

Submitter: Lesley Johnson

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB2800

February 5, 2023

Dear Chair Holvey and Members of the House Business & Labor Committee,

Thank you for the opportunity to submit testimony in support of HB2800. A few years ago, I retired after 43 years teaching elementary grades in Oregon's public schools. I did not wish to continue working after I retired because I found many opportunities for volunteering that used my experience/skills as a planner, organizer, project lead, and creator, and I am fortunate enough to be financially settled in my home of 39 years. However, over the years I have seen or experienced a variety of distressing forms of discrimination; Title 9 came too late for me taking dance in PE in college--male students got the beautiful new gymnasium, and the females got the 100 year-old basement gym with low ceilings and concrete flooring. What in hindsight seems unconscionable, at the time was thought was an acceptable norm.

And now, as part of the 65+ group, I see discrimination in the form of casual or systemic ageism. Perhaps one does not really "see" discrimination until one is part of the target. The fact is, all forms of discrimination are potentially harmful and recognized as a risk factor associated with increased stress, anxiety, depression, and lowered life satisfaction (Ayalon et al., 2019) Age discrimination in the workplace has the added consequence of increased financial burden.

Though workplace age discrimination is unlawful under both Oregon and federal law, the practical effect is that workplace age discrimination claims, unlike every other type of discrimination claim, are very difficult to get before a jury. Stereotypes and prejudices about people as they grow older not being strong, healthy, reliable, tech savvy, open to change, able to learn new skills and more, are difficult to prove, but in fact they manifest as ageist layoff and an imbalanced workforce as victims are not given the chance to be hired on the basis of skills /culled prematurely from the interview pool. Because of general language in existing laws, judges are forced to dismiss cases before trial, even when the same kind of evidence in other kinds of discrimination cases would almost certainly not be subject to dismissal.

By clarifying the definition of age-related discrimination, HB 2800 will provide victims the ability to have their day in court. As it is, victims of age discrimination, turned away by the court system, are left without remedy for the harm/loss they have suffered.

HB 2800: (RREPP)

- Restricts the use of characteristics that are common subterfuges for discrimination when used as a proxy for age, such as retirement eligibility, pension eligibility, salary, or health care costs.
- Removes age restriction on apprenticeship training to comply with federal law.
- Ensures that older workers are given a fair chance during hiring by prohibiting employers from requiring applicants to disclose their age or graduation date prior to completing the initial interview.
- Prohibits the use of age preference language in job advertisements.
- Protects bona fide seniority systems and voluntary early retirement plans.

I urge you all to protect older workers and do what you can to pass HB 2800.

Respectfully,
Lesley Johnson
Salem, Oregon