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U.S. Equal Employment Opportunity Commission**NEWS****FOR IMMEDIATE RELEASE**
Tuesday, June 18, 1996**CONTACT: Claire Gonzales**
Reginald Welch
(202) 663-4900
TDD: (202) 663-4494**COMMISSION TO HEAR PANEL DISCUSS AGE DISCRIMINATION
AND WORKPLACE ISSUES AFFECTING OLDER AMERICANS
AT NEXT MEETING**

WASHINGTON — In the fifth of a series of Commission meetings focusing on specific types of unlawful employment discrimination, the U.S. Equal Employment Opportunity Commission (EEOC) will hear presentations by invited experts on employment bias against older Americans. EEOC enforces the Age Discrimination in Employment Act (ADEA) which prohibits employment discrimination against persons 40 years of age or older.

The meeting will be held on Thursday, June 20, at 2 p.m. in the Clarence M. Mitchell, Jr. Conference Room (9th floor), 1801 L Street, N.W. The public is urged to attend the meeting to hear the following speakers make presentations on the topic of employment discrimination based on age and its impact on the U.S. workforce:

- Lucrulia M. Paschall, member of the National Legislative Council, American Association of Retired Persons (AARP)
- Burton D. Fritz, Executive Director, National Senior Citizens Law Center
- Dr. Maria Sotomayer, President and Chief Executive Officer, National Hispanic Council on Aging
- Samuel J. Simmons, President and Chief Executive Officer, National Caucus and Center on Black Aged, Inc.
- Robert Blancato, partner of the Washington, D.C., government and public relations firm Marx, Shea, and Blancato, and Executive Director of the 1995 White House Conference on Aging

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CCITT ECM:# 3**AGE DISCRIMINATION MEETING - PAGE TWO**

In fiscal year 1995, age discrimination charges filed with EEOC under the ADEA totaled 17,401, which accounted for 20% of all agency charge receipts. This ranks age discrimination charges as the fourth highest among all types of charges filed under EEOC-enforced statutes. They are preceded by charges alleging race (34.3%), sex (29.9%), and disability (22.6%).

In March 1995, Chairman Casillas announced his intent to hold a series of special Commission meetings examining the specific bases of discrimination for which the EEOC has statutory responsibility. Previous meetings focused on national origin and race-based discrimination under Title VII of the Civil Rights Act of 1964, wage-based discrimination under the Equal Pay Act, and disability-based discrimination under the Americans with Disabilities Act. Other types of discrimination to be addressed at future meetings include gender and religion.

In addition to enforcing the ADEA, which prohibits employment discrimination against persons 40 years of age or older, EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Equal Pay Act; the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991.

NOTE TO MEDIA: The Commission agenda is subject to revision. You may call (202) 663-7100 (voice) or (202) 663-4074 (TDD) on June 20 to confirm the above schedule.

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COMMISSIONER PAUL STEVEN MILLER
OPENING STATEMENT
PANEL DISCUSSION ON AGE DISCRIMINATION AND WORKPLACE ISSUES
AFFECTING OLDER AMERICANS
JUNE 20, 1996

I regret that illness prevents me from joining my colleagues in personally welcoming this distinguished panel to the fifth of our meetings focused on specific types of employment discrimination. Our recently approved National Enforcement Plan, as well as the Local Enforcement Plans currently under review, require that the Commission strategically focus its limited enforcement resources to those issues which have the greatest potential to advance our mission. These panels are part of our formal and informal efforts to ensure that our priorities reflect the real needs of the people we serve.

During the course of our previous meetings, I have been struck by the number of instances in which bases of discrimination intersect, for example, discrimination against African American women, or against minority persons with disabilities. It comes as no surprise to anyone that the frequency of disability increases with age. Recent studies have noted the link between disability and aging, and their synergistic impact on continued employment. And more than 22% of the charges filed with the Commission under the Americans with Disabilities Act also include claims of age discrimination under the Age Discrimination in

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Employment Act of 1967. I am particularly interested in your views in this area, and any suggestions that you may have to increase the efficiency and effectiveness of the Commission's services to older Americans.

Last year, President Clinton convened the fourth White House Conference on Aging. In his opening address, the President noted that we now have twice as many older Americans than we had 30 years ago, and in another 30 years, we'll have twice as many again. He reminded us that "people over 55 are younger, healthier, better educated than ever before, and beginning entirely new careers and endeavors in life as they grow older." The goal he stated then rings especially true this afternoon: "to use the accumulated experience and judgment of older Americans to make all of our country stronger in the future."

Thank you again for joining us this afternoon. I look forward to viewing the tape of today's meeting on my return to the office.

**STATEMENT OF CHAIRMAN GILBERT F. CASELLAS
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
COMMISSION MEETING ON AGING ISSUES
JUNE 20, 1996
WASHINGTON, D.C.**

Growing old is not what it used to be. In fact the "twilight years," the "graying of America," all the old euphemisms once used to portray aging in America are fast becoming descriptive dinosaurs.

