

The American Retail Federation has supported, and will continue to support equal employment opportunity for all persons, and reasonable and practicable measures to achieve that end.

Before addressing ourselves to the specific age discrimination legislation under consideration, I would like to briefly review retailing's record in the areas of equal employment opportunity both prior to and subsequent to passage of the Civil Rights Act of 1964.

That record has been a good one. By this I have reference not merely to ideals but to a number of facts. For instance, it is a fact that in the relationships which our federation and our members have enjoyed with governmental agencies which administer antidiscrimination statutes, we have manifested a positive, constructive, and practical approach to fair practices in employment.

Further, it is a fact that in following the practice of actively seeking out the employees without regard to age, retailing has employed a substantial percentage of people 45 years of age or older on a part-time basis. Most importantly, it should be noted that the performance of such employees is generally excellent—in fact, they have a certain stability about them which makes them valued and long-term employees.

The fact that relatively large numbers of older people are employed in our industry is borne out by limited studies available such as "The American Worker—Age Discrimination in Employment," the Secretary of Labor's report to Congress, Research Materials, June 1965, (p. 53). This report shows occupations which are poor performers—that is, in which 10 percent or less of the men's jobs in 1960 were filled by men 55 years old or older; the study further indicates those occupations wherein the proportion was 30 percent or more in 1960. Retailing is in the latter category, showing a performance figure of 30 percent.

Changes in retail employment patterns have occurred since the industry was covered by the Fair Labor Standards Act of 1961, particularly in the increased employment of women on a part-time basis. Nevertheless, I am confident that there has been no change in the age level of the employee.

So let the record speak for itself. This is what we mean when we now say that we do not believe that a Federal legal remedy is necessarily required for retailing in the sense that it will correct discriminatory injustices. However, as an expression of the public interest, the federation agrees with Secretary Wirtz when he transmitted to Congress his above-mentioned 1965 report which states, in part, that for American industry in general:

A clear-cut and implemented Federal policy against arbitrary discrimination in employment on the basis of age would provide a foundation for a much needed vigorous, nationwide campaign to promote hiring on the basis of ability rather than age.

Before discussing our suggestions in detail, let me briefly comment upon H.R. 3651. It has much to commend it—for instance, the comprehensive scope of section 3: Education and Research Program. This section clearly enunciates, in the Secretary's own words which I quoted earlier:

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We also find merit in the exemptions contained in section 4(f) (1), (2), and (3), which, succinctly stated, permit an employer to con-