Dear Member of Congress,

The Leadership Council of Aging Organizations (LCAO) is a coalition of 69 national nonprofit organizations concerned with the well-being of America's older population and committed to representing their interests in the policy-making arena.

We are writing to urge you to vote for passage of the Protecting Older Workers Against Discrimination Act (H.R. 1230, S. 485). The Protecting Older Workers Against Discrimination Act (POWADA) is bipartisan and bicameral legislation sponsored in the House by Representatives Bobby Scott (D-VA) and Jim Sensenbrenner (R-WI). In the Senate, the bill is sponsored by Senators Bob Casey (D-PA) and Chuck Grassley (R-IA). The House Education and Labor Committee voted June 11 to approve POWADA.

Age discrimination is pervasive and stubbornly entrenched. Six in 10 older workers have experienced age discrimination and 90% of them say it is common. It is even more pervasive among older women and African American workers--nearly two thirds of women and three-fourths of African Americans say they have seen or experienced workplace discrimination.

Courts have not taken age discrimination as seriously as other forms of discrimination and older workers have fewer protections as a result. Ten years ago, in Gross v. FBL Financial Services Inc., the Supreme Court set a higher standard of proof for age discrimination than previously applied, and much higher than for other forms of discrimination. Since Gross, court decisions have continued to chip away at protections. As a result, plaintiffs now have to prove that age was a determinative, “but-for” cause for their employers’ adverse treatment of them. Before the Gross case, it was enough for plaintiffs to prove that age was one of the motivating factors.

POWADA would restore the standard of proof in age discrimination cases to the pre-2009 level, and treat age discrimination as unjust as other forms of employment discrimination. Moreover, because courts have applied Gross’ higher burden of proof to retaliation charges and to disability discrimination, POWADA would also amend the Age Discrimination in Employment Act, Title VII’s provision on retaliation, the Americans with Disabilities Act, and the Rehabilitation Act of 1973.

Please vote to restore fairness for older workers by passing the Protecting Older Workers Against Discrimination Act (H.R. 1230, S. 485).

Sincerely,

LCAO