

## Age Discrimination in the Workplace and its Association with Health and Work: Implications for Social Policy

### Background

Shortfalls of retirement wealth in the face of extended longevity will force many older adults to work longer. 48% of households 55 and older do not have retirement savings, and 29% of those retired or nearing retirement either have no savings or do not have a retirement plan.<sup>1</sup> Yet, age discrimination may circumvent the opportunities to work.

The Age Discrimination in Employment Act (ADEA) aims to protect individuals 40 years or older from overt forms of discrimination during recruitment, promotion and retention. Unfortunately, after the Supreme Court's ruling on *Gross v. FBL Financial Services* in 2009, the current interpretation of the ADEA is that claimants must prove that age was *the primary factor to a discrimination claim*, which is a difficult if not impossible challenge. Thus, this national legislation to help protect older people from age discrimination is blunted, and it treats age differently when compared to protection from race or sex discrimination covered by the Civil Rights Act, where race or sex can be a factor, not *the primary factor*.

Moreover, only a few states protect younger workers from age discrimination.<sup>2</sup> There is an emerging movement to protect everyone, regardless of age, sex, race, and other characteristics, from workplace discrimination, given emerging research that it is pervasive, chronic, and negatively impacts targets' health,<sup>3-7</sup> organizational commitment,<sup>4-6,8</sup> and overall company performance.<sup>6</sup> Research in this area has primarily focused on race- or sex-based discrimination. The health and occupational outcomes of age discrimination are sorely understudied.

In this brief, we describe a measure for assessing experiences of both overt and covert age discrimination in the workplace among employees of all ages. We also examine how age discrimination relates to health, organizational commitment and intentions to leave the organization or retire.

### Methodology

Full methodology is described separately.<sup>9</sup> Using Amazon Mechanical Turk, we surveyed young (18-29), middle aged (30-49) and older workers (50+) who were working 20+ hours per week (N=1,217). Utilizing an iterative series of qualitative and quantitative phases, we created a unidimensional scale, the Workplace Age Discrimination Scale

(WADS, see below), with high reliability and validity across age groups.<sup>10</sup>

Please indicate how often you have experienced the following AT WORK (1=quite often, 5=never):	
1.	I have been treated as though I am less capable due to my age.
2.	I have been given fewer opportunities to express my ideas due to my age.
3.	I have unfairly been evaluated less favorably due to my age.
4.	I have been passed over for a work role/task due to my age.
5.	I receive less social support due to my age.
6.	My contributions are not valued as much due to my age.
7.	I have been treated with less respect due to my age.
8.	Someone has delayed or ignored my requests due to my age.
9.	Someone has blamed me for failures or problems due to my age.

For each item, we also asked: How much does this experience typically bother you? (1=not at all, 5= a lot). We then examined if WADS (bothersome) correlated with the Mental Health Index,<sup>11</sup> Stress in General Scale,<sup>12</sup> job satisfaction,<sup>13</sup> turnover intentions,<sup>14</sup> and retirement intentions.

### Results

Younger and older workers reported more negative appraisals (bothersome) of age discrimination at work (mean of 19, 17, respectively), compared to mid-aged workers (mean=15), demonstrating a U-shape distribution.<sup>15</sup>

Among younger workers, age discrimination at work is significantly related to worse mental health ( $\beta = 0.07, p < .0001$ ), and higher general stress ( $\beta = -0.06, p < .0001$ ), increased job dissatisfaction ( $\beta = -0.11, p < .0001$ ), and elevated turnover intentions ( $\beta = 0.09, p < .0001$ ).

Among middle aged workers, age discrimination at work is significantly related to worse mental health ( $\beta = 0.10, p < .0001$ ) and higher job dissatisfaction ( $\beta = -0.08, p < .01$ ) and elevated turnover intentions ( $\beta = 0.08, p < .01$ ).

Among older workers, age discrimination at work is significantly related to worse mental health ( $\beta = 0.08$ ,

$p < .0001$ ), higher general stress ( $\beta = -.05, p < .001$ ), increased job dissatisfaction ( $\beta = -0.14, p < .0001$ ), elevated turnover intentions ( $\beta = 0.09, p < .0001$ ), and increased desires to retire ( $\beta = 0.04, p < .05$ ).

### Policy Implications

There are two legislative proposals in Congress that relate to this research:

- Protecting Older Workers Against Discrimination Act (H.R. 1230)<sup>16</sup>
- Fair Employment Protection Act of 2019 (H.R. 4015)<sup>17</sup>

The Protecting Older Workers Against Discrimination Act (H.R. 1230) will reinstate Congress's original intent for age to be a factor in an age discrimination claim, as opposed to *the primary factor*. In addition, the Fair Employment Protection Act of 2019 (H.R. 4015) aims to protect individuals from hostile work environments in which covert discriminatory behaviors ensue. Evidence presented in this brief offers compelling reasons for legislators to co-sponsor these pieces of legislation. The Protecting Older Workers Against Discrimination Act passed the House of Representatives on January 15<sup>th</sup>, 2020, but has yet to be introduced to the Senate, and the Fair Employment Protection Act of 2019 has only been introduced to the House.

Furthermore, evidence from this brief suggests expanding the ADEA to protect all workers—including those under the age of 40.

### Limitations and Research Implications

Longitudinal research can confirm causal relationships between experiences of age discrimination and target outcomes.<sup>3,8</sup> Tailored workplace interventions to eliminate age discrimination can also be designed through future research.

Since development and validation of the WADS,<sup>9</sup> the measure has been utilized and cited numerous times,<sup>3,18,19</sup> and has been shown to be correlated with other measurements of age discrimination, including international measures, such as the Nordic Age Discrimination Scale (NADS).<sup>20-21</sup>

### Conclusion

Age discrimination is negatively related to health across age groups. Moreover, targets report intentions to leave their organizations or retire—two behaviors that are financially costly to individuals, organizations and society.

Evidence presented in this brief offers compelling reasons for legislators to co-sponsor H.R. 1230 and

H.R. 4015. Policymakers should also consider expanding the ADEA to include workers below the age of 40.

Finally, the EEOC should encourage employers to use the WADS to assess age discrimination among all workers. We call upon researchers to utilize the

WADS in workplace settings to document patterns and prevalence of age discrimination among diverse groups in order to inform clinical interventions.

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