

HOUSE BILL No. 4151

February 14, 1989, Introduced by Reps. Joe Young, Sr., Harrison, Watkins, Maynard, O'Neill, Varga, Joe Young, Jr., Hoffman, Saunders, Profit, Jondahl, Gubow, Wallace, Stupak, Hunter, Murphy, Kilpatrick, Emerson, Hertel, Gire, Bennane, Hood, Owen, Kosteva, Perry Bullard, Barns, Ciaramitaro, Porreca, Clack, Webb, Johnson, Hollister, Ostling, Berman, Jonker, Knight, Leland, Gilmer, Pitoniak, Stallworth, Hart, Niederstadt, Spaniola and Hunter and referred to the Committee on Labor.

A bill to amend sections 102, 103, and 202 of Act No. 453 of the Public Acts of 1976, entitled as amended

"Elliott-Larsen civil rights act,"

section 102 as amended by Act No. 45 of the Public Acts of 1982 and section 103 as amended by Act No. 202 of the Public Acts of 1980, being sections 37.2102, 37.2103, and 37.2202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 102, 103, and 202 of Act No. 453 of the
2 Public Acts of 1976, section 102 as amended by Act No. 45 of the
3 Public Acts of 1982 and section 103 as amended by Act No. 202 of
4 the Public Acts of 1980, being sections 37.2102, 37.2103, and
5 37.2202 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 102. (1) The opportunity to obtain employment, housing
2 and other real estate, and the full and equal utilization of
3 public accommodations, public service, and educational facilities
4 without discrimination because of religion, race, color, national
5 origin, age, sex, height, weight, or marital status as prohibited
6 by this act, is recognized and declared to be a civil right.

7 (2) This section ~~shall not be construed to~~ DOES NOT pre-
8 vent an individual from bringing or continuing an action arising
9 out of sex discrimination before July 18, 1980, ~~which~~ IF THE
10 action is based on conduct similar to, or identical to,
11 harassment.

12 (3) THIS SECTION DOES NOT PREVENT AN INDIVIDUAL FROM BRING-
13 ING OR CONTINUING AN ACTION ARISING OUT OF DISCRIMINATION BECAUSE
14 OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, HEIGHT,
15 WEIGHT, OR MARITAL STATUS BEFORE THE EFFECTIVE DATE OF THE 1988
16 AMENDATORY ACT THAT ADDED THIS SUBSECTION, IF THE ACTION IS BASED
17 ON CONDUCT SIMILAR TO, OR IDENTICAL TO, CONDUCT PROHIBITED IN
18 SECTION 202(1)(D).

19 Sec. 103. As used in this act:

20 (a) "Age" means chronological age except as otherwise pro-
21 vided by law.

22 (b) "Commission" means the civil rights commission estab-
23 lished by section 29 of article ~~5~~ V of the state constitution
24 of 1963.

25 (c) "Commissioner" means a member of the commission.

26 (D) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,
27 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF

1 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR
2 LABOR, SERVICES, OR WORK PERFORMED.

3 (E) ~~(d)~~ "Department" means the department of civil rights
4 or its employees.

5 (F) ~~(e)~~ "National origin" includes the national origin of
6 an ancestor.

7 (G) ~~(f)~~ "Person" means an individual, agent, association,
8 corporation, joint apprenticeship committee, joint stock company,
9 labor organization, legal representative, mutual company, part-
10 nership, receiver, trust, trustee in bankruptcy, unincorporated
11 organization, the state or a political subdivision of the state
12 or an agency of the state, or any other legal or commercial
13 entity.

14 (H) ~~(g)~~ "Political subdivision" means a county, city, vil-
15 lage, township, school district, or special district or authority
16 of the state.

17 (I) ~~(h)~~ "Discrimination because of sex" includes sexual
18 harassment which means unwelcome sexual advances, requests for
19 sexual favors, and other verbal or physical conduct or communica-
20 tion of a sexual nature when:

21 (i) Submission to such conduct or communication is made a
22 term or condition either explicitly or implicitly to obtain
23 employment, public accommodations or public services, education,
24 or housing.

25 (ii) Submission to or rejection of such conduct or communi-
26 cation by an individual is used as a factor in decisions

1 affecting such individual's employment, public accommodations or
2 public services, education, or housing.

3 (iii) Such conduct or communication has the purpose or
4 effect of substantially interfering with an individual's employ-
5 ment, public accommodations or public services, education, or
6 housing, or creating an intimidating, hostile, or offensive
7 employment, public accommodations, public services, educational,
8 or housing environment.

9 Sec. 202. (1) An employer shall not:

10 (a) Fail or refuse to hire, or recruit, or discharge, or
11 otherwise discriminate against an individual with respect to
12 employment, compensation, or a term, condition, or privilege of
13 employment, because of religion, race, color, national origin,
14 age, sex, height, weight, or marital status.

15 (b) Limit, segregate, or classify an employee or applicant
16 for employment in a way which deprives or tends to deprive the
17 employee or applicant of an employment opportunity, or otherwise
18 adversely affects the status of an employee or applicant because
19 of religion, race, color, national origin, age, sex, height,
20 weight, or marital status.

21 (c) Segregate, classify, or otherwise discriminate against a
22 person on the basis of sex with respect to a term, condition, or
23 privilege of employment, including a benefit plan or system.

24 (D) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
25 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL, RESPONSIBIL-
26 ITY, EFFORT, EDUCATION OR TRAINING, AND WORKING CONDITIONS AS
27 MEASURED BY A NONDISCRIMINATORY JOB EVALUATION SYSTEM, BECAUSE OF

1 RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, HEIGHT, WEIGHT,
2 OR MARITAL STATUS.

3 (2) This section shall not be construed to prohibit the
4 establishment or implementation of a bona fide retirement policy
5 or system which is not a subterfuge to evade the purposes of this
6 section.

7 (3) This section shall not apply to the employment of an
8 individual by his or her parent, spouse, or child.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. _____ or House Bill No. 4150 (request
11 no. 01020'89 a) of the 85th Legislature is enacted into law.