

REVIEW OF THE PROBLEM

Our work in this field convinces us that the long-term, permanent solution to this problem can best be attained through further education, rather than through legislation, especially at the federal level. Excellent progress is being made by the voluntary route. Many firms have dropped bans on hiring older people. They have learned to place high value on older men and women, particularly so in this labor-short period. Educational programs are the most important and effective way to increase the employment of older workers, according to those state officials who are responsible for the administration of state age discrimination laws.

Twenty-three states and Puerto Rico have already adopted laws prohibiting age discrimination. All but three of these laws have been passed since 1955, most of them since 1960. This legislation exists in the major industrial states and covers more than half of the nation's industrial workers. Additional state legislation is probable. It would seem neither wise nor necessary to pass a federal law on this subject at a time when the states are taking affirmative action to resolve this problem at the state level.

We do not suggest that all problems pertaining to older workers have been solved. Mergers, shutdowns, moves to new locations, expansion, automation, elimination of unneeded jobs—these are frequent occurrences in the business world, with important consequences for all employees regardless of age. The result may be the unemployment of older people. This does not mean, however, that a federal law will solve the problem any more than age discrimination laws have completely eliminated the problem in those states which have such laws.

Programs to train, retrain, and upgrade the skills of the older worker should be intensified to qualify him for available job openings. In today's market, many jobs go unfilled because of the lack of qualified applicants of *any age*. Education and training of the older worker are essential to a solution of the problem. Job-matching techniques and job-vacancy inventories, together with better coordination with training programs, will prove much more constructive in filling vacant jobs than the approach proposed in the pending bills.

Secretary of Labor Wirtz recognized a fundamental truth when he said:

"A strong and viable economy is the most important single factor improving employment prospects for middle-aged and older workers who lose their jobs. The more vigorous the economy—the higher the level of activity and the more rapid the rate of growth—the better the employment opportunities for workers of all ages."²

It is often easy, when attempting to solve a problem of this kind, to forget conflicting, competing considerations which represent equally desirable objectives in the total economy. The United States is faced with the need to absorb more than a million young workers into the labor force each year. From 1960 to 1965, the labor force grew by five and a half million workers, most of whom were young people just entering the labor market. From 1965 to 1970, the growth will be almost two million new workers per year.

Massive efforts have been launched of late to assimilate young people into the labor force. Yet to the extent that available jobs go to older workers, solving the problem of new entrants into the job market becomes more difficult. Our national programs can work at cross purposes with one another.

In fact, there is a growing body of opinion that discrimination is unfair at any age—that any legislation attempting to deal with the problem of age discrimination in employment should outlaw all age discrimination rather than attempt to provide protection for specific age groups.

Nor should we overlook the tremendous—and relatively unrecognized—contribution toward stability of the work force represented by industry's policy of promoting from within. Few people will argue with the desirability of this basic business practice. Yet such a practice relies to a considerable extent upon hiring workers at relatively young ages and training them within the company for ever-increasing levels of responsibility over the years.

In our free competitive system, especially now when there are critical labor shortages in many parts of the country, employers recognize the importance of hiring older workers with skills and valuable experience. The law of the marketplace is inexorable in employment practices as well as in other things. Our growing economy is an enormously complex mechanism. Placing an additional legislative restriction on employment practices, no matter how desirable

² *The Older American Worker*, Report of the Secretary of Labor to the Congress under Section 715 of the Civil Rights Act of 1964, Page 67 (June 1965).