

HOUSE BILL NO. 4973

September 13, 2023, Introduced by Reps. Dievendorf, Brabec, Paiz, Wilson, McKinney, Andrews, Byrnes, Morgan and Tsernoglou and referred to the Committee on Labor.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
(MCL 37.2101 to 37.2804) by adding section 706.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 706. (1) Except as allowed under this section, a
- 2 settlement agreement relating to a claim described in subsection
- 3 (2) must not contain a provision that prevents or restricts the
- 4 disclosure of factual information related to the claim.
- 5 (2) This section applies to a claim of assault,

1 discrimination, harassment, or retaliation because of sex against
2 an employer made in a complaint to the department as described in
3 section 602 or in a civil action under article 8.

4 (3) In a civil action described in subsection (2), the court
5 shall not enter, by stipulation or otherwise, an order that
6 restricts the disclosure of information in a manner that conflicts
7 with subsection (1).

8 (4) A provision that shields the identity of the claimant and
9 all facts that could lead to the discovery of the claimant's
10 identity, including pleadings filed in court, may be included in a
11 settlement agreement at the request of the claimant. This
12 subsection does not apply if a government agency or public official
13 is a party to the settlement agreement.

14 (5) A provision that precludes the disclosure of the amount
15 paid in settlement of the claim may be included in a settlement
16 agreement.

17 (6) A provision in a settlement agreement that is prohibited
18 by subsection (1) is void as a matter of law and against public
19 policy.