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UNEQUAL PAY: VIOLATION OF CIVIL RIGHTS

House Bill 4256 and 4257

Sponsor: Rep. Lynne Martinez

Committee: Labor and Occupational Safety

Complete to 8-6-97

A SUMMARY OF HOUSE BILLS 4256 AND 4257 AS INTRODUCED 2-11-97

House Bills 4256 and 4257 would amend the Michigan Handicappers' Civil Rights Act and the Elliott-Larsen Civil Rights act, respectively, to prohibit discriminating against employees by providing unequal compensation for comparable work. Both bills would define compensation as including all of an employee's earnings, including wages and benefits, regardless of the manner by which the amounts are calculated. The bills are tie-barred together. A more specific description of the contents of the bills follows.

The Michigan Handicappers' Civil Rights Act (MCL 37.1201 et al.) prohibits employers from, among other things, refusing to hire, promote or otherwise discriminate against an individual because of a handicap that is unrelated to the individual's ability to perform his or her work duties. House Bill 4256 would amend the act to additionally prohibit an employer from unequally compensating an employee for work of comparable value in terms of the skill, responsibility, effort, education or training, and working conditions because of a handicap that is unrelated to the employee's ability to perform the duties of the particular job or position.

The Elliott-Larsen Civil Rights Act (MCL 37.2102 et al.) establishes as a civil right the opportunity to obtain employment, housing, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination based on the individual's religion, race, color, national origin, age, sex, height, weight, or marital status and prohibits employers from discriminating against employees or potential employees for the same reasons. House Bill 4257 would amend the act to prohibit an employer from unequally compensating an employee for work of comparable value in terms of the skill, responsibility, effort, education or training, and working conditions because of the employee's religion, race, color, national origin, age, sex, height, weight, or marital status. In addition, the bill would allow actions based on discrimination to be brought or continued under the act before the effective date of the bill's provisions, if the action was based on conduct similar to the type of conduct that would be prohibited by the bill.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.