



Michigan Pay Equity

Statute

- Workforce Opportunity Wage Act, M.C.L.A. § 408.411 et seq. (specifically § 408.423).
- Elliott-Larsen Civil Rights Act, M.C.L.A. § 37.2101 et seq. (specifically § 37.2202).
- M.C.L.A. § 750.556 (Discrimination between sexes in payment of wages – Penal Code).
- Executive Directive 2019-10

Classes protected

- Sex, religion, race, color, national origin, age, height, weight, marital status

Key language on pay discrimination

- “An employer having employees subject to this act shall not discriminate between employees within an establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex for equal work on jobs, the performance of which requires equal skill, effort, and responsibility and that is performed under similar working conditions[.]”
- “An employer shall not . . . discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, height, weight, or marital status.”
- “Any employer of labor in this state, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes who are similarly employed, shall be guilty of a misdemeanor.”

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- System that measures earnings by quantity or quality of production
- Differential based on a factor other than sex

Prohibition on Salary History Inquiry

- City and public employer ban only: state agencies cannot ask about a job applicant’s salary history until a conditional offer of employment is extended.

Anti-Retaliation

- An employer shall not discharge, formally discipline, or otherwise discriminate against for job advancement an employee who discloses his/her wages.

Pay Transparency

- An employer shall not require as a condition of employment non-disclosure by an employee of his/her wages; or require an employee sign a waiver or other document which purports to deny the employee the right to disclose his/her wages

Other key provisions

- Applies to employers with 2 or more employees at any time within a calendar year, and the employer is subject to the act during the remainder of the calendar year.

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Pay Equity Team

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