

Though Age Discrimination Charges Are Decreasing, Half of Workers Over 40 Feel Their Age Would Be a Hurdle in Job Search

Nine percent of workers aged 40+ experienced age discrimination, down from 15 percent last year

The median age of an American worker is just over 42, and people over 45 account for almost half of all people employed in the U.S.¹ But despite their significant contributions to the workforce, thousands of people over 40 file reports of workplace discrimination every year.

However, in the 50-plus years since the passing of the Age Discrimination in Employment Act (ADEA), some progress has been made. Employers are now more aware of what age discrimination is and how to avoid it, so age discrimination charges are being filed less frequently. Despite this progress, we discovered that many workers over the age of 40 are still concerned their age would hold them back if they re-entered the job market.

Following up on research we've conducted for the past few years, we asked more than 1,200 workers over the age of 40 about their experiences with workplace age discrimination and to better understand their concerns about ageism. Here are our key findings:

- About 9 percent of workers, or nearly 6 million people, over the age of 40 have ever been the victim of workplace age discrimination. This is down from about 15 percent last year.
- More than one in three individuals who experienced age discrimination did not report it to their employers. Often, those who did make a report said that there were no serious consequences for the person who discriminated against them.
- Half of workers over 40 said that if they were actively looking for a job today, they felt their age could be a liability in the hiring process.
- 41 percent of people aged 40 or older said they'd experienced ageism outside the workplace. Most commonly, they had been the subject of offensive generalizations about their generation.

Around 1 in 10 Workers Over 40 Have Experienced Age Discrimination

Through the Age Discrimination in Employment Act (ADEA), the federal government prohibits employment discrimination against people 40 years of age or older. Many states also have their own laws that prohibit age discrimination regardless of a person's age.

Our study found that nine percent of currently-employed workers over 40 believed they'd experienced workplace discrimination. This could equate to as many as 6 million American workers. Age discrimination can take on a number of forms, but according to our study, these were most common:

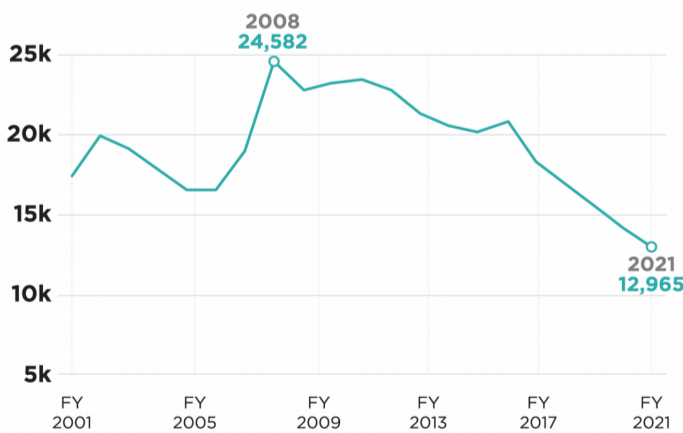
1. Being passed up for raises or promotions
2. Experiencing harassment, ageist remarks, or jokes
3. Facing discrimination in the hiring or recruitment process
4. Having hours cut
5. Unfair termination or lay-off

Employment attorney and law professor Robert C. Bird explained that there is a fine line between behaviors that violate the ADEA and actions that are simply unprofessional.

"Modern antidiscrimination law does not prohibit unprofessional behavior. Employment law is not a civility code," Bird said. "However, unprofessional behavior can create fertile ground for illegal behavior to take root. The best practice is to treat every employee with dignity and respect, regardless of their age or other criteria."

In 2021, our research revealed that 15 percent of workers over 40 had experienced age discrimination on the job, which suggests that age discrimination incidents may be decreasing. This finding corresponds with government statistics on the number of charges filed with the Equal Employment Opportunity Commission (EEOC). According to data from the EEOC, the number of age discrimination charges dropped 44 percent between 2011 and 2021 and 8 percent between 2020 and 2021.²

Age Discrimination Charges Filed With EEOC, 2001-2021



TheSeniorList

Source: U.S. Equal Employment Opportunity Commission

Employment attorney David C. Miller said current labor market conditions may be contributing to declining age discrimination charges. "For different reasons, employees have been hard to come by since early 2016, when the unemployment rate went below 5 percent and stayed there until the pandemic," Miller said. "Now, we're in the 'great resignation'. This may mean that employers are treating older workers with more, rather than less, deference to get them to stay."

