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Civil Rights Bureau

1. Fair Employment (Sections 111.31 - 111.397, Wisconsin Statutes, Chapter DWD 218 Wisconsin Administrative Code)

Prohibits discrimination based on race, creed, color, national origin, ancestry, age, sex, disability, arrest or conviction record, sexual orientation, marital status, military status, and declining to attend a meeting or communication about religious or political matters. It prohibits unfair honesty testing and genetic testing. It also prohibits discrimination because of filing or assisting with a Labor Standards complaint or because of use or non-use of lawful products.

(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)

2. Open Housing (Section 106.50, Wisconsin Statutes, Chapter DWD 220 Wisconsin Administrative Code)

Prohibits housing discrimination based on race, color, religion, national origin, ancestry, sex, age-18 and over, disability, lawful source of income, marital status, sexual orientation, family status, and status as a victim of domestic abuse, sexual abuse or stalking.

(Enforcement is by filing a complaint with the Equal Rights Division within 1 year or through circuit court.)

- 3. Public Accommodations & Amusements (Section 106.52, Wisconsin Statutes, Chapter DWD 221 Wisconsin Administrative Code)**
Prohibits discrimination in public places, based on race, color, creed, national origin, ancestry, sex, physical condition, developmental disability, or sexual orientation.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days, also through circuit court.)
- 4. Family & Medical Leave (Section 103.10, Wisconsin Statutes, Chapter DWD 225 Wisconsin Administrative Code)**
For employers of 50 or more, requires that:
An employee of either sex is allowed up to six (6) weeks of leave in a twelve-month period for the birth or adoption of a child.

An employee is allowed up to two (2) weeks of leave in a twelve-month period for the care of the employee's child, spouse, parent, domestic partner (as defined in Section 40.02(1) or 770.01(1)), or a parent of a domestic partner:

An employee is allowed up to two (2) weeks of leave in a twelve-month period for the employee's own serious health condition.
(Enforcement is by filing a complaint with the Equal Rights Division within 30 days.)
- 5. Post Secondary Education (Section 106.56, Wisconsin Statutes)**
Prohibits discrimination because of physical condition or developmental disability in post-secondary education.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- 6. Civil Air Patrol Membership (Section 321.66, Wisconsin Statutes)**
Prohibits discrimination because of membership in the civil air patrol or because the employee has taken a leave of absence under the law.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- 7. Re-employment Rights after National Guard, State Defense Force, or Public Health Emergency Service (Section 321.65(7), Wisconsin Statutes)**
Provides re-employment rights after service in the National Guard, state defense force or public health emergency service. The law also prohibits retaliation for filing a complaint, attempting to enforce a right, or for assisting in a proceeding to enforce a right under this section.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- 8. Emergency Responder Absence (Section 103.88(5), Wisconsin Statutes)**
Prohibits an employer from discriminating against or interfering with an employee's right to be late or absent from work if the employee is a volunteer firefighter, emergency medical technician, first aid responder or ambulance driver responding to an emergency that begins before the employee is required to report to work.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- 9. Retaliation Protections**
- a. Public Employee Health & Safety (Section 101.055(8), Wisconsin Statutes)**
Protects a public employee who reports an actual or potential hazard to the State Safety and Buildings Division and is then retaliated against by the employer. The law protects a public employee who reasonably refuses to perform a task which represents a danger of serious injury or death or exercises any other right related to occupational safety and health and then is retaliated against by the employer.
(Enforcement is by filing a complaint with the Equal Rights Division within 30 days.)
- b. Employee Right to Know (Sections 101.595(2) and 101.599, Wisconsin Statutes)**
States that employees have a right to know what toxic substances might be encountered on the job. Also prohibits retaliation against an employee for exercising any rights under Section 101.58-101.599, stats.
(Enforcement is by filing a complaint with the Equal Rights Division within 30 days.)

- c. **Elder Abuse Retaliation (Sections 46.90; 16.009 and 50.07, Wisconsin Statutes)**
Prohibits retaliation against an employee for reporting the abuse of an elderly person to a state or county agency.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- d. **Health Care Workers (Section 146.997, Wisconsin Statutes)**
Prohibits retaliation against any health care worker for reporting violations of laws, rules or quality of care standards.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- e. **Reporting an Adult-at-Risk (Section 55.043(1m)(c), Wisconsin Statutes)**
Prohibits retaliation against any of the persons specified in the law who report the abuse, financial exploitation, neglect or self-neglect of an adult-at-risk.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- f. **Reporting Fraud by Recipient of Public Assistance (Sections 49.197(6)(d) and 49.845(4)(d), Wisconsin Statutes)**
Prohibits retaliation against an employee of a public assistance agency who makes a good faith report of fraudulent activity related to the receipt of public assistance funds.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- g. **Whistleblower Law for State Employees (Sections 230.80 – 230.89, Wisconsin Statutes)**
Prohibits retaliation against certain state employees who disclose information about violations of laws or rules' mismanagement, or abuse of authority.
(Enforcement is by filing a complaint with the Equal Rights Division within 60 days.)

