

S 443

Protecting Older Workers Against Discrimination Act

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Feb 27, 2017

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Feb 27, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/443>

Sponsor

Name: Sen. Casey, Robert P., Jr. [D-PA]

Party: Democratic • **State:** PA • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Collins, Susan M. [R-ME]	R · ME		Feb 27, 2017
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 27, 2017
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 27, 2017

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Feb 27, 2017

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
115 HR 2650	Identical bill	May 25, 2017: Referred to the House Committee on Education and the Workforce.

Protecting Older Workers Against Discrimination Act

This bill amends the Age Discrimination in Employment Act of 1967 to establish an unlawful employment practice when the complaining party demonstrates that age or participation in investigations, proceedings, or litigation under such Act was a motivating factor for any unlawful employment practice, even though other factors also motivated the practice (thereby allowing what are commonly known as "mixed motive" claims).

The bill: (1) permits a complaining party to rely on any type or form of admissible evidence, which need only be sufficient for a reasonable trier of fact to find that an unlawful practice occurred; and (2) declares that a complaining party shall not be required to demonstrate that age or retaliation was the sole cause of the employment practice (thereby rejecting the Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires a complainant to prove that age was the "but-for" cause for the employer's decision).

The bill authorizes a court in a claim in which age discrimination is shown to grant declaratory and injunctive relief, but prohibits a court from awarding damages or issuing an order requiring any admission, reinstatement, hiring, promotion, or payment.

The bill applies the same standard of proof to other employment discrimination and retaliation claims, including claims under the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973.

Actions Timeline

- **Feb 27, 2017:** Introduced in Senate
- **Feb 27, 2017:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.