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

I should like now, Mr. Chairman to discuss some of the provisions of the age discrimination bills which you and your subcommittee have before you. These bills 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 the 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 of facts that make clear that the older worker in the small plant or business has just as much, and maybe more, need of protection as the older worker in the large plant or business. We are long past the day, it seems to us, if, indeed, there ever was such a day, when it could justifiably be argued that it may be all right to require a large employer to observe fair employment practices or labor standards, but all wrong to require his small competitor to do so.

We likewise do not see any reason why the legislaion should, as is provided in section 4(f) (2) of the bills, permit involuntary retirement of employees under 65. We do not believe that the safeguard which this provision purports to contain restricting this possibility to cases where it is done "under a retirement policy or system where such policy or system is not merely a subterfuge to evade the purposes of this Act", is adequate to prevent serious abuse. In this connection, it should be observed that there is no age cut-off in this provision. Involuntary retirement could be forced, regardless of the age of the employee, subject only to the limitation that the retirement policy or system in effect may not be merely a subterfuge to evade the Act.

On the other hand, section 4(f) might well be strengthened in another respect. There is nothing in this section now which protects the operation of *bona fide* non-discriminatory seniority systems. We urge that this section be amended to protect such systems.

The enforcement provisions contained in section 7 of the bills are a mixture, based in various parts on the Civil Rights Act of 1964, the National Labor Relations Act and the Fair Labor Standards Act. We believe that it would be preferable to utilize the enforcement machinery of one of these Acts rather than to establish still another enforcement system. The staff and experience of the agency administering that Act would be of benefit to those charged with the responsibility of enforcing the prohibitions against age discrimination in employment.

When Congress passed the Equal Pay Act in 1963, it decided to utilize the staff and expertise of the Wage and Hour Division in the U.S. Department of Labor to administer and enforce that Act. As far as we have been able to determine, this approach to the problem of enforcing the Act's prohibition against discriminaiton in wage payments based on sex has worked well.

We suggest that the Subcommittee should give serious consideration to simply utilizing the enforcement machinery and procedures of the Wage and