



10 Things You Should Know About Age Discrimination

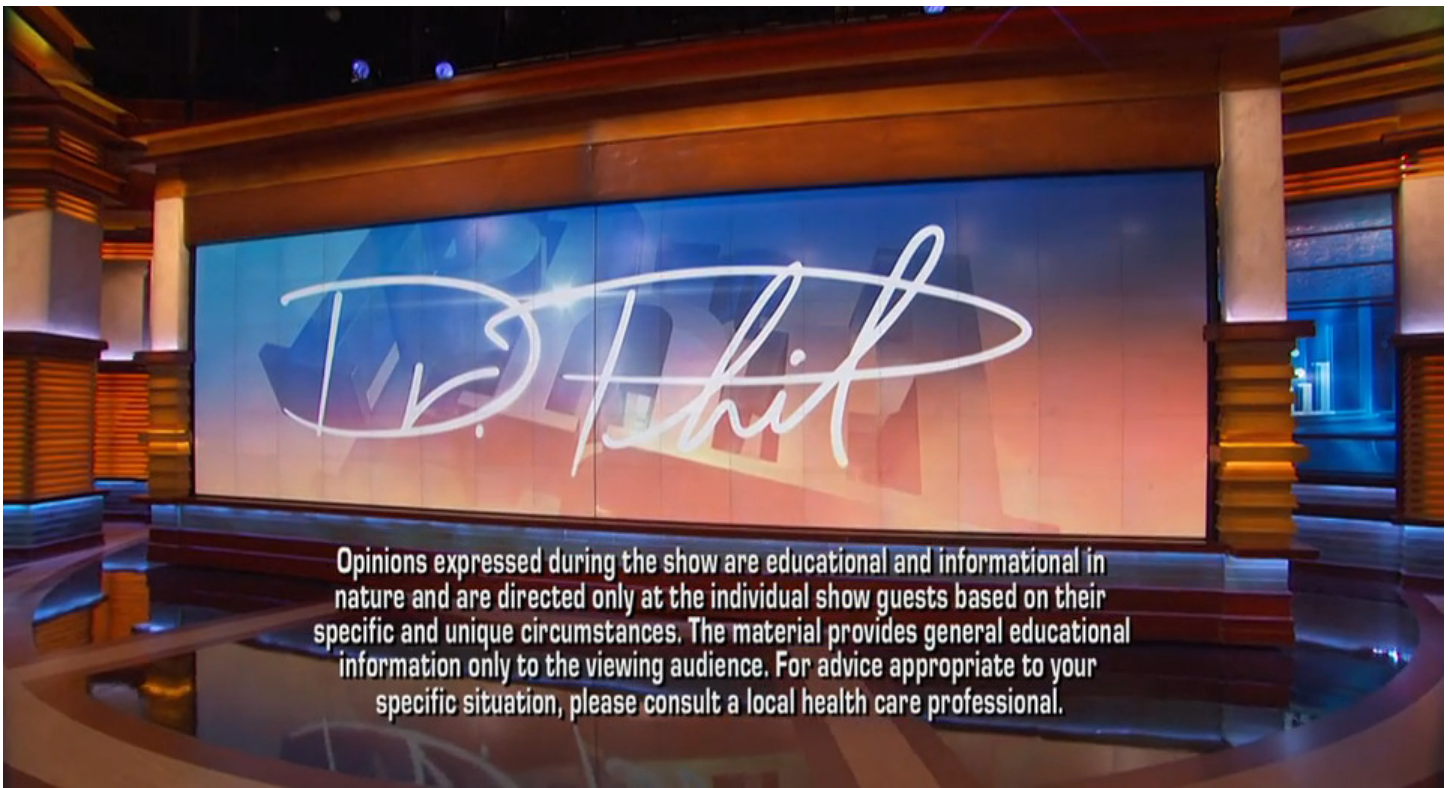
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Keep up in the workplace by learning the facts about age discrimination.

Age discrimination is real. Two out of three workers between ages 45 and 74 say they have seen or experienced [age discrimination \(/work/working-at-50-plus/age-discrimination/?intcmp=AE-WOR-WK50-IL\)](/work/working-at-50-plus/age-discrimination/?intcmp=AE-WOR-WK50-IL) at work, and job seekers over age 35 cite it as a top obstacle to getting hired. And if you happen to work in the high-tech or entertainment industries, your chances of experiencing age discrimination are even higher.



