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Testimony in support of HB 2800

House Committee on Business & Labor

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AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. On behalf of Oregon's more than 500,000 AARP members including those attending the hearing this morning and those who could not be here but submitted testimony, I am pleased to testify in support of HB 2800.

My predecessor at AARP began this effort because we were receiving calls from members who felt that had encountered workplace age discrimination.

When we suggested they contact BOLI or an attorney, they would often report they already had but had been told that although what they were describing seems a clear case of age discrimination, because of court rulings, there was nothing that could be done.

You will hear from some witnesses today about what is happening in the workplace, but I also urge you to review the testimony submitted reflecting personal experiences of Oregonians across this state as well as a broad representation of organizations in support.

The data supports the reality that we have a problem with workplace age discrimination. AARP research shows that 62% of Oregonians 40 and older who are working or looking for work, reported that they had seen or experienced age discrimination in the workplace. And 82% indicate the law should be made stronger.

A 2020 study AARP did in conjunction with the Economist found that in 2018 the U.S. missed out on a potential \$850 billion in GDP because those who are 50+ encountered workplace age discrimination. Older workers are part of solving the workforce shortage but face stereotyping and age-bias. I have submitted for the record, these studies, numerous other reports documenting the reality of workplace age discrimination especially for women, Hispanic, black and lower income workers and the testimony of Cathy Ventrell-Monsees, a legal expert on workplace age discrimination.

I want to emphasize the very real economic, emotional and societal impact of workplace age discrimination. Laid off and unable to find work, many older workers are forced to sign up early for social security, cutting their benefits. Financial strain leads to worse physical and mental health outcomes. AARP data shows that over 50% of those who will experience homelessness and who face eviction in 2023 are older Oregonians.

The problem is real.

As Representative Nathan Sosa explained and you will hear shortly from Matthew Ellis, the age discrimination law, unlike the other parts of our workplace discrimination law, is broken. And we are here to fix it. This legislation is intended to CLARIFY the law and FIX what the courts broke.

HB 2800 will not make the law more complicated or more expensive. The current law leaves both sides short, with no recourse for workers when dealing with bad actors and a lack of definition for employers to know what constitutes age discrimination.

Just like the legislature did when it updated “sex discrimination” law to include “pregnancy” and “child-birth” it is time to update the age discrimination law so everyone knows what it includes.

More than 50 years ago this body put into statute: “It is declared to be the public policy of Oregon that the available workforce should be utilized to the fullest extent possible. To this end, the abilities of an individual, and not any arbitrary standards that discriminate against an individual solely because of age, should be the measure of the individual’s fitness and qualification for employment.” (ORS 659A.009)

Unfortunately, thanks to the courts, we are not upholding Oregon’s vision and values.

I will conclude by quoting testimony submitted by Michael Fieldman, a resident of Roseburg. He writes: “Having a level playing field is not only good for business but for society in general and fits with our American values of fair play and the belief that if you work hard and play by the rules you can succeed.”

On behalf of AARP, we urge you to pass HB 2800. I am pleased to turn to Mr. Ellis who will walk you through the bill.