

Manpower Development and Training Act, the U.S. Department of Labor and the National Council on the Aging have worked in creative ways to help the older workers, yet only 11 percent of the persons now assisted under this act are in the age 45 or older group.

Thus legislation prohibiting discrimination in employment because of age, coupled with action programs to help solve workers' and employers' problems, properly funded and administered, would be the first major breakthrough for this group. This legislation, with provisions for research, educational and information programs and increased facilities for older workers, might well be termed the Older Worker Employment Act of 1967. It would provide a valuable addition to our human resources and manpower development programs.

Our past history has shown that no substantial progress in the fight against prejudice can be expected without legislation to back it up. The potential power of antidiscrimination was cogently illustrated by Harold L. Sheppard in recent testimony before the U.S. Senate Subcommittee on Labor, by a comparison of the experience of Negroes and of older workers following the 1956 shutdown of the Packard plant in Detroit. A study carried out 1 year after the shutdown showed that ex-Packard Negroes were relatively as successful as whites in getting new jobs with Ford, General Motors, or Chrysler. By contrast, cross-tabulation of the proportions who obtained new jobs with the Big Three by age showed the following relationship:

Age of workers:	Percent reemployed
Under 45.....	58
45 to 54.....	30
55 to 64.....	15

Sheppard's explanation of the differential reemployment experience of Negroes and older workers was that Michigan had a fair employment practices law which prohibited job discrimination on the basis of race, while there was no parallel legal prohibition of discrimination because of age.

Our past history has also indicated that for age discrimination legislation to be effective, it must be at the Federal level. While State experience has demonstrated that such legislation, backed up by adequate machinery, can help to break down employment barriers, to date only about half the States have enacted age discrimination statutes. (The Michigan example cited by Sheppard dramatizes this point—while Michigan had a Fair Employment Practices Act in 1956, it did not cover the older worker until 1965.) An NCOA analysis indicated, moreover, that even where legislation exists, the States can seldom provide sufficient staff to carry out its provisions.

A further reason for Federal jurisdiction in this matter is the need for uniformity. State officials may be understandably reluctant to enact and enforce strong discrimination legislation if neighboring States do not also require employers to treat all job applicants equitably. Uniform Federal jurisdiction would also prevent certain burdens on interstate commerce. It is difficult for an employer who operates in many States and whose personnel travel among the States (for example, airlines) to be subjected to diverse and conflicting regulation of hiring practices. At the same time, Federal guidelines, based upon a national study, could be flexible enough to allow for regional and local differences.