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### **Michigan Amends Civil Rights Act To Include Abortion Protections**

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On May 17, 2023, Governor Whitmer signed Senate Bill 147, which amends the Elliott-Larsen Civil Rights Act (“ELCRA”) to prohibit employers from discriminating against employees based on their decision to terminate a pregnancy.

Originally enacted in 1977, ELCRA currently prohibits employment discrimination based on religion, race, color, national origin, age, sex, height, weight, and marital status. In March 2023, Michigan added “sexual orientation” and “gender identity or expression” to the list of enumerated protected classes.

Currently, ELCRA prohibits sex-based discrimination including pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, but there is an exception for “nontherapeutic abortions not intended to save the life of the mother.” In other words, under the current statute, an employer could lawfully discriminate against employees who terminate a pregnancy if the abortion was not intended to save the life of the mother.

Senate Bill 147 removes this exception. It prohibits employer discrimination based on abortion by amending the definition of “sex” to include “pregnancy, childbirth, the termination of a pregnancy, or a related medical condition.” Furthermore, employers are specifically prohibited from treating employees affected by pregnancy, childbirth, the termination of a pregnancy, or a related medical condition differently for any employment-related purpose.

The bill will take effect 90 days after the end of the 2023 Regular Legislative Session, which will likely be mid to late March 2024. In order to avoid liability, employers should review their policies and procedures regarding discrimination and provide corresponding training to human resources and managerial employees.

Please contact any member of [Bodman's Workplace Law Group](#) if you need assistance with reviewing/drafting your non-discrimination policies, or for advice on investigating/responding to complaints. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

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