



Ageism: What it is, How it hurts and What to do About it.

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Definitions:

➤ Ageism

- Prejudice based on a person's age – “Othering”
 - Can be applied to any age, but usually affects older people
 - The last acceptable prejudice – explicit and implicit
 - Prejudice against our own future self
 - Is both cultural and legal

➤ Age Discrimination

- Cannot treat workers aged 40 or older worse than workers younger than 40



Ageism: Pervasive in our Culture

- **In Policy**
 - **Spending on Children is an Investment; Spending on Older People is an Expense**
 - difference is no return on investment from older people
- **In Media and Advertising**
 - **Age enhances men and diminishes women**
 - **Don't look your age; \$16 billion spent on plastic surgery in 2016 in US for Over 11 MILLION Procedures**
- **In Health Care**
 - **Many clinical guidelines developed when people had shorter life expectancy**
 - **Geriatricians are the least paid medical specialty although geriatric population is rapidly growing**



Ageism in our Culture, cont.

- ▶ In everyday communication
 - ▶ “Sweetie, honey”
 - ▶ Louder, slower voice
 - ▶ Talking to the younger person with us about us
 - ▶ In making generalizations
 - ▶ Teenagers are all a bunch of idiots
 - ▶ They are all too old to learn difficult things
 - ▶ Everybody's going to get dementia; it's only a matter of time
 - ▶ **Most damaging:**
 - ▶ **Is what we internalize about ourselves**
 - ▶ **We BELIEVE that our life is losing value and meaning**
 - ▶ **We become our own worst enemy, just as Pogo predicted**
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Supplemental Data: Forms of everyday ageism reported by adults age 50–80





What can we do about it

- **Be Proud of Your Age –**
 - it took a rich full life to get here and the alternative isn't very pretty
- **Stop the Self-Blame Game – “My old age is creeping up on me”**
 - When you lost your car keys at 16, it wasn't because you were getting old
- **Create inter-generational opportunities**
- **Speak up when you are talked down to or your name isn't used**
 - “Excuse me but I would prefer you use my name”
 - “Please speak to my mother; she is the patient/client/customer here”
- **Catch yourself in your own ageist attitudes and language**
 - <https://www.youtube.com/watch?v=bQwJNYYIkQA>

Age Discrimination in the Workplace



Elizabeth Fox-Solomon, Chief of Staff



Overview of EEOC

- ▶ EEOC is the federal agency responsible for enforcing the nation's laws that prohibit employment discrimination
- ▶ We receive, review, investigate, and resolve charges of employment discrimination and file discrimination suits
- ▶ We provide guidance and information to help educate employers & employees about their rights and responsibilities
- ▶ EEOC has offices across the country, including a local office in Buffalo



Laws Enforced by EEOC

- ▶ EEOC enforces federal laws that protect applicants and employees from discrimination based on:
 - Race, color, religion, sex, national origin (Title VII)
 - Disability (ADA)
 - Genetic information (GINA)
 - Age (ADEA)
- ▶ All EEOC statutes prohibit retaliation for protected activity



The Age Discrimination in Employment Act (ADEA)



History and Purpose

- ▶ ADEA enacted in 1967
- ▶ Purpose:
 - Prohibit age discrimination in the workplace
 - Promote employment of older persons
 - Require employers to make decisions based on ability rather than assumptions about age



ADEA Coverage

- ▶ ADEA applies to:
 - Private employers with 20 or more employees
 - Federal, state, and local governments
 - Employment agencies
 - Unions/labor organizations



Age Discrimination Basics

- ▶ ADEA prohibits discrimination against people who are 40 years of age or older
- ▶ Age is “relative”
 - Cannot treat relatively older worker worse because of age
- ▶ ADEA does not protect workers under 40 from discrimination
 - May give preference to older workers



Types of claims

- ▶ **Disparate treatment**
 - Intentional discrimination
 - Employer treats person worse because of age
- ▶ **Disparate impact**
 - Neutral policy/practice disproportionately affects older workers
- ▶ **Harassment**
 - Illegal when based on age & creates hostile and abusive work environment
- ▶ **Retaliation**



Based on Age?

- ▶ Was the employment decision based on an individualized assessment OR stereotypes about older workers?
 - Common stereotypes: questions about ability to use technology, productivity, motivation, energy, flexibility, willingness to learn
- ▶ Were younger workers held to the same standards?



Proxies for Age

- ▶ Factors that *correlate* with age, but are not directly dependent on age, do not prove age discrimination without more.
 - Examples: Looking for “new ideas” or “fresh blood,” “tech-savvy,” recent graduates, less experience, lower salary
- ▶ If factor relied upon is itself based on age, then it is a “proxy” for age
 - Examples: Expressing a preference for workers with “long runways,” digital natives, further from retirement.



Limits to Coverage

- ▶ Laws providing maximum age for specific federal jobs (air traffic controllers, FBI agents, air marshals)
- ▶ High executives and policy making officials (retire at 65)
- ▶ Tenured faculty (may impose early retirement incentives)
- ▶ Police & firefighters (can have mandatory retirement at 55)
- ▶ Apprenticeship programs/special employment programs
- ▶ State and local governments – elected & appointed officials are not covered



Caregiver discrimination

- ▶ Discrimination against a person with caregiving responsibilities (including elder care or care for persons with disabilities) violates federal EEO laws when based on worker's sex, race, color, religion, national origin, age, disability, or genetic information (such as family medical history)
- ▶ Caregiver discrimination is also unlawful if it is based on a worker's *association* with an individual with a disability or on the race, ethnicity, or other protected characteristic of the individual for whom care is provided.



Where can I get help?

- ▶ www.eeoc.gov
- ▶ **Contact the EEOC Buffalo Local Office:**
 - Director Maureen Kielt
 - Olympic Towers, 300 Pearl Street, Suite 450
 - 716-431-5016



Resources

- ▶ The State of Age Discrimination and the Older Worker (June 2018) - <https://www.eeoc.gov/reports/state-age-discrimination-and-older-workers-us-50-years-after-age-discrimination-employment>
- ▶ Fact Sheet: Age Discrimination
<https://www.eeoc.gov/laws/guidance/fact-sheet-age-discrimination>
- ▶ Caregiver discrimination -
<https://www.eeoc.gov/laws/guidance/covid-19-pandemic-and-caregiver-discrimination-under-federal-employment>





DISCUSSION