



April 29, 2025

**TO:** Members of the Senate Committee on Labor and Business

**FR:** Paloma Sparks, Oregon Business & Industry

**RE:** HB 3187 – Expanding Age Discrimination Laws

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Chair Taylor, members of the Senate Committee on Labor and Business. For the record, I am Paloma Sparks, Executive Vice President & General Counsel for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, over 75% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

Oregon has some of the most expansive and layered laws prohibiting discrimination against anyone on the basis of age. ORS 659A, Oregon's antidiscrimination statute has a broad policy statement which states, *"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 ability of an individual, and not any arbitrary standards that discrimination against an individual solely because of age should be the measure of the individual's fitness and qualification for employment."*

Current law prohibits discrimination of any kind on the basis of age for anyone over the age of 18. It is unlawful to do any of the following on the basis of an individual's age:

- Refuse to hire;
- Refuse to employ;
- Bar from employment;
- Discharge from employment;
- Discriminate in compensation;
- Discriminate in terms, conditions or privileges of employment.

Additionally, Oregon's antidiscrimination laws prohibit employers from printing, circulating or causing to be printed or circulated **any statement, advertisement or publication, or to use any form of application for employment to make any inquiry in connection with prospective employment that expresses directly or indirectly any limitation, specification or discrimination as to an individual's age if the individual is 18 years of age or older.** ORS 659A.030(1)(d)

These protections are also the same for all protected classes under Oregon law. Oregon law has additional protections for individuals alleging discrimination as a result of their membership in a protected class through the Workplace Fairness Act and the Equal Pay Act. Both of these laws are far more expansive and protective than other states' laws.

Despite these expansive protections, we have heard from proponents that many employees feel that they are being discriminated against. In particular, today, you have heard that older workers feel that more clarity is needed in the law. Oregon's law is somewhat complicated because it is not a law designed to protect older workers but rather is a prohibition on discrimination on the basis of any age over the age of 18 – so it protects younger workers as equally as it protects older workers.

While OBI opposed HB 3187 as introduced, we are neutral on the current version of the bill. HB 3187A ensures that employers are not requiring job applicants to disclose their age or graduation date on job applications. Further, employers would be prevented from asking for that information prior to an interview or if no interview is conducted, before a job offer. We are thankful that the bill provides exceptions when age is an essential job qualification or laws require certain age thresholds. One thing to note, many businesses use national job search databases and HR providers. We are hopeful that BOLI will conduct outreach to those service providers so that they are updating their systems to be in compliance with this law.