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Testimony of Arthur Towers

OTLA Political Director

In Support of HB 2800

Before the House Committee on Business and Labor

February 6, 2023

Chair Holvey, Vice-Chairs Elmer and Sosa, and members of the committee, thank you for the opportunity to submit testimony in support of HB 2800.

OTLA members are lawyers who fight for underdogs. In this case, the underdogs are workers who face discrimination. Our members report that, because of the lack of clarity of the existing statute, age discrimination is much more difficult to prove in court than other types of discrimination.

The language in Section 2 (Page 1, lines 7-17) addresses the use of proxies for age discrimination. This language will help workers who face these insidious pretexts for terminating older workers. This language also gives employers clear rules of the road for how to avoid discriminating against workers based on age.

The language in Section 3 helps qualified applicants get to the interview stage of the hiring process without having to face biases related to age. This is not a new idea. The legislature passed groundbreaking legislation several sessions ago that provided a similar opportunity for qualified applicants who had a criminal record. This process has not created crises for employers and will not create a problem in this instance either.

Finally, passage of this legislation will encourage older workers to remain or return to the workforce. Many sectors of Oregon's economy are facing worker shortages. The legislature should be enacting laws like these that encourage workers to remain in the workforce or return to work. **We urge a YES vote on HB 2800.**