

HOUSE BILL No. 5940

September 20, 2012, Introduced by Reps. Hovey-Wright, Brown, Byrum, Townsend, Greimel, Irwin, Ananich, Tlaib, Bauer, Slavens, Lipton, Bledsoe and Oakes and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 201, 202, and 203 (MCL 37.2201, 37.2202, and 37.2203), section 201 as amended by 1980 PA 202 and section 202 as amended by 2009 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. As used in this article:

2 (a) "Employer" means a person who has 1 or more employees, and
3 includes an agent of that person.

4 (b) "Employment agency" means a person regularly undertaking
5 with or without compensation to procure, refer, recruit, or place
6 an employee for an employer or to procure, refer, recruit, or place
7 for an employer or person the opportunity to work for an employer
8 and includes an agent of that person.

9 (c) "Labor organization" includes:

1 (i) An organization of any kind, an agency or employee
2 representation committee, group, association, or plan in which
3 employees participate and which exists for the purpose, in whole or
4 in part, of dealing with employers concerning grievances, labor
5 disputes, wages, rates of pay, hours, or other terms or conditions
6 of employment.

7 (ii) A conference, general committee, joint or system board, or
8 joint council which is subordinate to a national or international
9 labor organization.

10 (iii) An agent of a labor organization.

11 (d) "Sex" includes, but is not limited to, **USE OR NONUSE OF**
12 **CONTRACEPTIVES**, pregnancy, childbirth, or a medical condition
13 related to pregnancy or childbirth that does not include
14 nontherapeutic abortion not intended to save the life of the
15 mother.

16 Sec. 202. (1) An employer shall not do any of the following:

17 (a) Fail or refuse to hire or recruit, discharge, or otherwise
18 discriminate against an individual with respect to employment,
19 compensation, or a term, condition, or privilege of employment,
20 because of religion, race, color, national origin, age, sex,
21 height, weight, or marital status.

22 (b) Limit, segregate, or classify an employee or applicant for
23 employment in a way that deprives or tends to deprive the employee
24 or applicant of an employment opportunity, or otherwise adversely
25 affects the status of an employee or applicant because of religion,
26 race, color, national origin, age, sex, height, weight, or marital
27 status.

1 (c) Segregate, classify, or otherwise discriminate against a
2 person on the basis of sex with respect to a term, condition, or
3 privilege of employment, including, but not limited to, a benefit
4 plan or system, **OR INQUIRE AS TO A PERSON'S USE OR NONUSE OF**
5 **CONTRACEPTIVES.**

6 (d) Treat an individual affected by pregnancy, childbirth, or
7 a related medical condition differently for any employment-related
8 purpose from another individual who is not so affected but similar
9 in ability or inability to work, without regard to the source of
10 any condition affecting the other individual's ability or inability
11 to work. For purposes of this subdivision, a medical condition
12 related to pregnancy or childbirth does not include nontherapeutic
13 abortion not intended to save the life of the mother.

14 (2) This section does not prohibit the establishment or
15 implementation of a bona fide retirement policy or system that is
16 not a subterfuge to evade the purposes of this section.

17 (3) This section does not apply to the employment of an
18 individual by his or her parent, spouse, or child.

19 Sec. 203. An employment agency shall not fail or refuse to
20 procure, refer, recruit, or place for employment, or otherwise
21 discriminate against, an individual because of religion, race,
22 color, national origin, age, sex, height, weight, or marital
23 status; ~~or~~ classify or refer for employment an individual on the
24 basis of religion, race, color, national origin, age, sex, height,
25 weight, or marital status; **OR INQUIRE AS TO AN INDIVIDUAL'S USE OR**
26 **NONUSE OF CONTRACEPTIVES.**