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Combat Age Discrimination At Work: For Employees And Employers



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Leadership Strategy

Age discrimination impacts employers and business owners alike. If you are an older member of the workforce, you may experience different treatment than when you were in your 20s, 30s, and 40s. You may be asked if you have email (of course you do). You may have coworkers who have spoken more slowly or louder to you than other (younger employees).

Negative stereotypes about older workers do exist, unfortunately. Older workers may be seen as resistant to change, not as technologically-savvy, more difficult to train, and more expensive. Consider, however, that older employees also have been found to handle responsibility better, feel more fulfilled, and seek intellectual challenges more than their younger coworkers. Older workers also have greater job knowledge and more highly developed skills. They are also seen as being more emotionally stable and conscientious in their work.

Biases abound for older workers. Consider that older workers tend to receive significantly lower ratings than younger workers on job performance. In fact, older employees with younger managers had the lowest performance evaluation ratings. Since older workers have been found to be just as competent, if not more so, than their peers, it has been theorized that older employees are evaluated based on stereotypes or beliefs rather than actual performance.

In the United States, people who are 40 and older are protected from workplace discrimination by the [Age Discrimination in Employment Act \(ADEA\)](#). So problem solved, right? Not so fast. In 2009, the Supreme Court had a ruling that made workplace age discrimination lawsuits harder to win for employees.

Before the ruling, the burden was on the employer to prove that an employee's firing or demotion was not related to age. However, now the burden is fully on the employee to show that their age led to the firing or demotion. Since employers rarely say, "We're firing you because you're older," proving age discrimination has become much more difficult.

So what are you to do when you feel that your coworkers or supervisors are treating you differently because you are older? First, examine whether you may be facing age discrimination, or that Sally is just incredibly rude to everyone in the office. You may be acutely aware that you may be treated differently because of your age. Due to that, you may interpret what would usually be written off as rude or boorish behavior as attributable to age discrimination.

Next, address any issues directly with your coworkers or employers. Frame your responses as "I feel" statements. I feel statements don't use the word "you." You state the behavior, how it impacts you, and offer a viable solution. For example, "When I am asked whether I have email, I feel demeaned because I am very adept at technology. I suggest that if there is a concern about my use of technology, that it is brought up only if an issue arises." When you state a concern from a first-person point of view, less defensive behavior arises. This leads to more efficient creation of solutions.

If you have tried to address the issue directly with the persons involved and it still has not been resolved to your satisfaction, consider reporting it. Know your workplace's proper procedures for addressing a concern. You also have the option of consulting with a labor attorney.

If you are a supervisor in the workplace or a business owner, consider whether the language you and your staff are using or the questions you are asking may be biased against the age of your interviewees and employees. Consider working with an organizational psychologist to determine existing age bias in your company. An organizational psychologist may use an instrument such as the [Workplace Intergenerational Climate Scale](#) to determine employees' attitudes towards coworkers of different ages.

Stay one step ahead of potential age discrimination in your workplace, as it expresses itself in covert and overt ways. The most common age discrimination occurs in interviewing. Make sure your team that is conducting interviews has been educated about potential bias — both in recognizing it and combating it. Just because the 2009 Supreme Court ruling discussed above favors businesses in age-discrimination lawsuits doesn't mean your business is impervious. [In 2019 Google settled an age discrimination hiring lawsuit for \\$11 million dollars, shared by over 200 potential employees over the age of 40.](#) Google will also train employees and supervisors about age discrimination, form a committee on age diversity, and follow-through on complaints related to age. Educating your employees and supervisors can help protect you and your interviewees.



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