AARP Work & Jobs expert Kerry Hannon spoke with Dr. Phil about the challenges of working for someone younger and how to overcome them.

10 Age Discrimination Facts

While the Age Discrimination in Employment Act of 1967 (ADEA) makes it illegal to discriminate against workers age 40 and up, the exact rules, and how they are interpreted, aren't always so clear to workers. Here are 10 important facts you should know about age discrimination:

- 1. Age discrimination is illegal at any stage of employment, including during hiring, promotions, raises and layoffs.** The law also prohibits [workplace harassment](/work/on-the-job/info-2016/workplace-bullying-ways-to-define-and-prevent.html?intcmp=AE-WOR-WK50-IL) (/work/on-the-job/info-2016/workplace-bullying-ways-to-define-and-prevent.html?intcmp=AE-WOR-WK50-IL), by coworkers, supervisors or clients, because of age. The ADEA applies to employers that have at least 20 employees; some states have stronger protections. Also prohibited: mandatory retirement ages except for a few exemptions, such as airline pilots and public safety workers.
- 2. It is currently legal for employers and prospective employers to ask your age as well as your graduation date.** AARP is working to strengthen protections against this line of inquiry. You can opt to remove this identifying information from your [LinkedIn profile](/work/job-hunting/info-2015/liven-linkedln-profile-for-job-search.html?intcmp=AE-WOR-WK50-IL) (/work/job-hunting/info-2015/liven-linkedln-profile-for-job-search.html?intcmp=AE-WOR-WK50-IL), or try to deflect the question in an interview, but there's nothing stopping a prospective employer from asking.
- 3. A 2009 U.S. Supreme Court ruling made it harder for older workers who've experienced proven age discrimination to prevail in court.** The court said plaintiffs must meet a higher burden of proof for age discrimination than for other types of discrimination. In other words, the Supreme Court moved the law backward and sent a message to employers that some amount of proven discrimination is legally allowed.
- 4. Most Americans age 50 and up — 8 in 10, according to AARP research — say they want to see Congress create stronger laws to prevent age discrimination at work.**

5. **Most people believe age discrimination begins when workers hit their 50s** (</work/working-at-50-plus/?intcmp=AE-WOR-WK50-IL>), according to AARP research of workers between the ages of 45 and 74. Still, 22 percent believe it begins even earlier, when workers hit their 30s and 40s. And 17 percent say they think it begins in one's 60s.
6. **There's also a gender difference in the perception of age discrimination:** While 72 percent of women between the ages of 45 and 74 said they think people face age discrimination at work, only 57 percent of men in the same age range said so.
7. **Among older workers surveyed by AARP, not getting hired is the most common type of age discrimination they experienced**, with 19 percent of respondents citing it. An additional 12 percent say they missed out on a promotion because of age, and 8 percent say they were [laid off or fired](/work/on-the-job/info-06-2013/what-to-do-after-losing-job.html?intcmp=AE-WOR-WK50-IL) (</work/on-the-job/info-06-2013/what-to-do-after-losing-job.html?intcmp=AE-WOR-WK50-IL>).
8. **You can take action.** If you think you've been discriminated against, you can file a charge with the federal Equal Employment Opportunity Commission (EEOC). You can also work with a lawyer to file a lawsuit. Before taking either of these steps, consider going through your company's grievance system, if it has one. Know that filing a lawsuit can be expensive and there is no guarantee of victory. To help bolster your case, be sure to keep a careful record of all of the alleged discrimination.
9. **Last year, the EEOC received 20,857 charges of age discrimination.** Age discrimination makes up more than 1 in 5 of the discrimination charges received by the EEOC.
10. **Contrary to stereotypes, workers age 50 and up are among the most engaged members of the workforce**, according to an AARP study. Sixty-five percent of employees age 55 and up are "engaged," compared to 58 to 60 percent of younger employees. They also offer employers lower turnover rates and greater levels of experience.

Kimberly Palmer is an AARP writer for work and jobs. She is also the author of the personal finance books "Smart Mom, Rich Mom: How to Build Wealth While Raising a Family" and "The Economy of You: Discover Your Inner Entrepreneur and Recession-Proof Your Life."

More on Age Discrimination

- [5 signs of age discrimination](/work/on-the-job/info-2015/signs-of-age-discrimination.html?intcmp=AE-WOR-WK50-ENDART-REL1) (</work/on-the-job/info-2015/signs-of-age-discrimination.html?intcmp=AE-WOR-WK50-ENDART-REL1>)

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