

are likely to remain unemployed. In 1965, unemployment for workers under 45 lasted an average of 13.1 weeks. Workers who were over 45, however, remained idle for 19.1 weeks.¹

A number of factors contribute to this situation. Studies show that the older job-seeker is sometimes confronted with employer misconceptions and inaccurate generalizations about his lack of abilities. Other studies indicate that for many displaced older workers, the search for a job is a new and difficult experience and that they are unprepared for personnel interviews, the occasional employment tests, and the competition of the usually better educated younger worker. Additionally, the older worker initially attempts to seek out better paying jobs commensurate with his experience, thereby tending to diminish the job market available to him. He is hesitant to accept retraining in order to meet the economy's changing demands for skills and to augment his work qualifications. It is frequently economically or emotionally difficult for him to relocate to areas having better employment prospects.

THE PENDING LEGISLATION

As pointed out, a problem exists and some method must be found to expand job opportunities for older workers. Treating the major causes of this group's long-term unemployment should be the goal of any proposed solution. Legislation prohibiting age discrimination does not appear to be more than a surface solution to the problem.

Attempts to solve this problem through restrictive legislation have proved no panacea. Presently, 23 states and Puerto Rico have such legislation. In these jurisdictions, the overt indications of discrimination, such as the placing of age limitations in advertisements and in formal requests to employment agencies, have diminished. However, the situation of the older unemployed person has not been shown to have improved in these areas any more than in those jurisdictions not having such laws. Indeed, the largest pockets of long-term unemployed older workers are located in many of the very states in which there are existing laws prohibiting age discrimination in employment. Attached are two charts prepared by the Department of Labor which graphically illustrate this point.²

We suggest that such legislation has not met with success because the age barriers that exist in employment due to employer attitudes stem from misconceptions about ability rather than from ill feelings toward older persons. A 1959 study by the State of California showed that the most commonly cited reason for refusal to hire because of age was the belief that older workers could not maintain production standards. The second most commonly cited reason was an inability of such would-be employees to meet company physical requirements.

These two reasons comprised the refusal to hire in more than four of every ten cases. If true, they would be valid reasons for refusing to hire under this proposed legislation. In such cases age could be a bona fide occupational qualification.

To us, the solution to the very serious problem of employment opportunities for older workers lies not in imposing substantial penalties for violations which depend only on a state of mind, the intention of the party charged. To us, the problem can only be finally solved by an educational and public relations campaign designed to dispel the misconceptions which are the prime cause of the older workers' plight. A voluntary approach can succeed. Substantial progress is already being made.

We believe that the Bureau of Labor Statistics would concede that the situation with respect to the duration of older worker unemployment is improving.

Increased demand for employment has of itself bettered the position of the older unemployed. Greater demand for workers and increased need of employees with more training and skills can only serve to accelerate the rate of improvement.

We contend that statutory restrictions of both a civil and criminal nature are not necessary because a voluntary program will work and will work better.

¹ *Labor Force and Employment in 1965*, Special Labor Force Report No. 69, published by the U.S. Department of Labor, Table G-2.

² The first chart, marked Exhibit A, shows the major areas of concentration of older long-term unemployed. The second chart, marked Exhibit B, shows those jurisdictions having antidiscrimination laws. Exhibit B was prepared in 1965; three States, Maine, Maryland and Montana, also have age discrimination laws.