The Age Discrimination in Employment Act protects those 40 and over, an age that is quite young by today's standards. The first of the 78 million official "babyboomers" who turned 50 on January 1st have been in this protected class for a decade now. And, for the next 10 years an American--President Clinton and House Speaker Gingrich included--will celebrate the mid-century mark every 7.5 seconds.

Members of a group who would have been described as "the stodgy middle aged" a generation ago, can be found playing lead guitar in rock bands, climbing Mt. Everest, and buying their clothes at the GAP--a store whose image is synonymous with the young and the hip. The numbers may designate the babyboomers middle aged, but their mentality and their deeds do not.

Babyboomers are well educated, have money, and most

importantly, they have a strong desire to spend it to maintain their youth. This is reflected on Madison Avenue, Wall Street, and Main Street. That the earning power of babyboomers will top \$1 trillion by the year 2000 is a part of their demographic profile not lost on the mavens of the home improvement and durable goods businesses, on record and movie producers, nor on those who sell sporting goods, and those who create the advertising for all of them.

And just as telling, that venerable periodical of older Americans, AARP's *Modern Maturity*, has been refurbished to appeal to readers with younger attitudes, if not to those of lesser years.

Yet, there seems to be one area where babyboomers have not been as successful insulating themselves from the downsides of aging-- bias in the workplace. While advertisers and manufacturers may tout the older baby boomer, corporate America still puts a premium on youth in its workforce.

A legislative history of the Age Discrimination in Employment Act indicates the original purpose of its enactment in 1967 was to combat long-term unemployment among older workers because of age discrimination in hiring. A look at three very recent high-profile age discrimination cases shows that those on the younger end of this

protected class who are fired from their jobs are more likely to benefit from its application today.

Last week I went to St. Louis to announce an \$18,250,000 settlement in an age, race and disability discrimination case against Monsanto and certain Chevron concerns it acquired. Of the 43 plaintiffs who lost their jobs, 36 sales executives between the ages of 41 and 58 alleged they were let go because they were considered too old.

Also last week, a 49 year old executive, fired by a commercial cargo airline, was awarded \$3.3 million by a federal judge in Massachusetts after a jury found the firm had willfully discriminated against him because of his age. And earlier this month, the U.S. Court of Appeals for the Eighth Circuit approved an award of \$1.2 million under the ADEA to a 53-year old television sportscaster who was fired because of what the judge described as "age-based animus."

While those in or just past the babyboom years may be the targets of age discrimination, they may also be its final arbiters. Would a trial with a jury most likely made up of the "middle-aged" peers of those let go from Chevron have proved too risky for the corporation?

In the scheme of things, age bias may seem to some a bottom

feeder in the food chain of discrimination. However, like all discrimination it affects real people, trying to do real jobs to support themselves and their families. A growing number of America's workforce is sandwiched between their responsibilities for younger children (having had them later) and aging parents (because of longer life expectancies). Most of them are protected by ADEA and most of them need their jobs. And, more than any other form of workplace discrimination, all of us face the possibility of suffering from bias because of our age.

We often describe the experience of two forms of discrimination against one individual as an "intersection." When portraying age bias in hiring and firing, promotions and benefits we can extend that analogy to a "cloverleaf," since it can easily cross the paths of race, gender, religion, ethnicity, and place of origin.

As a hot button issue, age discrimination in employment is eclipsed by Social Security and Medicare on the national aging agenda. However, with the fast-growing number of Americans protected by ADEA, and settlements and court decisions such as those I described earlier, age-related employment discrimination is being moved to a front burner. In fact, the plaintiffs in the Monsanto settlement insisted that

its details remain public, trusting that the size and terms of the consent decree would serve as a warning to other companies.

The agency's work in the area of the ADEA extends beyond charge processing and litigation. In early April we announced the adoption of a new rule ending the longstanding policy exempting apprenticeship programs from coverage under the ADEA. At that time I noted that "This new policy is the logical outcome of a careful assessment of today's more mobile workforce and the changing workplace," and limiting "opportunities for apprenticeship training to younger individuals, was outdated."

And after 5 meetings (a two-day session was held earlier this week), our broadly representative 20-member advisory Committee is still hard at work drafting a proposed rulemaking on the extent to which employees may be asked to waive their right to bring age discrimination claims related to retirement and severance benefits under provisions of the Older Workers Benefits Protection Act.

And while the precedent set by the recent U.S. Supreme Court ruling that Lockheed can require employees to give up ADEA and other legal claims against them in return for early retirement buyouts certainly put a temporary damper on all of the recent progress in the

area of aging and employment, I believe the stage is set for many more good outcomes in connection with issues involving age in the workplace.

I look forward to hearing the views of today's presenters on this important subject. Thank you.