

House Votes to Improve Protections From Age Discrimination

Bipartisan bill would help older workers who face bias

by Kenneth Terrell, [AARP](#), January 15, 2020

A bill that would help older adults fight back against age discrimination on the job moved one step closer to becoming law Wednesday when the House of Representatives passed it with bipartisan support.

The House voted 261-155 in favor of H.R. 1230, the Protecting Older Workers Against Discrimination Act (POWADA). The legislation would restore protections lost in a 2009 U.S. Supreme Court decision that has made it more difficult for people who face age discrimination in the workplace to successfully challenge such bias in court.

"The House has sent a clear message that age discrimination must be treated as seriously as other forms of workplace discrimination," said Nancy LeMond, AARP executive vice president and chief advocacy and engagement officer. "Today's vote is especially heartening for older workers, who make vital contributions to society and to their workplaces, and whose numbers are growing. The law must be strengthened because age discrimination is widespread, yet too often it goes unreported and unaddressed. AARP urges the Senate to take up and pass these important protections."

According to a 2018 AARP survey, 61 percent of older workers said they had either faced or seen age bias in the workplace. As older workers become a larger share of the nation's workforce — 41 million workers will be age 55 or older in 2024, according to Bureau of Labor Statistics projections — issues of age discrimination in employment could also become more prevalent, experts say.

The federal Age Discrimination in Employment Act (ADEA) protects workers age 40 and older from being denied jobs or otherwise disadvantaged because of their age, but the 2009 Supreme Court ruling has forced older workers to prove that their age was a "decisive factor" in an employer's decision to discipline or fire them, a much higher standard than had been required for decades. Until that decision, workers were only required to prove that their age was one factor behind an employer's decision. POWADA would amend the ADEA and restore that earlier standard.

AARP has urged Congress to pass this legislation since the Supreme Court issued its ruling more than 10 years ago.

Reps. Bobby Scott (D-Va.) and Jim Sensenbrenner (R-Wis.) were the lead sponsors of POWADA in the House. The legislative process now moves to the Senate, where bipartisan companion legislation (S. 485) is sponsored by Sens. Chuck Grassley (R-Iowa) and Bob Casey (D-Pa.).