

AGEISM IN HR:



The Absence of Reason²

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Introduction



Π

- Why subtitle, π ?
 - Famous Quote - 1977: cannot see . . .
 - Olson made a lot of assumptions
 - Rested on his assumptions,
failed to employ critical reason --
IRRATIONAL
- Goal: help you see w/ 5Qs



Ken Olson, CEO
Digital Equipment Corp.

5 Questions



II

1. What is ageism?
2. What is the law & origin?
3. What is the data?
4. What conclusions can we draw?
5. What are some solutions?

What is ageism?



II

- Story about Steven
 - Hired as baggage handler in 2008
 - Promoted during first 90 days
 - During work, he was repeatedly referred to as “pup”, “green” and “whippersnapper.”
 - Promoted again within 6 months
 - Terminated in March 2010
 - Claims that management favored others



Definition



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- Ageism is:



Generally: Stereotypes and negative bias against older adults.

Legally: An adverse employment action taken against an employee 40 or over to the benefit of a substantially younger employee.

“Substantially younger” usually means 10 or more years (7 – 10 is “iffy”)



What is the law . . .



II

- Age Discrimination in Employment Act (1967)
 - > 20 employees
 - Disparate treatment or impact theory
 - Evidence
 - ✦ Direct evidence of Motive – derogatory comments (decisionmaker)
 - ✦ Circumstantial evidence - e.g., comparator
 - Affirmative Defenses: RFOA & BFOQ
 - Remedies (FLSA not Title VII)

- State Law



II

- Wirtz Report (1965): pervasive age bias
- Substantial negative impact on elderly



W. Williard Wirtz, Sec. of Labor
(March 14, 1912 – April 24, 2010)

What is the data? DOL



- Unemployment Rates

- October 2010:

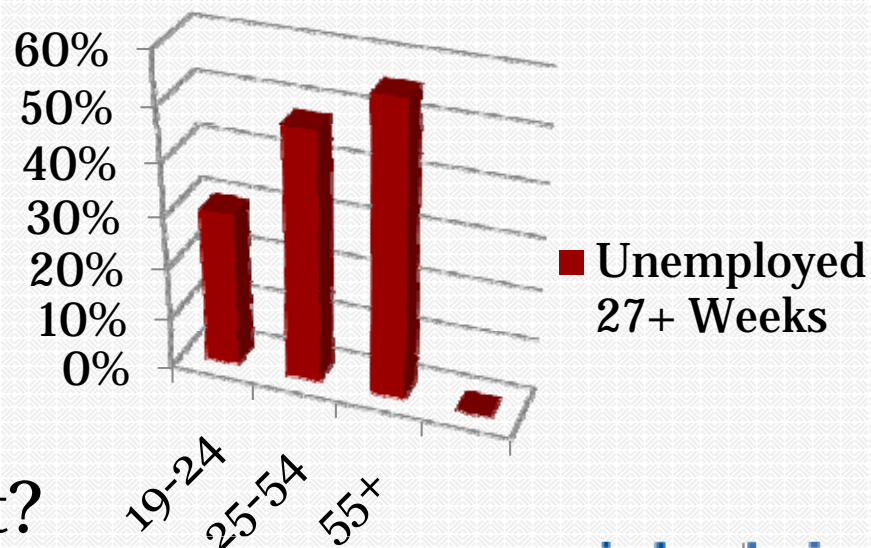
- ✦ National rate: 9.6%
- ✦ 55 or older rate: 6.8%

- Unemployment Duration

- October 2010:

- ✦ 19-24: 30%
- ✦ 25-54: 48%
- ✦ 55 & older: 56%

No job 27+ Weeks



- Incomplete: Jobs? Impact?

