

# SOCIAL POLICY

## EQUAL RIGHTS

**Support for equal rights for all regardless of race, color, creed, ancestry, national origin, religion, disability, age, gender, gender identity and expression, sexual orientation, or any other class protected by applicable state or federal laws, with recognition of the special needs of Native Americans; action to combat poverty and discrimination and to provide equal opportunity for employment, housing, quality education, and access to public accommodations.**

The broad thrust of the Social Policy positions is aimed toward alleviating discrimination and poverty. Action efforts have been directed toward equal access to education, jobs, and housing as well as equal rights for all.

Beginning in 1928, positions have been adopted covering support for services and opportunities for Native Americans, opposition to discrimination in public employment based on sex and marital status, support of the merit system, opposition to discrimination against minorities, and recognition of the responsibility of government to share in the social and economic problems which affect the social welfare.

Using its positions, the League has consistently supported legislation to prohibit discrimination in public and private employment, public accommodations, including transportation, and housing. It has supported legislation to strengthen, through increased appropriation and stronger enforcement powers, the agencies which deal with discrimination.

### Women

As early as 1927, the League opposed any legislation which threatened to weaken the laws which had been passed for the protection of women in industry. In the early years the League opposed the ERA because it would have meant overturning such laws or applying them to both sexes.

Nevertheless many of the "women's" issues in the '60's were supported by the League based on positions on preventing poverty and racial discrimination. The League supported publicly

funded child day care based on children's needs rather than the mother's. Opposition to discrimination centered on race rather than sex, and support for family planning was based on the concern for poverty.

In 1972 action on the state and national level expanded the equal rights position to include opposition to sex discrimination and support for the ERA. The ERA was quickly and easily ratified by the Wisconsin legislature in 1972, although it failed to receive ratification by the necessary 2/3 of the states. A similar amendment to the Wisconsin Constitution was approved by the legislature in two successive sessions, but failed to win approval in the subsequent referendum. The League, in conjunction with other members of an equal rights coalition, continued to work for equal rights. In 1975, a concerted and successful effort was directed toward the passing of a bill that implemented the intent of the ERA by removing sex distinctions from all statutes except those dealing with family law. Family law statutes were revised later under divorce reform and marital property law.

The League, along with other groups, was successful in preventing the rescission of Wisconsin's ratification of the federal ERA in the late 1970's. In 1983, it also found itself in the unusual position of opposing a state ERA because of the potential negative impact on the passage of a federal ERA. Failure was a real possibility and would have had a devastating effect on the momentum of the national amendment at that time. Success, paradoxically, would only have strengthened opponents who held that rights can be guaranteed state by state. Also, the restrictive clauses added to the amendment which dealt with the military draft, shared toilets, abortion and sexual orientation would have set a dangerous precedent.

In 1979 with the demise of the Governor's Task force on the Status of Women, the League with five other statewide organizations established the Wisconsin Women's Network (WWN) as an on-going coalition working on issues affecting women. Since that time, the WWN has coordinated efforts on many issues and the League has remained a staunch supporter of it.

League members were also instrumental in the creation in 1982 of the Wisconsin Women's Council, a statutory state agency to replace the Governor's Commission on the Status of Women. The Council's purpose is to ensure that state policies and practices take into account the well-being of women. The 1995 budget greatly reduced the Council's funding, consequently reducing its effectiveness. In addition, the state League has supported specific legislation intended to eliminate sex discrimination in housing, in access to credit, selling or leasing automobiles, in the language of public documents, employment, education, and such.

The Wisconsin League opposed the Wisconsin Marriage Amendment, adopted by statewide referendum in 2006. The amendment stated that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. In 2014 the fate of the amendment is on its way to the Supreme Court of the United States. ACLU-Wisconsin challenged it on behalf of a number of citizens. The amendment was struck down as unconstitutional by Federal Judge Barbara Crabb in July 2014. The state appealed to the 7<sup>th</sup> Circuit, which in September 2014 affirmed the ruling of the lower court. It is expected that the Supreme Court will take up same-sex marriage cases from a number of states, including possibly Wisconsin, in its next session.

The League updated its Equal Rights position to address gender, gender identity and expression, and sexual orientation at its 2015 Annual Meeting.

### **Native Americans**

The League recognizes the special status of Native Americans and their unique relationship to the federal government. On the state level, the Wisconsin League has supported legislation extending health, welfare, educational and housing assistance to Native Americans. On the national and state level the League supported the return of the Menominee to reservation status in 1975. Support for services has continued through the monitoring of state budget appropriations.

### **Employment**

Over the years, the League has taken action on many issues affecting equality of opportunity for employment. Since 1946, League has opposed discrimination based on race, sex and marital status. It supported the strengthening of the Fair Employment Practices Committee in 1951 and has consistently supported affirmative action. The League also supported a civil service reform limiting the use of veteran's preference points to a one time entry.

In 1983-85, the Wisconsin League updated its position on efforts to obtain equal opportunity for employment, centered around monitoring the application of the Job Training Partnership Act (JTPA) to women. Local Leagues were given a monitoring guide and worked to insure that women and advocates were appointed to the Private Industry Councils statewide. The League supported the expansion of the jobs program in 1986, but opposed the mandatory "workfare" proposals which required welfare recipients to do community work where job training and other employment services are not available.

The League strongly supported the 1984 establishment of the Governor's Task Force on Comparable Worth to develop a job evaluation system for state classified employees and University of Wisconsin system academic staff. Implementation of the Task Force recommendations was vigorously supported in the 1985-87 state budget.

Awareness of the problems of displaced homemakers in the early 1980's led to League support for state funding and establishment of displaced homemaker centers attached to the vocational education system. The centers assist displaced homemakers to get necessary counseling and job training to assist them in entering the workforce.

In 1992 the League supported the Wisconsin Women's Network in its work with veteran's groups and legislators to satisfy a veterans' proposal to eliminate their "preference" system and to make them a "protected class" in the affirmative action system. A compromise passed, enhancing the veterans' preference system without sacrificing the affirmative actions standards intended to make up for past employment discrimination.

The League has supported all legislation to end sexual harassment. Under previous law, complaints of sexual harassment could only be taken to the Equal Rights divisions and awarded only restoration of job and back pay. In 1992, a Wisconsin Civil Rights law was passed, permitting the aggrieved party to sue in court for punitive damages.

In 1987 the League supported successfully the Family Medical Leave Act which would allow parents to take time off without pay for six weeks at the birth or adoption of a child. The act was extended to include more employers in 1991. Since then there have been repeated attempts to make the act consist with the federal act. League has opposed these attempts because we believe the Wisconsin version is better.

### **Housing**

The League not only supports fair housing legislation based on state and national positions, but also equal access to housing, which means measures to increase the supply of low-and moderate cost housing.

In 1965 the League was instrumental not only in the passage of the state fair housing law but in gaining open housing ordinances in local communities as well. Continuing efforts included support for measures to promote low cost housing in all communities, removal of exemptions to fair housing and improvement of migrant worker housing. The League also supported increased enforcement power and responsibility regarding migrant housing conditions.

For a number of years, the League supported the establishment of a uniform building code for one and two family dwellings and statewide standards and inspections of manufactured housing. The uniform code was finally established in 1979.

Other initiatives supported by the League are the Housing and Rehabilitation and Conservation program, which made deferred payment and low cost loans available for rehabilitation of deteriorating housing; creation of a Migrant Labor Council to regulate employment and housing; group homes, supported under

*Administration of Justice and Social Policy* positions.

The League supported the 1982 omnibus housing bill which created the state Council on Housing charged with developing a state housing plan and requiring the Wisconsin Housing Finance Authority (WHFA) activities be consistent with the plan. In 1984, WHFA became the Wisconsin Housing and Economic Development Authority (WHEDA). League expressed concern that the emphasis would be switched to economic development rather than housing.

### **Education**

The League believes that every child should have an equal opportunity for a quality education. The League supports Head Start programs and school district integration and believes that busing can be a necessary tool to achieve equal opportunity in education. On the state level, the League has supported compensatory programs for the disadvantaged, equalized educational financing, and assurance that no segments of the student population are excluded from public school systems.

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### **SEX EQUITY**

**Adequate state funds should be provided to eliminate sex bias and stereotyping, with recognition of bias against lesbian, gay, bisexual, transgender and questioning (LGBTQ) individuals, and to provide sufficient nontraditional educational, career and other options for women and men.**

Measures to prohibit discriminatory practices and provide redress at both the K-12 and post-secondary levels were first supported in 1976 when League supported a state statute prohibiting sex discrimination in school sports. In 1983 the law was strengthened by the passage of Sec. 118.13 mandating sex equity in elementary and secondary schools. The same protections in state law were extended to the post-secondary systems in 1990 when the League took the lead in a coalition promoting the bill. The League has continued to work in coalition with other organizations to monitor the enforcement of Sec. 118.13 through the Department of Public Instruction.

In 1976, legislation was introduced to provide an alternative to court-ordered busing for racial integration in the Milwaukee metropolitan area schools and any school attendance area with more than a 30% minority population. The state League, in consultation with the Milwaukee area Leagues, supported the compromise measure (Chapter 220) finally adopted.

