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:

Sec. 1. As used in this act:
(a) "Employee" means an individual who receives compensation for performing services for an employer under an express or implied contract of hire.
(b) "Employer" means a person that permits 1 or more individuals to work or that accepts applications for employment. Employer includes an agent of an employer.

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

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

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

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

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

(b) Oppose a violation of this act.

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

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

(2) The court shall award costs, reasonable attorney fees, and 3 times the amount of damages to a person who prevails as a plaintiff in an action authorized under this section.
Sec. 11. This act applies to a collective bargaining agreement or employment agreement enter into, renewed, or extended on or after the effective date of this act.