

SUMMARY OF STATE LAWS PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE, LABOR LAW SERIES NO. 6-B, JUNE 1967

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BRIEF SUMMARY OF STATE LAWS PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

Laws prohibiting discrimination in private employment on the basis of a person's age are presently in effect in 23 jurisdictions:¹

Alaska	Nebraska
California	New Jersey
Colorado	New York
Connecticut	North Dakota
Delaware	Ohio
Hawaii	Oregon
Idaho	Pennsylvania
Indiana	Puerto Rico
Louisiana	Rhode Island
Maine	Washington
Massachusetts	Wisconsin
Michigan	

Coverage of the laws

The laws of nine jurisdictions—Colorado, Delaware, Hawaii, Idaho, Maine, Nebraska, North Dakota, Ohio, and Puerto Rico—cover all private employment.

The other 14 exempt certain occupations or organizations or both:

Both domestic service and employment of a person by his parent, spouse, or child are exempted in eight States:

California	New York
Connecticut	Oregon
Massachusetts	Pennsylvania
New Jersey	Washington

Alaska, Indiana, Michigan, and Rhode Island exempt domestic service, and Wisconsin, family employment.

Nonprofit social clubs or religious, charitable, educational, or fraternal organizations are exempted in eight States:

Alaska	Oregon
Indiana	Rhode Island
Massachusetts	Washington
New Jersey	Wisconsin

Farm labor is exempt in Indiana, Pennsylvania, and Rhode Island, and hazardous occupations in Louisiana and Wisconsin.

In addition, in 9 States the laws exempt employers having fewer than a certain number of employees:

New York—Fewer than 4.
Connecticut—Fewer than 3.
California, Massachusetts, ² Oregon, Pennsylvania—fewer than 6.
Michigan, Washington—Fewer than 8.
Louisiana—Fewer than 25.

Definition of age

The laws, through their definition of "age," are designed to prohibit discrimination against the older worker, although a few protect also the relatively younger worker. All the laws except those of Alaska, Hawaii, and Maine specify

¹ Another State, Maryland, has a law making it a "harmful employment practice" for an employer or employment agency to discriminate against any person on the basis of age. However, it does not prohibit such discrimination or set up enforcement methods, and it specifically precludes the penalties in the labor law.

² Massachusetts has two laws (see History, p. 5). The 1937 law applies to all employers without a numerical exemption.