

To rephrase our problem in simple terms so that we may hammer upon it more intelligibly, we are dealing with clearly discernible economic discrimination against those among us who have the good fortune to live beyond that so often saluted annual point in life's unfoldment when we keep telling ourselves life is supposed to begin. And, since this discrimination occurs without respect to race, religion, or the country of origin involved, we should be able to analyze it and to seek ways and means of resolving it dispassionately.

Legislatively, we have done relatively little to combat employment discrimination because of age. The Legislature, it is true, did take a bold step in the right direction - but only a step - when in 1961 it passed Assembly Speaker Jesse M. Unruh's "Employment for Older Worker's Act", now codified as Chapter 9.5 of the Unemployment Insurance Code, making it unlawful for employers of six or more persons to discriminate, solely on the basis of age, in hiring, firing, or promoting persons between the ages of 40 and 64.

That was it. We took a step and then sat down to contemplate our temerity, and there, except for my 1963 resolution to conduct these studies preparatory to more effective measures, legislative and otherwise, we still sit. I should note, of course, that programs are being conducted by various administrative agencies of government, particularly the Department of Employment - commendable programs - giving invaluable service to older workers and their employers. Commendable efforts, too, have been and are being made by union labor and employer contracts which seek to retain senior citizens in employment by protecting seniority rights.

This latter program, as helpful as it may be, is only a finger-in-the-dike measure in that less than 50 per cent of our older workers are covered by either union contracts or the equivalent protection of civil service rules. It is limited in its effectiveness, also, to retaining the already employed beyond the age of no return. It does nothing for those seeking initial or re-employment. No. Much more needs, and must yet be done in the interest of fair play to all our people.

An examination of the reasons offered by potential employers for their reluctance to hire older citizens, while indicating some islands of fact, also discloses a sea of myth. Older workers in general, they say, are physically incapable of performing as efficiently on the job as those in the younger age brackets. Making due allowance for specific, isolated functions which make primary demands upon physical strength rather than skill, coordination and know-how, this just is not so, and many studies are on the books to prove it not so. "There is always a greater risk of either industrial or nonindustrial disability on the part of older workers", the employer is prone to say. Statistics say otherwise - and I do not mean deliberately manipulated statistics when I say this.

In terms of nonindustrial disability, the older worker has fewer "short-term" disabilities than the average citizen. This is particularly true in the case of women workers. It is true, of course, that the older worker, by the very nature of things, is more liable to long-term or