

No. 119, A.]

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## CHAPTER 149

AN ACT to renumber and amend 111.32 (5) ; to amend 111.31 and 111.32 (3) ; and to create 111.32 (5) (b) and (c) of the statutes, relating to barring discrimination in employment because of age.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 111.31 of the statutes is amended to read:

111.31 (1) The practice of denying employment and other opportunities to, and discriminating against, properly qualified persons by reason of their *age*, race, creed, color, national origin \* \* \* or ancestry, is likely to foment domestic strife and unrest, and substantially and adversely affect the general welfare of a state by depriving it of the fullest utilization of its capacities for production. The denial by some employers and labor unions of employment opportunities to such persons solely because of their *age*, race, creed, color, national origin \* \* \* or ancestry, and discrimination against them in employment, tends to deprive the victims of the earnings which are necessary to maintain a just and decent standard of living, thereby committing grave injury to them.

(2) It is believed by many students of the problem that protection by law of the rights of all people to obtain gainful employment, and other privileges free from discrimination because of *age*, race, creed, color, national origin \* \* \* or ancestry, would remove certain recognized sources of strife and unrest, and encourage the full utilization of the productive resources of the state to the benefit of the state, the family \* \* \* and to all the people of the state.

(3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified persons regardless of their *age*, race, creed, color, national origin \* \* \* or ancestry. All the provisions of this subchapter shall be liberally construed for the accomplishment of this purpose.

SECTION 2. 111.32 (3) of the statutes is amended to read:

111.32 (3) The term "employer" shall not include *any law enforcement or fire fighting department or organization, nor any person who employs individuals in any other hazardous occupation, nor a social club \* \* \* or religious association, \* \* \* nor organization not organized for private profit.*

SECTION 3. 111.32 (5) of the statutes is renumbered 111.32 (5) (a) and amended to read:

111.32 (5) (a) The term "discrimination" means discrimination because of *age, race, color, creed, national origin \* \* \* or ancestry*, by an employer individually or in concert with others against any employe or any applicant for employment in regard to his hire, tenure or term, condition or privilege of employment, and by any labor organization against any member or applicant for membership, and also includes discrimination on any of said grounds in the fields of housing, recreation, education, health and social welfare.

SECTION 4. 111.32 (5) (b) and (c) of the statutes are created to read:

111.32 (5) (b) It is discrimination because of age:

1. For an employer, labor organization, or person in the fields of housing, recreation, education, health and social welfare, or any licensing agency, because an individual is between the ages of 40 and 65, to refuse to hire, employ, admit or license, or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment;

2. For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which implies or expresses any limitation, specification or discrimination respecting individuals between the ages of 40 and 65, or any intent to make such limitation, specification or discrimination;

3. For any employer, licensing agency or employment agency to discharge or otherwise discriminate against any person because he has opposed any discriminatory practices under this section or because he has made a complaint, testified or assisted in any proceeding under this section.

(c) Nothing in this subsection shall be construed to prevent termination of the employment of any person physically or otherwise unable to perform his duties, nor to affect any retirement policy or system of any employer where such policy or system is not a subterfuge to evade the purposes of this subsection, nor to preclude the varying of insurance coverage according to an employe's age; nor to prevent the exercise of an age distinction with respect to employment of persons in capacities in which the knowledge and experience to be gained might reasonably be expected to aid in the development of capabilities required for future advancement to supervisory, managerial, professional or executive positions.

Approved June 25, 1959.