

STATE OF MICHIGAN



GRETCHEN WHITMER, Governor

MICHIGAN CIVIL RIGHTS COMMISSION

RESOLUTION

RESOLUTION IN SUPPORT OF AMENDING THE ELLIOTT-LARSEN CIVIL RIGHTS ACT

WHEREAS, the inescapable reality of human diversity and the foundational principle of self-determination allows for a range of self-identifications, and demands the respect, honor and protection from a democracy that is based on the collective agreement of a diverse population; and

WHEREAS, the people of the State of Michigan have recognized the inherent value and dignity of its citizens and the need to protect the diversity of our citizenry through adoption of Article I, Section 2 and Article V, Section 29 of the Michigan Constitution and enactment of the Elliott-Larsen Civil Right Act; and

WHEREAS, the Michigan Civil Rights Commission previously issued Interpretive Statement 2018-1, finding that the language, “discrimination because of ...sex...” as used within the Elliott-Larsen Civil Rights Act includes discrimination based on gender identity and sexual orientation; and

WHEREAS, in *Rouch World, LLC v Department of Civil Rights*, the Michigan Supreme Court affirmed the conclusions reached by the Michigan Civil Rights Commission in its interpretive statement, finding that “Discrimination on the basis of sexual orientation necessarily constitutes discrimination because of sex” and is a violation of the Elliott-Larsen Civil Rights Act; and

WHEREAS, in *Bostock v. Clayton County, Georgia*, the United States Supreme Court found that “An employer who fires an individual merely for being gay or transgender defies the law,” specifically Title VII of the Civil Rights Act of 1964; and

WHEREAS, the great weight of public sentiment and legal authority recognizes that a person’s sexual orientation and gender identity should never be the basis for affording or denying basic civil rights and public accommodations and services; and

WHEREAS, while the courts serve as the final arbiters on the interpretation of laws, it is incumbent on our legislature to recognize and incorporate into current legislation legal rulings that safeguard the civil rights of Michigan citizens; and

WHEREAS, Michigan Senate Bill 0004 introduced by President Pro Tempore Jeremy Moss, and House Bill 4003 introduced by Representative Jason Hoskins, would codify the Michigan Civil Rights Commission’s interpretive statement and the Michigan Supreme Courts affirmation of the principle protections stated therein regarding the civil rights of LGBTQ Michiganders by amending the Elliott-Larsen Civil Rights Act to include language explicitly prohibiting discrimination on the basis of sexual orientation and gender identity or expression; and

WHEREAS, the lives of LGBTQ Michiganders have value, and are deserving of support and continued protection from discrimination in employment, housing, public accommodations, public service and educational facilities;

THEREFORE, IT IS RESOLVED, that the Michigan Civil Rights Commission supports the Michigan legislature’s adoption of the aforementioned bills, without any amendments that would seek to reduce their scope or impact, and that Governor Gretchen Whitmer signs the enrolled bill into law.



Passed on Monday the 23rd day of January 2023, by the
MICHIGAN CIVIL RIGHTS COMMISSION

Commissioner Portia Roberson, Chair
Commissioner Gloria E. Lara, Secretary
Commissioner David Worthams

Commissioner Zenna Faraj Elhasan, Vice Chair
Commissioner Richard Corriveau
Commissioner Luke Londo