

● **WORKFORCE OPPORTUNITY WAGE ACT (EQUAL PAY)**

STATUTORY CITATION: Mich. Comp. Laws § 408.423

GENERAL SUMMARY: In general, any Michigan employer who (1) has 2 or more employees, and (2) is not subject to the minimum wage provisions of the federal Fair Labor Standards Act, may not discriminate on the basis of sex by paying wages to workers at a rate less than the rate at which workers of the opposite sex are paid in the same establishment for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. This does not preclude use of wage differentials tied to factors other than sex, including seniority, merit, and quantity or quality of production.

PROVISIONS APPLICABLE TO AGRICULTURE: Because this law *does not apply* to employees who are not covered by the FLSA minimum wage provisions, farmworkers are protected by the equal pay protection in the Workforce Opportunity Wage Act only if they are employed by an agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243).* For enforcement purposes, any amount to which a worker is entitled because of sex-related discrimination is treated as unpaid minimum wages. At any time within 3 years after a minimum wage violation, the worker may file a claim with the Department. If the Department's investigation finds reasonable cause to believe the employer has violated the law and the Department is unable to obtain voluntary compliance within a reasonable time, the agency must take action in court to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Subject to the same 3-year time limitation applicable to administrative claims, a worker may file suit directly against an employer to recover unpaid wages, utilizing a private attorney or public legal service provider. A judgment in the worker's favor may include court costs, attorney's fees and liquidated damages, in addition to the unpaid wages.