



**TESTIMONY OF RUTH FINKELSTEIN AND CHRISTIAN GONZÁLEZ-RIVERA
OF THE BROOKDALE CENTER FOR HEALTHY AGING, HUNTER COLLEGE
BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON AGING AND CIVIL AND HUMAN RIGHTS**

**JOINT OVERSIGHT HEARING
"AGE DISCRIMINATION IN THE WORKFORCE"**

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My name is Ruth Finkelstein and I'm the executive director of the Brookdale Center for Healthy Aging. I am joined by Christian González-Rivera, our Director of Strategic Policy Initiatives. We are a research center that is part of Hunter College. We are changing the future of aging by supporting innovative research and developing policies and practices for New York City that will become models used around the world. Through this work, we strive to create opportunities for everyone to age as well as anyone can.

We are very pleased to have the opportunity to testify in support of the Council's efforts to recognize that work is an essential part of aging well. We also support the Council's acknowledgement that ageism in the workplace is a major threat to the economic security of older New Yorkers. The age to receive full Social Security benefits has been rising for years and currently stands at 70. Yet age discrimination is pushing people out of the workforce in their 50s and 60s. As it is, Social Security does not provide enough to live on in a high-cost place like New York.

The package of bills that council member Margaret Chin and her co-sponsors have introduced is a great contribution to the fight against age discrimination in the workplace. We'd like to take the opportunity now to express our support for some of the bills and to offer some suggestions that we believe will maximize the potential of the rest.

We support Bill Number 1684, which would require the New York City Commission on Human Rights to create a poster informing workers of their rights that would be displayed at city agencies. If enacted, this bill has the potential to raise awareness about age discrimination. This, in turn will help start the important conversations that can lead to greater cultural awareness of the impact of ageism, one workplace at a time.

We also support Bill Number 1685, which would provide age discrimination training to city agencies. As you know, ensuring that older New Yorkers have access to city services begins with ensuring that the public workers entrusted to deliver those services will treat older adults with the dignity and respect they deserve. However, we believe that the bill should be amended to require the Commission to supplement online training resources with opportunities for experiential training. Brookdale has decades of experience in providing such training to front-line workers at the city and state levels. In our professional experience, face-to-face, experiential training is the most effective way to ensure that this training hits home. Of course, experiential training is much more resource-intensive, so we are recommending that face-to-face training supplement, rather than supplant online resources.

Bill Number 1695 would require the Commission on Human Rights to investigate ageism in the workplace. The idea behind this bill is great, in that it rightly underlines that ageism is one of the “-isms” that the Commission should be combatting. However, as currently written, the Commission’s mandate around ageism would be limited to using just one methodology, matched-pair testing, to test for age discrimination in employment. While the commission has successfully used this method to investigate racism, sexism, and other forms of discrimination, in our professional experience, changing technology in the employment space is making this method obsolete as a tool for investigation. Resumes are increasingly being filtered through algorithms that suppress many of them before they ever reach human eyes. This makes it harder to discern at what point in the hiring process the discrimination is happening. For incumbent workers who suspect that they were fired because of their age, proving wrongdoing on the part of the employer requires placing the firing in the context of the employer’s systems and practices around letting people go. Discrimination is discerned by uncovering a pattern of behavior on the part of an employer that systematically disadvantages one group over another, not from a series of anecdotes based on individual cases.

For instance, our own senior fellow Peter Gosselin’s groundbreaking investigative reporting uncovered a complex employee evaluation system at IBM that was unfairly stacked against older employees. The kind of investigation that uncovered that pattern of discrimination could never come from simply doing matched-pair testing. We at Brookdale have extensive knowledge about these methodologies and stand ready to assist your office, Councilmember Chin, if you would like some friendly, accessible technical support on this matter.

The final two bills, Numbers 1693 and 1694 would create an Age Discrimination Task Force and an Office of Older Adult Workforce Development, respectively. While both are good ideas, we believe that these two bills would be most effective if they were combined into a single bill. To ensure that the task force has the incentive to come up with effective, actionable recommendations for combatting age discrimination, it should be explicitly charged with crafting a blueprint for what this Office of Older Adult Workforce Development should do. The task force report can also issue recommendations to the Council, the New York State Bar, and the state workforce development office. But by having its primary mission be to guide the work of the city’s office of older adult workforce development you ensure that the recommendations in the report will connect to a larger purpose, not just be lost in the ether without teeth or a mandate.

There is precedent for this in the work of the Jobs for New Yorkers Task Force convened in 2014, whose report, *Career Pathways: One City Working Together*, became the blueprint for the efforts of the Mayor’s Office for Workforce Development. While not all the aims of that task force have reached fruition, the report was so much more effective because it was hitched to a mayoral level office that assumed a leading role. It would not have been nearly as effective if it had been simply issued by a stand-alone task force without a clear mandate.

We also recommend that instead of calling for the creation of a separate office of older adult workforce development, the bill should instead call for a Center for Working Older New Yorkers that is organized like a public-private partnership, along the lines of the existing Center for Youth Employment (CYE). As the Council knows well, CYE has created important partnerships over the past five years that have transformed the city’s youth workforce development services. They have created partnerships across city agencies, with philanthropy, employers, and also with the Council that have greatly expanded the reach of workforce development services

for youth and young adults. A similar broad-based effort among partners across sectors aimed at helping older New Yorkers join or re-join the workforce has the potential to be transformative.

As one of New York's premier centers of scholarship and thinking around the challenges and opportunities facing older New Yorkers, we at Brookdale offer ourselves as a resource to you as you hone these bills so they can be as effective as possible in the fight against age discrimination.

Thank you again for the opportunity to testify.