

C. EMPLOYER ATTITUDES AND HIRING PRACTICES

1. Is There Age Discrimination?

"Employers are in business to make money. Some of them feel that they make more money from younger workers. Even employers who are receptive to hiring older workers don't want to get all of their employees in one age group." This comment reflects a general feeling by local office staff that employers are more concerned with production than with the problems of the aging. As one interviewer expressed it, resistance to hiring older workers is "like the minority problem--it's below the surface. It doesn't show, but you know it's there."

Most employers are aware of the anti-age discrimination law (Sections 2070-2078 of the California Unemployment Insurance Code). Consequently, few age-discriminatory orders are being received statewide. Occasionally, a small employer or one who wishes to hire a domestic will attempt to place an age limit on the order, but interviewers say they can easily be persuaded to remove it. However, local offices report that some employers do not place an order and terminate the conversation when the ban on age limits is mentioned.

Local office placement staff feel strongly that age limitations in employer and private agency advertising, now permissible under the law, (i.e., "Typist-Age 18-50"), obviate efforts to obtain relaxation of age requirements on job orders placed with the local office. Many interviewers said, in effect: "If the employer can recruit the age groups he wants through advertising, why should he give his job order to the Employment Service, which is bound by the age discrimination law in its advertising and placement practices?"

The language in Section 2072 concerning "bona fide" pension plans has caused problems of interpretation. Local office staff would like to see it eliminated. They would also like to see the present law strengthened by specific measures for enforcement of anti-age discrimination provisions in the California Unemployment Insurance Code, including methods of processing complaints, an appeals procedure, and a compliance or mediation service. The present lack of adequate enforcement provisions makes it almost impossible to determine the nature or volume of complaints, since few are filed and local authorities maintain no records on the subject.

Although local office staff in general made few suggestions about how enforcement provisions should be administered, the Department of Employment has previously recommended that a compliance service should be established for this purpose within the Fair Employment Practices Commission.^{6/}