

3651, which you now have before you for consideration in this subcommittee.

In light of the fact that the Senate Labor Subcommittee has already completed hearings on this subject, and its bill is now before the full Senate Labor Committee for approval, your decision to go forward at this time gives real cause for confidence that legislation to prohibit age discrimination in employment can and will be enacted at an early date.

I have summarized on the next few pages of this statement some of the basic economic data which we believe warrant and justify, and, indeed, indicate the imperative need for, this legislation. I won't read this to the committee but I do ask the committee members to pay close attention to it.

We have also summarized in our statement some of the actions taken by the AFL-CIO, the administration and the various States to deal with this problem of age discrimination in employment. The data which we have provided here, we believe, provide a very strong basis of support for this legislation. They demonstrate that the recognition of the need for this legislation is significant and widespread.

We have seen legislation passed in the last few years to prohibit discrimination in employment based on color and sex. It is now time to take the further step of outlawing discrimination because of age as well.

At this point, I should like to discuss some of the specific provisions of the age discrimination bills you and your subcommittee have before you. They have the objective of making it unlawful for employers, employment agencies, or unions to engage in certain specified employment practices which have the effect of discriminating against employees or applicants for employment because of age. They impose responsibility for administering and enforcing the legislation on the Secretary of Labor, with authority to delegate his functions in such manner "as he deems necessary to assist him in performance of his functions under this act." In general, we believe, the legislation is well designed to carry out its objective.

Among other things, Mr. Chairman, the bills prohibit employment practices based on age engaged in by labor unions, as well as by employers and employment agencies. The labor movement, through its international and local unions, has consistently been in the forefront of efforts to deal with the problems of older workers. In collective bargaining agreements we have endeavored to deal with some of the problems of age discrimination in employment, and in convention resolutions we have called attention to the need for legislation, at both the State and Federal levels, to prevent such discrimination.

It is important to make clear, we believe, that employers who are paying wage rate differentials to older workers in violation of the bills shall not, in order to comply with the legislation, be permitted to reduce the wage rate of any employee. The Equal Pay Act of 1963 contained such a provision, and we believe it would be appropriate and necessary that such a provision be included in this legislation.

We see no good reason, Mr. Chairman, for the provisions that exempt small firms employing fewer than a specified number of employees. Such provisions have the effect, of course, of leaving large numbers of employees outside the protection of the legislation and fly in the face