

Is age a factor of
discrimination in the
workplace?



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Age discrimination in the workforce

Is age a factor of discrimination in the workforce? How can we overcome it?

Abstract

This study will be based on the analysis of labor discrimination by reason of age, taking into account as a basis the right to work and equality, its causes, and how we can prevent them. There are many challenges related to age that modern society and the law have to address, and whose importance grows progressively as the aging of our population increases.

As Gutierrez (2015) states, age, as a cause of discrimination is not simple numerical data but is a social construction that depends on the customs, practices, and the role that people play in our community. These issues of the older people could lead to physical and mental problems, and also the outcome of the impediments that come from the social perception and the interaction of the individual with the society.

We will discuss the main reasons for age discrimination based on our research like social stereotypes, physical appearance, and social trends; succession, consumption. Lastly, a point that it will be made in this research is how to overcome age discrimination. We will support our ideas based on Davey (2014) article, “ Age Discrimination in the Workplace” and Olson (2017) article How to Fight Age Discrimination.

Topic

The topic chosen to do our research is discrimination in the workforce. We believe that even with the positive progression we are having with discrimination at work, we still found statistics that surprised us. We wanted to focus specifically on age discrimination.

A big statistic that brought our attention and helped us to choose this topic is that around 10% of the world's population is older than 60 years. In 2050 we can estimate that around 20% of the population will be older than 60. Europe is the continent that has the oldest people and we can predict that in 2050 the number of older people will rise to 236 million. That will be 34% of the population (United Nations Human Rights).

The world is aging, and even though most all the companies around the world are educating their employees about race, sex or disabilities discrimination, we believe that age discrimination is staying behind. With this research we are going to try to bring awareness of this kind of discrimination in the workforce, and also, how we can overcome it.

According to Svrluga (2018), only 3 years ago, Loubna Skalli Hanna, a professor from American University, was fired because of her age. She took the school to court and they finally decided that the significant factor in the decision to fire Hanna was her age. The school had to pay her more than one million dollars in compensatory damages and around \$200 for emotional distress.

Background

The EEOC (Equal Employment Opportunity Commission) defines age discrimination as treating a candidate or worker less positively for the reason of his/her age. The Age Discrimination in Employment Act (ADEA) prohibits age discrimination against workers that are 40 or older. This act does not defend employees younger than 40, even though there are states that have laws that defend those employees from age discrimination.

Also, the EEOC states that the law forbids discrimination in any manner, that includes in the hiring process, firing, salaries, job tasks, promotions or benefits. As Davey (2014) states, for many organizations, youth is synonymous of work capacity and the advanced age of loss or lack of it. This type of message is extremely unfortunate in these moments in which one of the biggest problems of our labor market is the discrimination suffered by older workers, who are systematically expelled from jobs and the labor market.

Gutierrez (2016) confirms that different experts believe that in Spain, discrimination based on age is frequent. The author also shared with us that Mar Ropero, lawyer of the law firm Sagardoy Abogados, reminds us that both Article 14 of the Constitution and Articles 4 and 17 of the Workers' Statute forbids workforce discrimination by age.

Analysis as to relevancy to HRM

We have previously talked about the legislation against age discrimination. But as Moore (2017) states, when we have to find the department of the organization that is accountable for implementation of organization's

policies and upholding lawful worker's relations, HR will have to control and stop age discrimination in the company.

The author states that the department should put together strong HR policy guidelines that mirror the company philosophy and stipulate arrangements for enforcement with age discrimination. The organization will have to take a convincing position against age discrimination, and the policies must confirm this view. HRM will be also responsible for delivering the policy educating all employees.

HRM will also need to create a gradual discipline program. This program will be a sequence of stages that advance from verbal warnings to a written warning. Workers will have to know what are the repercussions if the policy is dishonored. And lastly, and a very important task for HRM is to acknowledge a potential event of age discrimination. Some examples that the author gave us are managers appointing more active tasks to the younger employees. Another situation could be to treat older job candidates in a different way than the younger ones.

Discussion

In our discussion, we are going to talk about the main causes that provoke age discrimination and how to overcome them. The main reasons for age discrimination found based on our research are social stereotypes; physical appearance and Social trends; succession and consumption.

The first of the aspects stated by Macías (2015) refers to age discrimination in the workplace based on social stereotypes. A lot of people relate older age

with obsolescence. It is presumed that older workers lack the flexibility to adapt to the needs of companies. Also that their motivation is very reduced and, in any case, comparable to the motivation that their younger co-workers have.

The author also confirms that, it is often assumed they have less capacity to absorb new ideas and that their adaptation to new technologies is more problematic than the other workers in other age groups. In the same way, it is assumed that their health deteriorates while their physical condition gets worse, with the consequent inconveniences on their performance.

On the other hand, as far as young people are concerned, Cardona (2017) also supports that they suffer qualitatively different prejudices, centered on a presumed immaturity, on a supposed lack of experience, in which they are considered incapable of assuming leadership functions. They are conceived as less linked by family ties and financial commitments so that the toughest flexibility measures can be applied with less regard.

Davey (2014) suggests that physical appearance and social trends are also a big reason for age discrimination. A deeply social tendency shows an intense dislike to old people, which is often hidden and denied. People are imposed and are increasingly required to maintain a youthful look and that their social habits do not correspond to the age they really have. This tendency becomes a strong pressure on the people who suffer it and it could potentially lead to depression or frustration.

