

Submitter: Robert Bruce

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB2800

Federal law on age discrimination is perfectly clear. Oregon law is not. And for that reason alone, Oregon must fix its law to guarantee the rights of all citizens.

Current Oregon law allows “bad-actor employers” to use a number of proxies for age discrimination practices. Requiring potential employees to disclose age or graduation dates prior to qualifying for serious job consideration is a subtle and not very transparent strategy for casting aside older job applicants. It may be expedient and cost effective for employers to use algorithm-based screening techniques to filter applicants, but those techniques can be blatantly discriminatory, thus diminishing the rights of every citizen to full and fair treatment under the law.

Current Oregon discrimination law is also unfairly adjudicated. Age discrimination cases in Oregon are often dismissed before trial because of technical rulings involving Oregon’s own Bureau of Labor and Industries. The record is clear. Many Oregon attorneys reject the opportunity to file discrimination cases in Oregon because they know the tendencies of our courts to dismiss cases before trial.

According to survey research done by AARP, 3 out of 5 Oregonians, age 40 and above, have witnessed or experienced age discrimination in the workplace. That’s deplorable. We can and must do better for older citizens.

Oregon House Bill 2800 offers a reasonable and effective means to fix our state’s deficient law on age discrimination. I urge its swift passage and adoption as law.