

EMPLOYMENT LAW SUMMARY

Michigan Fair Employment Laws – Overview



Because You're Different

In addition to the workplace discrimination protections provided to workers under federal law, such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA) and the Americans with Disabilities Act, Michigan provides broad workplace discrimination protections to employees under the state's **Elliot Larsen Civil Rights Act** (ELCRA).

This Employment Law Summary provides a general overview of the ELCRA and the obligations it imposes on Michigan employers.

COVERED EMPLOYERS

The ELCRA applies to **all employers** with **one or more employees** in Michigan. Accordingly, many Michigan employers that are not subject to federal discrimination laws must comply with the ELCRA's nondiscrimination provisions.

Employers subject to the ELCRA must display the [Michigan Discrimination Law Poster](#) in conspicuous locations within their employees' workplaces.

PROTECTED TRAITS

The ELCRA prohibits employers from subjecting employees and applicants to differential treatment based on a protected trait. Protected traits include **religion, race** (effective June 15, 2023, this includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), **color, national origin, age, sex, height, weight** and **marital status**.

Effective June 14, 2023, protected traits also include **sexual orientation** and **gender identity or expression**.

Unlike the federal ADEA, which protects individuals who are age 40 and older, the ELCRA's prohibition against **age** discrimination does not specify an age at which its protections begin to apply to an individual. Accordingly, employers may be subject to age discrimination claims under the ELCRA in instances where they would not be in violation of federal law.

The ELCRA's protection against discrimination **based on sex** includes protection against:

- Discrimination based on pregnancy, childbirth or a related medical condition; and
- Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature.

PROHIBITED PRACTICES

Under the ELCRA, it is unlawful for an employer to take any of the following actions against an individual based on any protected trait:

- Fail or refuse to hire or recruit the individual;
- Discharge or otherwise discriminate against the individual with respect to employment, compensation or a term, condition or privilege of employment; or

- Limit, segregate or classify the individual in a way that deprives or tends to deprive the individual of an employment opportunity or otherwise adversely affects his or her employment status.

The ELCRA also regulates employers in the process of recruiting candidates for job openings. Specifically, it is unlawful for an employer to:

- Print, circulate, post, mail or otherwise publish any statement, advertisement, notice or sign relating to employment that indicates a preference, limitation, specification or discrimination based on a protected trait;
- Make inquiries (either verbally or through an application form) that elicit or attempt to elicit information concerning an applicant's religion, race, color, national origin, age, sex, weight, height or marital status; or
- Express an employment preference, limitation, specification or discrimination based on a protected trait.

For more information on pre-employment inquiries and job advertisements, employers should consult the [MDCR Pre-employment Inquiry](#) and [Writing Nondiscriminatory Advertisement](#) guides.

EXCEPTIONS

The ELCRA does **not** prohibit an employer from establishing the following policies or programs:

- **Bona fide occupational qualifications**—Under limited circumstances, employers may be granted an exception to the ELCRA by the Michigan Department of Civil Rights (MDCR). To obtain an exception, an employer must demonstrate that religion, national origin, age, height, weight or sex is a bona fide occupational qualification (BFOQ) that is necessary to normal business operations. Under Michigan law, race and color are never an acceptable BFOQ.
- **Bona fide seniority or merit or retirement systems**—The ELCRA does not prevent employers from applying different standards of compensation or different terms, conditions or privileges of employment in connection with a bona fide seniority or merit system.
- **Bona fide retirement policies**—Employers may establish and implement bona fide retirement policies so long as those policies are not designed to evade the requirements on the ELCRA.

ENFORCEMENT

The ELCRA is enforced by the [Michigan Department of Civil Rights](#) (MDCR). Individuals who believe an employer has violated the law may file a complaint with the MDCR within **180 days** of the alleged discriminatory action.

MORE INFORMATION

For more information on Michigan's fair employment laws, visit the MDCR's [website](#).

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