

February 19, 2025

To: Chair Grayber, Vice-Chairs Elmer and Muñoz, and Members of the House Labor and Workplace Committee

Re: HB 3187 – Relating to workplace age discrimination bill - Support

I write this letter in my capacity as the Legislative Advocate for the American Association of University Women of Oregon. AAUW has been working to advance equity for women, girls and families since 1881.

It is unfortunate that discrimination based on age is so prevalent, particularly for older women ([National Bureau of Economic Research](#)), while at the same time evoking mediocre pushback in both the workplace itself and the enforcement of Oregon law.

We have all heard those who say that Oregon already has an age discrimination statute so why pass another one. This perspective misses the point. Just as statutes regarding gender and race have had to be updated to reflect changing circumstances, such is the case now. I refer, for example, to updating Oregon law in 2018 regarding unlawful discrimination “because of sex” to include pregnancy and childbirth and in 2021, revising “sexual orientation” to include gender identity.¹ In 2021, unlawful racial discrimination based on race was expanded to include “physical characteristics that are historically associated with race,” such as natural hair styles.²

Similarly, it is important to recognize that those who state “we don’t need another age discrimination law” are not disagreeing with the underlying policy. Everyone agrees that discrimination based on age is untenable. We just have to make sure there are tangible consequences for violating this policy.

Oregon’s current law prohibits age discrimination, but courts have construed its language so narrowly that all employers need to do is point to another reason for an action unfavorable to its employees and thereby avoid liability – even if age was a factor in their decision. This loophole is not fair. If it’s age discrimination, employees should be given an opportunity to hold employers accountable.

The evidence shows that it takes older workers longer to find jobs than younger workers. Although counterintuitive and against the evidence, hiring managers have been shown to typically rate older workers as having less experience than workers aged 35 to 44. Negative stereotypes persist of older workers being less adaptable to tech or open to

¹ House Bill 2341 (2019) expanded” discrimination “because of sex” to include pregnancy, childbirth and related medical conditions. House Bill 3041 (2021) added “gender identify” to all statutes that referenced “sexual orientation.”

² House Bill 2935 (2021) expanded the definition of "race" to include "physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles."

innovation. Younger workers continue to be seen as more “application ready.” ([Society for Human Resource Management](#)). Although without evidence to support it, they are also commonly seen as more “impressive in interviews” and a “better fit” for the industry, culture and the “team.” ([Forbes: Employers Value 5 Years of Experience over 25](#))

Even though older workers have demonstrated and continue to demonstrate value at their job by hard work, competence and experience, there is an all too common presumption that it’s time for the older workers to move on and allow someone else to fill the slot. A 2024 study revealed that 90% of U.S. workers over 40 experience ageism in the workplace and nearly half of these workers report earning less than their younger colleagues. ([Resume Now Survey](#))

At the same time that older Oregonians face these challenges, they also have to provide financial support to themselves and their families just as younger Oregonians. If they can do the job, they should be given an opportunity to do it.

For these reasons, on behalf of the American Association of University Women of Oregon, I urge passage of HB 3187. Thank you for the opportunity to discuss this legislation.

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