

## Michigan Civil Rights Commission to Process Discrimination Complaints Based on Sexual Orientation and Gender Identity

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May 24, 2018

The Michigan Civil Rights Commission has voted to expand its interpretation of the Michigan Elliott-Larsen Civil Rights Act ("ELCRA") to include discrimination based on sexual orientation and gender identity.

At the Commission's July 24, 2017, meeting Equality Michigan asked the Commission to issue an interpretive statement clarifying that the prohibition against discrimination found in the ELCRA included protection against discrimination on the basis of gender identity and sexual orientation. The Commission took public comment through Aug. 15, 2017, and during its May 21, 2018, meeting voted to issue the interpretive statement. The Commission will now draft and issue an interpretive statement setting forth the proposition that discrimination based on gender identity and sexual orientation is a violation of the ELCRA and will be investigated and prosecuted by the Commission.

The decision runs counter to a statement issued by the Michigan Attorney General's office, which told the Commission in September 2017 that it did not have the authority to re-interpret the ELCRA. The Attorney General's office has confirmed that its position on the issue has not changed.

We will keep you informed of any relevant activity. If you have any questions about the ELCRA, please contact your Miller Canfield attorney.