



Oregon Women's Rights Coalition

HB 3187-A Workplace Age Discrimination-Support

Chair Taylor, Vice-Chair Bonham and members of the Committee

The Oregon Women's Rights Coalition supports HB 3187-A. We believe that age discrimination in the workplace laws need to be updated. This legislation will restore older workers' rights to be treated fairly based on their skills and experience, not their age, that was created by a federal/state conflict created by the US Supreme Court.

The problem is real. It begins with applications and interviews as highlighted in a 2020 report of the U.S. Equal Employment Opportunities Commission.

The largest and most recent field study of age discrimination in hiring was conducted in 2015 and involved over 40,000 applications for over 13,000 jobs in 12 cities across 11 states.^[170] It found evidence of age discrimination against both men and women, with older applicants - those age 64 to 66 years old -- more frequently denied job interviews than middle-age applicants age 49 to 51.^[171] Women, especially older women but also those at middle age, were subjected to more age discrimination than older men.^[172]

This age discrimination has serious consequences for not only the individual, their families but also for their communities and states. For example, in Oregon there are more than 94,100 dual eligibles who are on not only Medicare but Medicaid (the Oregon Health Plan). Their incomes are so low that their Medicare fees are paid by the government. These are individuals over age 65. Again, from the US EEOC report.

The financial and emotional harm of age discrimination on older workers and their families is significant. Once an older worker loses a job, she will likely endure the longest period of unemployment compared to other age groups and will likely take a significant pay cut if she becomes re-employed.^[188] The loss of a job has serious long-term financial consequences as older workers often must draw down their retirement savings while unemployed, and are likely to suffer substantial losses in income if they become re-employed.^[189]

But hiring older, experienced workers can have a positive effect on the workplace. Again, the US EEOC report points out several positive outcomes for workers and employers.

With low unemployment and growing shortages of skilled, qualified workers, hiring older workers can help employers fill what has become known as the "skills gap" -- the lack of trained or experienced workers for higher-skilled jobs. Their employment also furthers economic and social policies that encourage continued work to strengthen personal financial well-being and our economy.^[225]

And it since that report here are the figures from the EEOC:

BY THE NUMBERS*

Between fiscal years 2020-2023, the EEOC:

- Received over **52,000** charges of age discrimination, at least half of which were filed by women.
- Received over **15,000** charges of discrimination based on both sex (Title VII) and age (ADEA) from women workers.

- Recovered over **\$146 million** for female victims of discrimination under the ADEA through its administrative enforcement efforts. (Does not include monetary benefits obtained through litigation.)

* Charging Party sex is not a required data collection field for ADEA charges, therefore, these numbers may be underinclusive.

- **Targeting Discriminatory Hiring Practices**

- In 2023, [pharmaceutical corporation Lilly USA](#) and its parent company Eli Lilly and Company agreed to pay **\$2.4 million** and provide other equitable relief to settle a nationwide age discrimination lawsuit brought by the EEOC. The EEOC sought relief for applicants denied pharmaceutical sales representative positions due to the company's "Early Career" hiring initiative, which included goals designed to add more millennials to its workforce.
- In 2023, the [EEOC resolved an age discrimination suit against iTutorGroup](#), an English-language tutoring provider that programmed its tutor application software to automatically reject female applicants aged 55 or older and male applicants aged 60 or older. EEOC alleged that iTutorGroup rejected more than 200 qualified applicants based in the United States because of their age. The EEOC obtained \$365,000 for applicants automatically rejected due to their age and significant non-monetary relief.
- In 2020, the EEOC [resolved an age discrimination lawsuit against a CBS affiliate](#) in Texas that refused to hire an experienced female TV reporter because of her age, and instead hired a 24-year-old female applicant, a former NFL cheerleader who did not meet the hiring criteria advertised. CBS 11 agreed to pay \$215,000 and provide training on the ADEA.

OWRC urges you to support HB3187-A to eliminate asking age relevant questions prior to the first interview while allowing compliance with state or federal laws which may be applicable. It's good for workers, employers and the communities in which they live and work.

Marcia Kelley

Public Policy Advocate

<https://www.eeoc.gov/reports/state-age-discrimination-and-older-workers-us-50-years-after-age-discrimination-employment>

<https://www.eeoc.gov/older-women-work-intersection-age-and-sex-discrimination>

Email: owrcadvocacy@gmail.com PO Box 957, Clackamas OR 97051