

**SUBSTITUTE FOR
SENATE BILL NO. 147**

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending sections 201 and 202 (MCL 37.2201 and 37.2202), 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~~**that** has 1 or more
3 employees, and 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

1 and includes an agent of that person.

2 (c) "Labor organization" includes:

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

9 (ii) A conference, general committee, joint or system board, or
 10 joint council ~~which-that~~ is subordinate to a national or
 11 international labor organization.

12 (iii) An agent of a labor organization.

13 (d) "Sex" includes, but is not limited to, pregnancy,
 14 childbirth, **the termination of a pregnancy**, or a **related** medical
 15 condition. ~~related to pregnancy or childbirth that does not include~~
 16 ~~nontherapeutic abortion not intended to save the life of the~~
 17 ~~mother.~~

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

19 (a) Fail or refuse to hire or recruit, discharge, or otherwise
 20 discriminate against an individual with respect to employment,
 21 compensation, or a term, condition, or privilege of employment,
 22 because of religion, race, color, national origin, age, sex, **sexual**
 23 **orientation, gender identity or expression**, height, weight, or
 24 marital status.

25 (b) Limit, segregate, or classify an employee or applicant for
 26 employment in a way that deprives or tends to deprive the employee
 27 or applicant of an employment opportunity ~~—~~or otherwise adversely
 28 affects the status of ~~an-the~~ employee or applicant because of
 29 religion, race, color, national origin, age, sex, **sexual**

1 **orientation, gender identity or expression**, height, weight, or
2 marital status.

3 (c) Segregate, classify, or otherwise discriminate against a
4 ~~person~~**an individual** on the basis of sex with respect to a term,
5 condition, or privilege of employment, including, but not limited
6 to, a benefit plan or system.

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

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

19 (3) This section does not apply to the employment of an
20 individual by ~~his or her~~**the individual's** parent, spouse, or child.

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. 4 of the 102nd Legislature is enacted into
23 law.