

requirement because they were older, it had some interesting ramifications.

Mr. RAVIN. There are several statutes that prohibit discrimination because of age without setting age limits; those are in the minority.

Secretary WIRTZ. California is between 40 and 64, the variety of the other 21 States is pretty complete. I see more here starting at 40 than 45. I think some go to 35 or again to 25 or 21.

Mr. BURTON. In any event, that data appears to be in the green sheet and that will be made available to each member of the subcommittee and counsel for both sides, I presume?

Secretary WIRTZ. Yes. The fact is, as I go over it, all except four or five have lower limits than 45.

(The information referred to follows:)

AGE DISCRIMINATION PROHIBITED UNDER STATE LAWS, JUNE 1967 (TABLE)

U.S. Department of Labor,
Bureau of Labor Standards,
Washington, D.C., Fact Sheet No. 6-C

INTRODUCTION

At the present time 23* jurisdictions have laws that prohibit discrimination in private employment on the basis of age. In addition, a Maryland law makes such discrimination a "harmful" employment practice, but does not prohibit such a practice or establish specific enforcement procedures or set penalties. Over the years other State legislatures have passed resolutions declaring age discrimination to be against public policy, have prohibited such discrimination in public employment, or have taken other action, including making studies of the problem.

The accompanying charts show the major provisions in the 23 laws that actually prohibit certain practices in private employment. As can be seen from the charts, the purpose of these laws is to eliminate such practices as refusing to interview persons over a certain age regardless of their ability; refusing older employees on-the-job opportunities; discharging employees when they reach a certain age; expelling older workers from a union; and refusing to refer older applicants to employment opportunities. For more information, see Bureau of Labor Standards Fact Sheet No. 6-B, "Brief Summary of State Laws Against Discrimination in Employment Because of Age."

This type of legislation has developed rather recently—the laws in all but 3 jurisdictions have been passed within the last 12 years. In general, the laws follow a pattern. Fourteen of them include a prohibition on the basis of age in their fair employment practice acts, which also prohibit racial or religious discrimination in employment. Most of the laws apply to employers, labor unions, and employment agencies. Usually they cover persons between the ages of 40 and 65, although some cover persons in their twenties and thirties. Most of the laws provide for attempts to eliminate discrimination through informal methods of conference, conciliation, and persuasion; and, if such efforts fail, for the issuance of court-enforceable orders requiring that the discriminatory practice be discontinued and affirmative action taken, such as hiring, reinstating, or upgrading the employee. They also require the administrative agency to set up an educational program to foster the employment of older workers.

*Word was received on August 1, 1967, that a first-time age discrimination law was signed by the Governor of Illinois on July 26, 1967. The effective date is not yet known. When an approved law copy is received, a summary of its provisions will be incorporated in a revised issue of this publication.