

The crucial point is the ability to apply for the job. If an older woman wants to apply for a Bunny job there should be counseling and not enforcement of that law. But as long as you keep the crucial criterion the ability to do the job, I think you have solved a great deal of the problem.

Mr. ERLBORN. In most laws we have found some flexibility to get around these problems. In my State of Illinois when we debated the passing of the Fair Employment Practices Act, one of the examples used was the inapplicability of such laws to employment in a Chinese restaurant. Pretty generally you like Chinese waiters in Chinese restaurants. I don't believe there has been any great problem, so I believe there are ways to solve these problems.

Dr. SHEPPARD. There is a rule of reason, I hope. That reminds me of a joke about a Japanese waiter in a Jewish restaurant. I think there are always problems of administration and again it comes down to Congress watchdogging the administration of the laws and having a complaint procedure that can bring to the attention of others violations of the law. Laws don't enforce themselves, that is true.

Mr. DENT. When we had the hearings and I handled the legislation one witness made the observation that the only difference between a Chinese waitress and our waitresses in a Chinese restaurant was a kimono. You can't tell the difference sometimes because there are no lights.

Mr. Hawkins?

Mr. HAWKINS. I would like to say I have had the opportunity of reading many of the reports of the Upjohn Institute. I would like to recommend those reports. I have always found them to be most helpful and certainly your statement this morning I think reflects the quality of the work that goes into these reports.

I have a couple of questions I would like to ask. You have emphasized the fact that the MDTA is not training enough enrollees, not having enough enrollees from the older group. Why do you think this is so, that they are not training the older worker?

Dr. SHEPPARD. There are three general categories, I would say. One is at the screening station itself. Let us say in the employment service office, there is, I believe, a pattern of discrimination against older workers. How do you prove it or disprove it? There are indirect ways. One of the reasons they might discriminate is that they believe the employer is not going to hire them anyway; so, why go through the trouble of getting them trained and then not have them employed? That is the second category—employer discrimination.

The third reason is that older workers are sometimes reluctant to apply because they do not believe, many of them—I don't want to create another stereotype—but a higher percentage of the older unemployed workers compared to younger unemployed workers believe they cannot be trained for new skills.

Two solutions for the third problem come to my mind. One, they have to be counseled about changing the image they have of themselves. Not every counselor is qualified to do that. Second, we need to develop new techniques for training older workers. They learn under different situations and different techniques and I must say to the credit of the Department of Labor they are now financing one experiment in New Haven where they are taking older hard-core un-