

Hour Division to enforce the proscriptions against discriminatory employment practices based on age which are contained in the bill.

Finally, the bills provide in section 13 that their application is limited to individuals who are between the ages of 45 and 65. There is a proviso added to this section which gives the Secretary of Labor authority by rule or regulation to "provide for appropriate adjustments, either upward or downward, in the maximum and minimum age limits provided in this section."

This Subcommittee is aware, I feel sure, of the practice of some airline companies which refuse to permit stewardesses to work as such beyond the ages of 35 in some cases and 32 in others. You will be hearing after me testimony from spokesmen for the Transport Workers Union of America, AFL-CIO, on this subject. I want to make it clear we are in sympathy with their views on the need for relief for their members from the present discriminatory age limits with respect to their employment as stewardesses which the airlines are imposing on them.

It seems to us that the proviso which is included in section 13 is hardly adequate to provide the protection which they need. We believe that there is a substantial question whether the proviso permitting "appropriate adjustments, either upward or downward" can be stretched far enough to include workers 35 or 32 years of age under the protection of the bill. Indeed, we see no real basis for either upper or lower age limits in the bill, and we suggest, therefore, that section 13 be eliminated.

III

Before I conclude, Mr. Chairman, I should like to say a word about the provisions H.R. 4221 and H.R. 3651 which call upon the Secretary of Labor to undertake studies and provide information "concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy."

The Secretary would also be directed to carry on a "continuing program" of education and information designed to (a) reduce barriers to the employment of older persons, (b) publish and otherwise make available findings and materials for the promotion of employment of older workers, (c) foster the development of public and private facilities for expanding the opportunities and potentials of older persons, and (d) sponsor and assist State and community informational and educational programs. Since one of the biggest needs in eliminating age discrimination in employment is getting rid of attitudes about older workers which are not substantiated by the facts and making employers and other persons understand the productive capabilities of older workers, these provisions are of great importance in aiding and supplementing the substantive provisions of the bills. We are glad to see them in the bills, and we trust the Congress will approve them and will back up the legislation with the necessary funds to make it truly effective.

In conclusion, Mr. Chairman, I would like to say only that it is our hope that the Congress will act speedily to put legislation along the lines of H.R. 4221 and H.R. 3651, with the changes we have suggested, on the statute books. The need for it is great and, so far as I am aware, virtually unchallenged. The problem which the legislation is designed to meet, far from getting less important, only grows larger, as time goes on. Early passage of the legislation can make a substantial contribution to achieving a better life for all Americans.

IV

Thank you, Mr. Chairman, for this opportunity to present to you and to the members of this Subcommittee the views of the AFL-CIO on this important legislation.

Mr. DENT. I just want to make this observation on your testimony, you have touched on the three critical situations in the entire field of age legislation:

No. 1, the question of whether or not the size of the employment agency, or the employer, should be a criterion. It develops many times we pass legislation using a false benchmark, as we have for so many years in the fair labor standards law. This chairman has tried to wipe out so-called commerce clauses and other restrictions on Congress.