

19589 SW Sonia Lane  
Beaverton, OR 97007  
February 3, 2023

Dear Chairman Holvey and Members of the House & Labor Committee:

As a 78-year-old retiree, active Volunteer of AARP-Oregon, and as a former Administrator in the processing and enforcement of matters related to age and other forms of discrimination, I am writing to you in support of the passage of HB 2800.

As you know, workplace age discrimination is unlawful both under Oregon and federal law. In Oregon, age discrimination is an omnibus law that grants the same protections, legal standards and remedies to all victims of discrimination. In contrast, federal protections are governed separately by Title VII of the Civil Rights Act and Age Discrimination in Employment Act (ADEA). Federal courts have relied on the ADEA's differences from Title VII to take a very narrow view of what constitutes age discrimination compared to other types of discrimination.

We know that in Oregon, more than three in five Oregonians ages 40+ (62%) have seen or experienced age discrimination in the workplace. Also, in 2018, for example, bias and discrimination against older workers cost the U.S. economy an estimated \$850 billion in GDP. Further, low-income, women and BIPOC workers were disproportionately impacted and experienced extended unemployment, involuntary retirement, under-employment and had difficulty in changing jobs because of age discrimination.

In Oregon, we need to fix the State's workplace age discrimination law so all workers are treated fairly based on their qualifications, not their age. It is my view, for the following reasons, that HB 2800 will address and correct shortcomings related to age discrimination in the workplace:

- Restrict the use of characteristics that are common subterfuges for discrimination when used as a proxy for age, such as retirement eligibility, pension status, salary or health care costs.
- Ensure that employers will not require applicants to disclose their age or graduation date prior to completing the initial interview.
- Prohibit the use of age preference language in job advertisement (e.g., "digital native")
- Protect bona fide seniority systems and voluntary early retirement plans
- Remove age restrictions on apprenticeship training and programs to comply with federal law

The above reasons are but a few that upon becoming law, HB 2800 will correct. This Bill will certainly uphold Oregon's commitment to equitable justice while balancing the rights of both the employee and employer. Furthermore, HB 2800 will update the meaning of "age" as applied in Oregon discrimination law, similar to the law against discrimination based on "sex" to include matters related to pregnancy and childbirth, for example.

I urge you to pass HB 2800 thereby assuring that Oregon's law against age discrimination in the workplace will rightly protect and fairly treat workers based on their qualifications, not their age.

Sincerely,

Carlos D. Romo, Ph.D.