes that the director of the department of labor and economic opportunity determines in the director's sole discretion are necessary to implement the amendatory act.

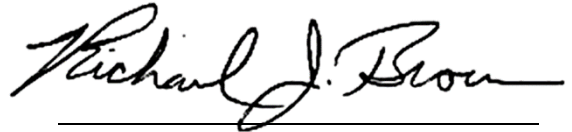
Sec. 17. A person shall not by force, intimidation, or unlawful threats compel or attempt to compel any person to do any of the following:

(a) Become or remain a member of a labor organization or otherwise affiliate with or financially support a labor organization.

(b) Refrain from joining a labor organization or otherwise affiliating with or financially supporting a labor organization.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor