

**Testimony: HB 4076, Age Discrimination Task Force
House Business and Labor Committee, February 3, 2020**

I am Dr. Jim Davis, representing the Oregon State Council of Retired Citizens and United Seniors of Oregon, state affiliates of the National Council on Aging, and the Oregon Consumer League, state affiliate of the Confederation of America. We are founding members of the new coalition, Stop Age and Disability Discrimination in Employment, which is looking at discrimination faced by both older workers and workers with disabilities.

We strongly support the formation of a state task force on age discrimination in employment, but feel that the task force outlined in HB 4076 does not adequately represent nor involve advocates and consumers. Advocates strongly pushed for there to be at least two statewide senior organizations on the Task Force, but it fell on deaf ears and, as written, AARP will be the only statewide senior group allowed at the table and our groups and allies, representing grassroots senior and consumer advocates, are kept out of the proposed task force, even though we had supposedly been equal partners in this effort from the beginning.

We were puzzled when we were not included in the initial Speaker meetings on age discrimination in employment after the last session and then were left off the table in the formation of the Task Force legislation. Grassroots advocates, particularly our groups, have been working on the issue of age discrimination in employment for many decades. We have done extensive research and met many times with experts and state officials. We fashioned many legislative concepts and were actively involved in the development of HB 2818 with our advocate leaders and consumer attorneys. We tirelessly lobbied and testified for HB 2818 before this committee. We met with many of you here today. Grassroots advocates have earned the right to be at the table and plan to continue to be a very strong voice in whatever configuration ultimately exists.

When we are at a meeting on this issue in November, the Speaker's Office seemed amenable to adding an additional consumer/senior rep if an additional business rep was added. Although we do believe there is already

adequate business representation in the bill, we would have no problem with an additional business representative.

We are suggesting an **amendment to HB 4076 that would add an additional statewide senior/older worker representative and would add a business representative from small business.** We hope to have this amendment forwarded to Legislative Counsel as soon as possible.

The work of the Task Force will be important in recommending potential legislative options for the 2021 Legislative Session and needs a balanced representation and a strong consumer/advocates perspective. There is such a blatant problem of age discrimination in employment. Too many work environments foster internal cultures of age and disability bias, where older workers and/or workers with disabilities are considered obsolete or unable to keep pace. They find themselves excluded from key activities/projects, education and career development. Key responsibilities may be removed. There is the on-going threat of lay-off. For decades older workers and workers with disabilities have been pushed out of jobs, only to be replaced with less expensive younger workers.

Once out of work, older workers and workers with disabilities spend a lot more time searching for employment, are requested for fewer interviews, often end up working in different professions and settling for less pay. Middle aged and/or older women face the most bias. Younger applicants without disabilities are far more likely to get a call back for an interview.

Too often, employers don't understand or appreciate that older workers and workers with disabilities can be a great resource, with vast experience, knowledge, wisdom, and stability, as well as high levels of motivation, engagement, and productivity. They instead often buy into the traditional stereotypes of older workers and workers with disabilities being less capable and able. Nothing could be further from the truth.

We urge the House Business and Labor to support HB 4076 with an amendment that adds additional senior/consumer representation.

Stop Age and Disability Discrimination in Employment *(SADDIE)*

Background/Vision

The ***Stop Age and Disability Discrimination in Employment (SADDIE)*** is a coalition of senior, disability and consumer groups who have joined together to fight for needed changes in state employment discrimination and victim compensation statutes to prohibit employers from discriminating against older workers and/or workers with disabilities, addressing the blatant age and disability discrimination that currently exists in both private and public sector workplaces.

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SADDIE is dedicated to advocating the Oregon Legislature to deal more seriously with the critical issue of age and disability discrimination in employment and to avoid giving in to pressures from business interests that are more interested in their financial bottom lines than older workers and workers with disabilities.

Coalition Partners/Founders

Oregon State Council for Retired Citizens (founded in 1969) and United Seniors of Oregon (1979), state affiliates of the National Council on Aging, and the Oregon Consumer League (1968), state affiliate of the Consumer Federation of America, are the founding members of the statewide coalition and are now seeking new coalition partners from the senior, disability and consumer communities.

Legislative Goals of SADDIE

In the **2019 Oregon Legislature**, advocates joined with other advocacy and consumer organizations to support HB 2818, which would have made needed changes in state employment discrimination statutes to prohibit employers from using age-identifying

information against older applicants in the initial job application process or use age-related criteria against older workers such as length of service or higher salary/benefit cost factors, as well as increasing victim compensation for those experiencing age discrimination. But, unfortunately, the House Business and Labor Committee inexplicably killed HB 2818 without a work session, after a successful hearing, positive response from the chair and committee members, and very strong support from within the senior and human services communities. Undeterred, advocates will be preparing new legislation on age and disability discrimination in employment for the **2021 Legislative Session** that adds provision to the state employment discrimination statutes prohibiting age and disability discrimination in hiring and for current workers.

If established by the **2020 Legislature**, we will be closely monitoring and involved in the proceedings of the Age Discrimination Task Force. In the meantime, SADDIE will **be submitting an amendment to HB 4076 that increases consumer/advocate representation on the task force.**

SADDIE supports future legislative efforts to help stop discrimination in employment against seniors and people with disabilities. Potential legislative options include:

- ✓ Support legislation in 2021 that amends ORS 659 to create **stronger language and intent** for unlawful unemployment practices around age and disability discrimination.
- ✓ Support legislation that creates better **hiring and termination audits and targeted data collection** within the Labor Commissioner/Bureau of Labor and Industries to better determine whether companies and/or public agencies are practicing age/disability discrimination.
- ✓ Support **public education and awareness campaigns** around age/disability discrimination in employment, particularly emphasizing the wealth of experience, knowledge and skills of older and disabled workers and debunking long-accepted stereotypes of older and disabled workers.
- ✓ Support mandated **increases in training and education** on age/disability discrimination in state government.
- ✓ Support legislation that allow the Labor Commissioner/BOLI the ability to provide **cease and desist orders while investigating employment issues**, as they can now do with housing and public accommodations.
- ✓ Support a **legislative resolution around age discrimination in employment**, emphasizing support for the Older Workers against Discrimination Act to allow for mixed motive claims under the Age Discrimination in Employment Act, taking the burden of proof off the complainant.

Please join the *Stop Age and Disability Discrimination in Employment (SADDIE)* to stop discrimination in employment against seniors and people with disabilities. For more information, contact Dr. Jim Davis, davisjasr503@gmail.com.