

CHAPTER 100.

[ H. B. 22. ]

LAW AGAINST DISCRIMINATION.

AN ACT relating to the law against discrimination; amending section 9, chapter 37, Laws of 1957 and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 and RCW 49.60.200; amending section 10, chapter 183, Laws of 1949, as amended by section 26, chapter 37, Laws of 1957, and RCW 49.60.310; and adding a new section to chapter 49.44 RCW.

*Be it enacted by the Legislature of the State of Washington:*

RCW 49.60.180 amended.

SECTION 1. Section 9, chapter 37, Laws of 1957 and RCW 49.60.180 are each amended to read as follows:

Unfair practices of employer defined.

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(2) To discharge or bar any person from employment because of such person's age, race, creed, color, or national origin.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, race, creed, color, or national origin.

(4) 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 expresses any limitation, specification or discrimination as to age, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: *Provided*, Nothing contained herein shall prohibit advertising in a foreign language.

SEC. 2. Section 10, chapter 37, Laws of 1957 and RCW 49.60.190 are each amended to read as follows:

RCW 49.60.190 amended.

It is an unfair practice for any labor union or labor organization:

Unfair practices of labor unions defined.

(1) To deny membership and full membership rights and privileges to any person because of such person's age, race, creed, color, or national origin.

(2) To expel from membership any person because of such person's age, race, creed, color, or national origin.

(3) To discriminate against any member, employer, or employee because of such person's age, race, creed, color, or national origin.

SEC. 3. Section 11, chapter 37, Laws of 1957 and RCW 49.60.200 are each amended to read as follows:

RCW 49.60.200 amended.

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his age, race, creed, color, or national origin, or 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 expresses any limitation, specification or discrimination as to age, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: *Provided*, Nothing contained herein shall prohibit advertising in a foreign language.

Unfair practices of employment agencies.

SEC. 4. Section 10, chapter 183, Laws of 1949, as amended by section 26, chapter 37, Laws of 1957, and RCW 49.60.310 are each amended to read as follows:

RCW 49.60.310 enacted without amendment.

Any person that wilfully resists, prevents, impedes, or interferes with the board or any of its members or representatives in the performance of

duty under this chapter, or that wilfully violates an order of the board, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

New section.

SEC. 5. There is added to chapter 49.44 RCW a new section to read as follows:

Unfair practice to discriminate because of age.

It shall be an unfair practice:

(1) For an employer or licensing agency, because an individual is between the ages of forty and sixty-five, to refuse to hire or employ 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: *Provided*, That employers or licensing agencies may establish reasonable minimum and/or maximum age limits with respect to candidates for positions of employment, which positions are of such a nature as to require extraordinary physical effort, endurance, condition or training, subject to the approval of the director of labor and industries through the division of industrial relations.

(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 expresses any limitation, specification or discrimination respecting individuals between the ages of forty and sixty-five: *Provided*, That nothing herein shall forbid a requirement of disclosure of birth date upon any form of application for employment or by the production of a birth certificate or other sufficient evidence of the applicant's true age.

Nothing contained in this section or in RCW 49.60.180 as to age shall be construed to prevent the termination of the employment of any person who

is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude the varying of insurance coverages according to an employee's age; nor shall this section be construed as applying to any state, county, or city law enforcement agencies, or as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors.

SEC. 6. The amendments made by this act shall not be construed as modifying chapter 231, Laws of 1941 as amended, or as applying to any standards established thereunder or employment pursuant to any bona fide agreements entered into thereunder.

Apprenticeship  
law not  
affected.

Passed the House March 4, 1961.

Passed the Senate March 2, 1961.

Approved by the Governor March 15, 1961.

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## CHAPTER 101.

[ Sub. H. B. 31. ]

### TUBERCULOSIS CONTROL FUNDS.

AN ACT relating to tuberculosis control funds and authorizing boards of county commissioners to transfer surplus funds to public hospital districts; and amending section 3, chapter 117, Laws of 1959 and RCW 70.32.090.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 3, chapter 117, Laws of 1959 and RCW 70.32.090 are each amended to read as follows:

RCW 70.32.090  
amended.