

● ELLIOTT-LARSEN CIVIL RIGHTS ACT

STATUTORY CITATION: Mich. Comp. Laws §§ 37.2101 – 37.2804

GENERAL SUMMARY: Among other proscriptions, the Elliott-Larsen Civil Rights Act prohibits discrimination on the job because of religion, race, color, national origin, age, sex, height, weight, or marital status. The employment discrimination provisions apply to every agricultural and non-agricultural employer with one or more employees.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is illegal for an employer to engage in any of the following practices:

- (1) To refuse to recruit or hire, to discharge, or to discriminate in any other manner against an individual with respect to employment, compensation, or a term, condition or privilege of employment, on the basis of religion, race, color, national origin, age, sex, height, weight, or marital status.
- (2) To limit, segregate or classify an employee or job applicant on any such grounds in a way which tends to deprive the person of a job opportunity or otherwise adversely affect employment.
- (3) To segregate, classify or otherwise discriminate against a person on the basis of sex with respect to a term, condition or privilege of employment, including an employee benefit plan.
- (4) To publish or circulate any advertisement or other employment-related notice, or use any job application form, which indicates a preference, limitation or specification based on religion, race, color, national origin, age, sex, height, weight, or marital status.

Employers are also forbidden from requesting information, or making any record, regarding the arrest or detention of a job applicant or employee which did not result in a conviction.

Comparable discriminatory acts committed by employment agencies and labor organizations are similarly prohibited.

EXCEPTION — Where religion, national origin, age, height, weight or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise, an employer, employment agency or labor organization may use such a qualification, but if an exemption is not obtained in advance from the state enforcement agency, the burden of establishing the necessity of the qualification is on the employer, employment agency or labor organization which uses it.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Michigan Department of Civil Rights, Lansing, Michigan 48933 (517-335-3165; toll-free 800-482-3604)*. The Act places the Department in charge of receiving, investigating, holding hearings on, and resolving complaints alleging violations. Upon the filing of a complaint, the Department must conduct an initial investigation, then either dismiss the complaint or attempt to eliminate the discriminatory practice or act determined to have been committed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Michigan Civil Rights Commission, Lansing, Michigan 48933 (517-335-3165; toll-free 800-482-3604)*. Failure by the Department of Civil Rights to resolve a violation through conciliation will lead to a formal charge by the Department against the violator. The Civil Rights Commission, after a hearing on the charge, must either dismiss it or issue a final order requiring the respondent to cease and desist and to take appropriate corrective action.

PRIVATE CIVIL ACTION — Concurrently with any administrative enforcement action, a worker may bring suit against the alleged violator directly, through legal counsel of the complainant's own choosing. Civil action for injunctive relief and damages may be brought in the circuit court for the county where the alleged violation occurred, or where the person or firm against whom the complaint is filed resides or has its primary place of business.