In 1984, the Milwaukee School District filed suit against suburban school districts to force a restructuring that would provide greater opportunities for area-wide integration. Local Leagues in the area provided a valuable forum for information.

The League updated its Sex Equity position to address lesbian, gay, bisexual, transgender and questioning (LGBTQ) individuals, at its 2015 Annual Meeting.

(See *Government Financing* for positions and action on school financing, and *Health Care* for related education issues.)

#### **Public Accommodations**

Public accommodations are such things as public transportation, restaurants, swimming pools, etc. League action has been primarily to oppose discrimination in public accommodations on the basis of race.

League supported a new law enacted in 1990 that extends to private non-profit organizations prohibitions against discrimination in providing accommodations or amusements unless the event or service is restricted to members only. Previously such restrictions applied only to commercial enterprises.

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#### **DIVORCE REFORM**

##### **Support of divorce laws which:**

- 1) Prohibit discrimination based on sex in any consideration or decision related to divorce.**
- 2) Provide financial settlement (maintenance payments and/or property division) with just consideration given to:**
  - a. Length of marriage;**
  - b. Contribution of each party to the marriage, including appropriate economic value to each party's**

**contribution in homemaking and child care;**

- c. The earning capacity of each party;**
  - d. The contribution of one party to the other's increased earning power;**
  - e. The terms agreed to regarding child support.**
- 3) Award child custody on the basis of the best welfare of the child(ren), without bias based on gender, gender identity or expression, sexual orientation, race or disability.**
  - 4) Determine child support on the basis of:**
    - a. The financial resources of the child;**
    - b. The financial resources and potential earning capacity of each parent;**
    - c. The physical, emotional and educational needs of the child;**
    - d. The value of custodial services;**
    - e. The preference of the custodial parent to remain in the home.**
  - 5) Remove the necessity of placing "fault" with one of the parties.**
  - 6) Recognized "irretrievable breakdown" as grounds for divorce.**

##### **Support for legal and economic protection for men and women in divorce cases is included in this position.**

The 1976 state League Council voted to modify support for equal rights for women to include the area of divorce reform. In the 1977-79 legislative session one of the most significant achievements was the passage of divorce reform legislation. The measure, sometimes referred to as a "no fault divorce bill," established irretrievable breakdown as the sole ground for divorce. The law also specified criteria that the court must take into account when making judgments regarding support, child custody, maintenance payments, and property division.

Major initiatives were pursued in 1983-85 in both child custody and child support. The League supported the concept of shared custody as an effective means of maintaining the parental bond after divorce, but questioned many provisions of the unsuccessful 1983 legislation. The Child Support Initiative would have provided for automatic wage withholding, a percentage standard of set support and a state

supplement if parental resources are inadequate to meet a prescribed support level. The thrust of the pilot is to provide incentives for parents to work, which the income maintenance program does not do. The initiative was supported by the League. The standards of child support and the wage withholding provisions were adopted. The wage supplement provision was never adopted.

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## **MARITAL PROPERTY REFORM**

### **Support of legislation to insure that:**

- **Economic value is placed on the work of both spouses regardless of earned income;**
- **The tax structure is equitable to both spouses;**
- **Legally, marriage is considered an economic partnership that establishes rights and obligations;**
- **Marriage is an option for both heterosexual and same-sex couples.**

### **Specifically:**

**All property and assets brought to the marriage and property or assets acquired through gift or inheritance during the marriage remains the separate property of the spouses who received them.**

**All profits (fruits) from property or assets brought to the marriage or from property or assets acquired by gift or inheritance during the marriage shall be shared property.**

**All earned income received by either spouse during the marriage shall be shared property. During the marriage all earned income of either spouse shall belong equally to both and both spouses shall have equal rights to manage and control earnings.**

**Spouses shall be entitled to one-half of all property acquired during the marriage other than gifts and inheritances. Written agreements entered into by both partners regarding property ownership shall be recognized by the state.**

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With the accomplishment of divorce reform, the League realized that marital property laws are often unfair in their assumptions, and following study, the resulting position was adopted in

1979. The LWVWI supported major reform legislation which was introduced that same year.

After an enormous education and lobbying effort orchestrated by the League and the newly formed Wisconsin Women's Network (WWN), the Marital Property Reform Act became effective on January 1, 1986. In each successive legislative session, League worked with Legislative Council Committees to deal with technical problems while maintaining the basic purpose of the law and supported several trailer bills solving those problems.

The League updated its Marital Property Reform position at its 2015 Annual Meeting.

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