Labor Standards Bureau

- 10. **Prevailing Wage Rates (Chapter DWD 290 Wisconsin Administrative Code)**
 - a. **Prevailing Wage Rates and Hours of Labor for Local Government Unit Public Works Projects (Section 66.0903, Wisconsin Statutes)**
Requires the department to determine the prevailing wage rates for all types of local public works projects and requires the department to investigate any alleged violation of such wage rates and hours of labor.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)
 - b. **Prevailing Wage Rates and Hours of Labor for Publicly Funded Private Construction Projects (Section 66.0904, Wisconsin Statutes)**
Requires the department to determine the prevailing wage rates for all types of publicly funded private construction projects and requires the department to investigate any alleged violations of such wage rates and hours of labor. **Note: No longer in effect for projects begun on or after July 1, 2011.**
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)
 - c. **Prevailing Wage Rates and Hours of Labor for State Building Public Works Projects (Section 103.49, Wisconsin Statutes)**
Requires the department to determine the prevailing wage rates for all types of state public works construction projects, except highways and bridges, and requires the department to investigate any alleged violations of such wage rates and hours of labor
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)
 - d. **Prevailing Wage Rates and Hours of Labor for State Highway Projects (Section 103.50, Wisconsin Statutes)**
Requires the department to determine the prevailing wage rates for all state contracted highway construction projects. The Department of Transportation is responsible for enforcement.
(Enforcement is by filing a complaint with the Department of Transportation.)

- 11. Hours of Work and Overtime (Sections 103.01-03, Wisconsin Statutes, Chapter DWD 274, Wisconsin Administrative Code)**

Requires payment of time and one-half the regular rate of pay for hours worked in excess of forty in a given week, and provides certain exemptions.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years, also through circuit court.)
- 12. Records Open To Employee (Section 103.13, Wisconsin Statutes)**

Provides employees or former employees the right to inspect their own personnel records.
(Enforcement is by filing a complaint with the Equal Rights Division.)
- 13. One Day of Rest in Seven (Section 103.85, Wisconsin Statutes, Chapter DWD 275, Wisconsin Administrative Code)**

Requires employers in factories or mercantile establishments to provide at least one period consisting of twenty-four consecutive hours of rest in each calendar week. Allows the issuance of waivers or modifications (to employers) when jointly requested by labor and management.
(Enforcement is by filing a complaint with the Equal Rights Division, also through circuit court.)
- 14. Street Trades (Sections 103.21-32, Wisconsin Statutes, Chapter DWD 271, Wisconsin Administrative Code)**

Establishes maximum daily and weekly hours, and sets time of day restrictions for minors (those under 18 years of age) engaging in street trades (delivery, distribution or selling items door to door). Also provides for enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years, also through circuit court.)
- 15. Child Labor (Sections 103.64-82, Wisconsin Statutes, Chapter DWD 270, Wisconsin Administrative Code)**

Establishes maximum daily and weekly hours, sets time of day restrictions for the employment of minors, and explains employment prohibitions (by type of employment) for minors 11 through 17 years of age. Also provides for enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years, also through circuit court.)
- 16. Minimum Wage (Sections 104.01-12, Wisconsin Statutes, Chapter DWD 272, Wisconsin Administrative Code)**

Sets minimum wage rates, provides for special minimum wage licenses for rehabilitation facilities and for workers with disabilities and student learners, and defines what comprises "hours worked."
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years, also through circuit court.)
- 17. Private Employment Agents (Sections 105.01-16, Wisconsin Statutes, Chapter DWD 277, Wisconsin Administrative Code)**

Provides rules for the licensing of private employment agents (those that require applicant-paid fees), and for the registration of employer-paid fee agent. Section Authorizes enforcement action.
(Enforcement is by filing a complaint with the Equal Rights Division, also through circuit court.)
- 18. Wage Payment and Collection (Sections 109.01-11, Wisconsin Statutes)**

Requires the department to process individual wage claims from employees who have not received earned wages, and establishes when employees must be paid.
(Enforcement is by filing a complaint with the Equal Rights Division within 2 years.)
- 19. Business Closing & Mass Layoff (Section 109.07, Wisconsin Statutes, Chapter DWD 279, Wisconsin Administrative Code)**

For employers of 50 or more requires sixty days advance written notification of a business closing or mass layoff. Notices must be provided to the department, affected employees, the union and the highest official of the municipality in which the business is located.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)
- 20. Cessation of Health Care Benefits (Section 109.075, Wisconsin Statutes)**

For employers of 50 or more requires sixty days advance written notification when an employer decides to terminate a health care benefit plan. Notices must be provided to the employees, retirees, and their dependents. The law does not require notification to employees who quit or who are terminated, nor does it require notification when an employer makes changes to an existing plan.
(Enforcement is by filing a complaint with the Equal Rights Division within 300 days.)

21. Health Care Notification Law (Section 105.115, Wisconsin Statutes, Section DWD 277.19, Wisconsin Administrative Code)

Requires home care placement agencies that place home care workers in the residence of a consumer to provide notice to the consumer concerning the duties, responsibilities and liabilities of the consumer.

22. Traveling Sales Crew Law (Section 103.34, Wisconsin Statutes, Chapter DWD 273, Wisconsin Administrative Code)

Provides protection for traveling sales crew workers recruited from Wisconsin or working in Wisconsin.

For more information regarding these laws, contact:

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