The author also states that this pressure is much greater in women (adding gender discrimination) so that a case of multiple discrimination clearly

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appears. The point is to demand certain aesthetic parameters for certain jobs and in certain sectors of activity that correspond to the youth aspect and that clearly discriminate against people based on age.

Apart from that, it is clear that such dynamics lead to invisibility towards the old people. And, in addition, they are required to have different values and skills different from the traditional that they already have. An example that Davey gives is that apparently traditionally very demanded skills, such as good faith or experience, enter into crisis and are replaced by others way more important, such as image or innovation.

Lastly, Gutierrez (2016) suggests that succession and consumption are other factors that affect age discrimination. She refers to succession when the discrimination is based on that older workers need to step aside from good salaries jobs/positions to create an easier path for younger workers. While she refers to consumption when discrimination is based on that older workers should not use resources like health care.

As Olson (2016) states in her article, everyone can suffer age discrimination, but it can be very hard to prove. Because it is unusual to have a clear evidence of a declaration from an employer, for example, “ You can not do this job at your age”, McCann, a lawyer for an important organization advises that the best defense against this type of discrimination is a good offense.

What McCann want to say with this is that at every phase of our career, we need to stay on top of changes in our field. Find training not only at work if not on our own as well. We have to make sure that our manager is aware

that we are eager to take on training to keep and improve new knowledge and abilities.

If we do not collect feedback about the work we are doing, we have to take the initiative and ask for it. We have to find out if for any reason there are doubts about our work so that we can take action and have the chance to fix them.

Even though you are doing all the necessary work on your part, Olson (2016) states that we can still think that our manager is not treating us fairly because of our age, we need to make sure we store evidence of any kind of age related declaration or other incidents, for example, a younger coworker was promoted instead of you when you had better skills or better performance than him.

Then, when we have to face a difficult scenario, the first step we have to make should be to talk to our employer and present him our worries. The author also advises us to analyze the personality of the employer before doing this. If we feel we cannot talk to our employer, the right decision to make will be to file a complaint to the human resources department.

Olson (2016) suggest that depending on what state we are working, if we want to present our case to “ the federal Age Discrimination in Employment Act”, we should file the complaint of discrimination with “ the Equal Employment Opportunity Commission” not later than 300 days of the claimed event. We must be aware of this timeline, we cannot lose track of it, and have in consideration the time that we spend in the informal path that we have taken before filling this legal claim.

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Once we have decided to file this claim, we must be ready to give the names of possible coworkers that might witness these discrimination actions, the records of age statements that we felt inappropriate and other scenarios. The author also advises us that if we have lost our job in a group dismissal, we must have under consideration to put together all the claims with our coworkers. There are multiple benefits to complain as a group, for example, distribute all the expenses of the process like lawyers.

Loehr, (2017) suggest that another way to avoid age discrimination is to create a good network. Older people have an advantage in creating a strong network compared with the younger workers. With this advantage, older prospects can potentially skip the first line of the hiring process. The author also stays that keeping a good image and look is key. As we stated before, one of the biggest problems with age discrimination is the look that brings to the company. Older people can still bring a good image, they might just need to make an effort.

Lastly, Loehr advises that if for any reason we keep suffering from this kind of discrimination, we should not get frustrated and get depressed. Because of the system is rejecting you, does not mean that you are not ready to be successful. These older workers, can potentially start their own business, and take advantage of their experience and skills to make an impact in the world.

Recommendations

We would recommend to all the victims of age discrimination to take action. Human resources are a great resource for them in these situations and they should report any kind of incident. We also recommend getting informed of <https://assignbuster.com/is-age-a-factor-of-discrimination-in-the-workplace/>

their rights and their options when they are suffering this kind of discriminations.

We would also like to recommend to all the HR experts to keep educating employers and employees about age discrimination. As we showed and proved in this article, the world is aging, and this issue will potentially become a big problem among organizations.

Human resources play a big role in controlling any kind of discrimination in the workforce. We are fully aware of Title IX or other programs to prevent gender, race or disability discrimination. Our previous studies have proved us that HRM is changing. For example, our study based on the article “ A Blueprint for Transforming the HR Function” proved that the HR Value Model is very useful to improve the relationship between HR and management/employees.

Using HR Value Model could be applied, and then implement the necessary training for managers to avoid age discrimination. This will help them to present the facts that prove that older people can perform the same way or even better than the younger ones. HR will also need to inform all employees of their rights and knowledge and take action when an incident is reported.

Conclusion

In conclusion, we can certainly say that age discrimination in the workforce is becoming a big thing in our society. As we stated, there are multiple reasons why this discrimination happens. We have shown that it is possible for the

employees or prospects that suffer these discriminations to find a way to overcome it or prevent it.

As we stated before, HRM plays a huge role to control and prevent age discrimination, training and development programs are a very method to educate workers about this type of discrimination that could happen in the company and also how to proceed in these circumstances. It is important to develop a formal process to report claims against those discriminating and violating the policies. HRM needs to guarantee that once open the investigation; the necessary penalty is taken against those harassing.

As we have studied and proved multiple times, HRM should not only deal with paperwork, benefits, contracts or recruitment it is also to manage and educate the members of the organization. Their role is way more valuable in defending workers and guaranteeing their comfort in the company.

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