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AGE DISCRIMINATION IN EMPLOYMENT

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The Age Discrimination in Employment Act (ADEA) was passed in 1967 and was amended in 1978 and 1986 to prohibit employment discrimination against employees 40 years of age and older. Discriminatory practices include recruiting younger applicants or forcing people to retire early for the purpose of maintaining a younger workforce. The legislation was created to resolve practices following stereotypical perceptions of older workers being unsuitable for the workforce. As such, the rules do not apply to workers under 40 years old. Under the ADEA, employers must have a valid reason for all employment decisions regarding employees over the age of 40, which includes hiring, pay, benefits, training, and promotion. The legislation is applicable to private firms that employ at least 20 individuals, governments, unions, and employment agencies. Exceptions to the law include individuals in key management positions (such as vice presidents and CEOs), those whose pensions would be more than \$44,000 annually, and pilots who have a mandatory retirement at age 55. Despite these laws, American businesses paid approximately \$200 million for age discrimination lawsuits between 1996 and 1998, and the U.S. Equal Employment Opportunity Commission (EEOC) reported a 9% increase in age-related discrimination charges filed in 2001. In the health care system, these types of charges are likely to occur in the nursing population, because the average age for RNs (registered nurses) has increased rapidly from 37.4 years in 1983 to 44.5 years in 2000. Remedies to age discrimination include paying the offended individual or mitigating damages (such as replacing the lost job with a similar job). In age discrimination, a complaint should first be filed with the EEOC. If a satisfactory outcome cannot be reached, the worker can pursue the discrimination complaint with a lawsuit.

—Jillian A. Peat

See also [Aging Society](#), [Employment Discrimination](#), [Equal Employment Opportunity Commission \(EEOC\)](#), [Title VII of the Civil Rights Act of 1964](#).

FURTHER READING

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Letvak, S. (2002). Myths and realities of ageism and nursing. *Association of Operating Room Nurses*, 75(6), 1101–1107.

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