

that this legislation must be passed to at least educate if we can, through research and findings of fact that this is not true.

I don't believe it is true.

Mr. PESTILLO. I agree with you.

Mr. DENT. You can go to the floor and see some of the most able men over there are some of the older men.

This is a physical job, it is not just a sit-down-and-vote job, it has a great deal of physical effort in it.

Mr. PESTILLO. It is a selling job which must be done.

Mr. DENT. I am pleased the chamber has not taken a more stubborn position—that is one of the words we use with the chamber's position too often. It does not appear, at least from your testimony and going through your prepared statement, that the objection is one other than that of trying to meet surmountable objections such as maybe some degree of relief to an employer who, by hiring an older person, adds cost to his product line through increased costs of pension and health and welfare plans.

I am sure the committee will take your proposals under consideration. We may have to have a return visit by either yourself or whoever the chamber may send to the committee as we get into the problems, especially since the Senate seems to have considered your proposal a valid proposition and the subcommittee has accepted the plan.

What would you say if the committee reduced the age to 40 or eliminated age altogether in specific arbitrary limitations?

Mr. PESTILLO. Maybe the study will show the problem is there, if discrimination exists from 40 to 45 it is difficult to argue against taking it to 40.

Removing the barrier altogether gets you into the converse of the problem and the difficult thing of discrimination because of youth, a person being denied a job because of lack of age. Without a limit he could make a valid objection.

Mr. DENT. There are those who have proposed to the committee that we just pass legislation against discrimination on the age without stating an arbitrary limitation of applicability.

Of course, the Secretary has to have some discretionary powers, if on investigation by the Secretary it is found an ironworker ought not to be in certain phases of building and construction at age 45 and the records show that is a fact and not just a fantasy, then the Secretary could rule that particular job would properly be one where age is a bona fide occupational qualification.

Mr. PESTILLO. We always have the issue of the bona fide occupational qualification. I don't know where the problem lies beyond that. I think the committee ought to fix age limits and find where the problem is existing in a material way.

Mr. DENT. We look for some opposition from, for instance, retail establishments, we look for opposition from restaurants.

Mr. PESTILLO. Retailers and restaurants are probably the major employers of old workers.

Mr. DENT. They are pretty much opposed to this legislation when it deals with certain types of occupations in the restaurant business, waitresses, for instance.

They are about as disturbed as the disturbance over airline hostesses. The funny thing is it is not a universal practice, many restaurants