

Michigan's Elliott-Larsen Civil Rights Act

Under Michigan's Elliott-Larsen Civil Rights Act (ELCRA), it's illegal to subject people to differential treatment based on religion, race, color, national origin, age, sex, height, weight, familial status or marital status.

The ELCRA prohibits employers from discriminating against any member of the protected classes listed above in hiring, compensation or the terms, conditions or privileges of employment.

The law is Michigan's version of the federal Civil Rights Act, Age Discrimination in Employment Act and Equal Pay Act all rolled into one. While those federal laws cover employers with 15 or more employees, the state law covers *all* employers.

Employees can file ELCRA complaints with the Michigan Civil Rights Commission. In investigating complaints, the commission will take one of three actions:

- Determine that discrimination probably didn't occur and not pursue a complaint.
- Initiate a complaint and attempt to settle the matter through conciliation.
- Initiate and file a complaint in the state circuit court in the county in which the discrimination allegedly took place.

The commission can order employers to hire, reinstate or upgrade an employee; pay damages such as back pay and attorneys' fees if necessary; and provide the commission with compliance reports.

It's not just employers that fall under the commission's watchful eye. Labor unions may not discriminate in their admissions for membership, job training programs or apprenticeships.

Sexual stereotyping

The federal appeals court for the 6th Circuit, which includes Michigan, recently interpreted the federal Civil Rights Act of 1964 to prohibit discrimination based on sexual stereotyping.

While stopping short of providing protection to gay and lesbian workers, the interpretation can give employees an opportunity to sue if they believe they've suffered discrimination because they don't behave in accordance with employer-determined gender roles.

For more information on the state's civil rights act, visit the Michigan Department of Civil Rights' Web site at www.michigan.gov/mdcr/.

*Excerpted from Michigan's 10 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: **Michigan Employment Law.***