



UNITED STATES SENATE SPECIAL COMMITTEE ON

AGING

RANKING MEMBER KIRSTEN GILLIBRAND

September 3rd, 2025

Ranking Member Kirsten Gillibrand's Opening Statement “Protecting Older Americans: Leveling the Playing Field for Older Workers”

Thank you, Chairman Scott, for providing me with the opportunity to discuss this incredibly important topic: age discrimination. Thank you to our witnesses for being here today, and for fighting for the rights of older Americans and their families.

You all know what it can be like to spend a lifetime working hard, building your career, and contributing to our economy. You can imagine how devastating it can be to experience discrimination because of how old you are.

Nobody wants to feel like their contributions don't matter, especially not because of some arbitrary characteristic like age. But far too often older workers are denied employment, passed over for promotions, or even fired because of their age.

According to research conducted by AARP, 64 percent of workers age 50-plus have seen or experienced some form of age discrimination in the

workplace. Of that population, 90 percent believe that age discrimination against older employees is commonplace in the workplace.

In that same report, more than one in five older Americans said that they worried about being pushed out of their job because of their age. This comes as Americans have started working later in life, with workers who are over 75 years old are becoming the fastest growing age group in the workforce, just ask the U.S. Senate.

In a time when the population of older Americans is growing, and many are returning to the workforce, we need to make sure that those who face age discrimination can have their day in court. Victims of age discrimination often can't seek justice or accountability in court because of a forced arbitration clause that they signed when they were hired. Many employees are not even aware that their employment contract contained a forced arbitration clause.

It traps those who experience workplace discrimination in a system that benefits their employer, preventing them from seeking information that could prove their case. Victims are left at the hands of an extrajudicial arbitrator who is often selected by the employer and not always a trained lawyer. It's no surprise that employees are often less likely to win in arbitration than they are in court.

Building on our successful effort to ban forced arbitration in cases of sexual harassment and sexual assault, Senator Lindsey Graham and I introduced the Protecting Older Americans Act, which would invalidate forced arbitration clauses in cases of age discrimination as well. It would also allow those who have experienced age discrimination the option to file their case in court if they choose, even if they previously signed a forced

arbitration clause. It gives them a voice and the ability to seek justice. If employees decide that they would like to pursue arbitration when they have faced age discrimination, they can. The point is that employees will now have this fundamental choice.

The crux of the issue is that despite the fact that workplace age discrimination is categorically illegal, and that Congress has already passed laws to protect older Americans from it, forced arbitration clauses subvert justice. They take away your constitutional right to a jury without you knowing about it. They allow employers to hide illegal conduct behind closed doors, and they shield those who have committed serious misconduct from the public eye.

But now we have an opportunity for broad bipartisanship at a time when many Americans feel Congress is too divided to get things done.

I look forward to hearing from our witnesses today as well as discussing these critical issues.