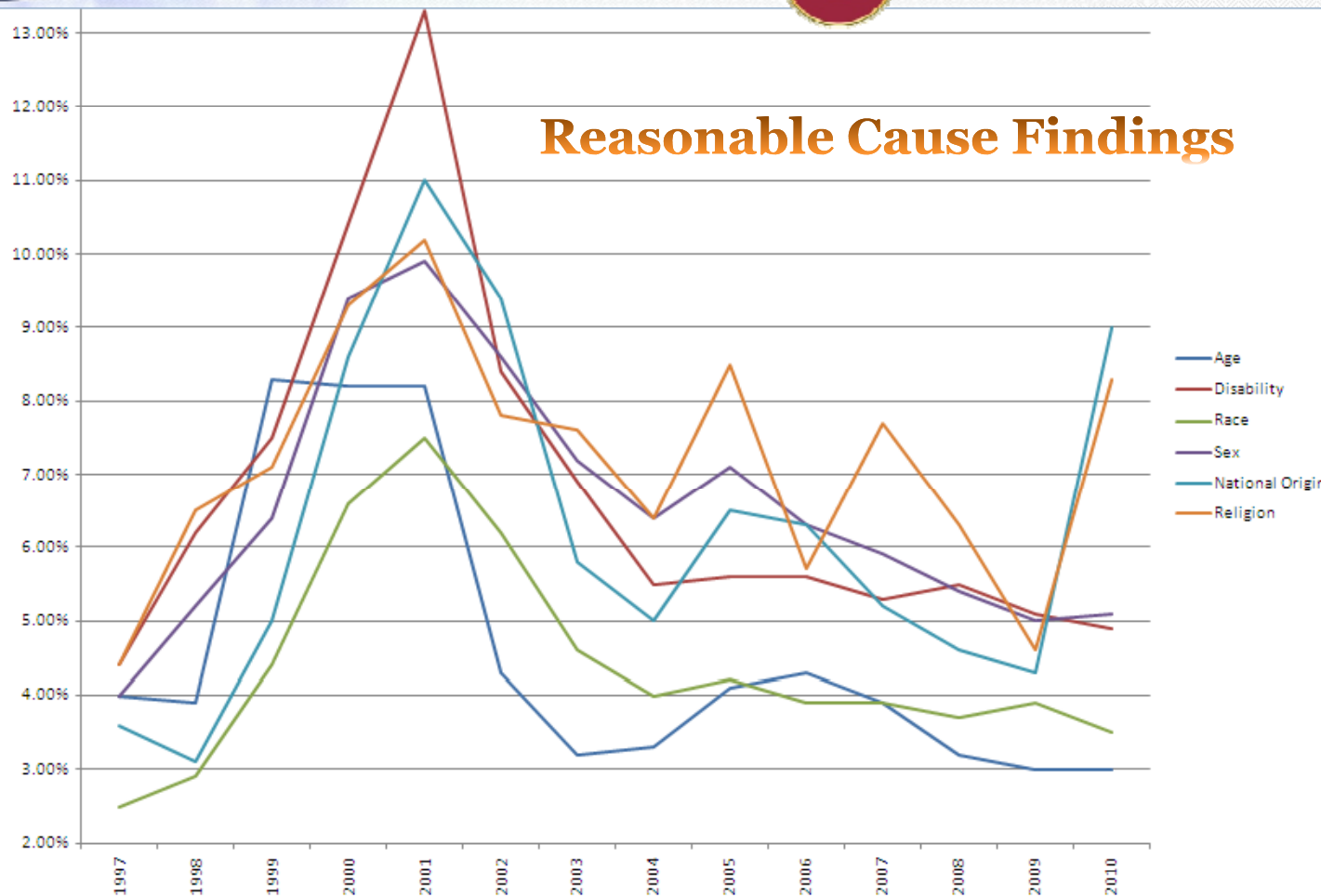
AGEISM IN HR:

What is the data? EEOC



II

Reasonable Cause Findings



The Absence of Reason²

Conclusion?



II

- Impact

- 10% of Americans 65+ IN POVERTY
- 31% are “economically INSECURE”

(2 x Poverty Level)

- Conclusion:

- While magnitude and severity undetermined,
- But, ageism =
 - ✦ serious social problem
 - ✦ serious economic problem: older workers (McDonald, CitiSales)
 - Human capital investment decision irrational

Solution(s)?



II

- Be a critical thinker
- Challenge assumptions -- Prove it to a jury
- Build in checks and balances into procedures
- Do more than law requires Title VII/FMLA
- Step up diversity & inclusion