A recent CNBC poll supports Miller's theory. More than half of small businesses say it's harder now than it was in 2021 to find qualified applicants,³ so it's conceivable that experienced workers are having an easier time now finding jobs than they might have a few years ago.

Though these trends seem promising, figures from the EEOC likely underrepresent the true impact of age discrimination. According to our research, more than one in three individuals who'd experienced age discrimination did not report it to their employers or government officials. It's possible that workers are reporting age discrimination less frequently today than in the past, due to concerns about workplace retaliation or being unaware of the proper reporting channels.

Many others may not report age discrimination because those who are committing age discrimination in the workplace are rarely held accountable. According to our study, more than two in three people who reported workplace discrimination based on age said there were no repercussions in connection with their claim. Without accountability, workers who've experienced discrimination may feel there is no reason to report the wrongdoing.

Half of Over-40 Workers Say Age Would Be Likely Obstacle in Looking for New Job

Fifty-one percent of experienced workers said they believed their age could be a hurdle in finding a new job if they were to begin looking for one today. This represents a major increase from last year, when 41 percent of over-40 workers said the same.

Percentage of workers 40+ who feel their age would be an obstacle in their job search today	
2021	41%
2022	51%

While this is a legitimate concern, some workers who made later-stage career transitions have found that their age actually seemed to work in their favor.

"Law is my second career. I'd hesitated to go to law school because I was sure that no one would hire a 41-year-old baby lawyer," Miller told us. "I was wrong. After I was hired and established in my first law job, I brought it up to a senior lawyer who was younger than me. She told me that the firm liked hiring new lawyers who were older because they were mature, businesslike, and tended to work harder."

Making a career or job change can be daunting for those over age 40, but having the right mindset can make a huge difference according to career counselor Kristina Bennett Cheney.

"There is a mental game – it generally doesn't help to think a lot about being discriminated against. Some people will possibly, but many won't, especially if you do the work to polish your industry knowledge, resume, and career narrative (what you communicate about yourself and your career journey and goals)," she advised. Cheney also said older job seekers should look outside the job boards to find leads for new roles:

1. Look directly on company websites for active job postings every 2-5 days.
2. If there are no open roles, email HR, or the head of the department where you want to work. Ask if they are accepting resumes or know of upcoming job openings in your area of interest. Just be prepared to succinctly tell them what you do and what you'd like to do.
3. Request an informational interview with someone who works in your ideal role to learn more about their work and their industry. The goal is not to get a job with them, but to learn from them and get advice about your career.
4. Let your closest contacts know what type of role you are looking for to see if they have any suggestions or contacts for you.
5. Join LinkedIn or Facebook groups for employers you'd like to work for in order to learn about their companies, get notified about open roles, and attend related networking events.

41 Percent of People Over 40 Have Experienced Ageism Outside of Work

Among all participants, just over two in five said they had been the victim of any type of personal ageism. This includes making harmful generation-based claims, making ageist jokes, or disregarding concerns because of their age.

Which of the following have you personally experienced, either within the workplace or outside the workplace? Select all that apply.	
People have made offensive generalizations about my generation, for example, about baby boomers	24%
People have made ageist jokes that imply I am less valuable or less worthy of respect, based on my age	14%
Someone has disregarded my concerns or wishes due to my age	13%
Family members have treated me as though I was invisible, unintelligent, or expendable based on my age	9%
I have been undermined, deceived, or controlled by another person due to my age	7%
I have received substandard healthcare or being treated differently in a healthcare setting due to age	7%
Someone has taken advantage of my age for their personal gain, such as to make money	4%
Any type of ageism	41%

In most cases, women are much more likely to report these behaviors than men, perhaps because women are generally more likely to experience any type of discrimination or perceive other peoples' behaviors as discriminatory. Forty-seven percent of women reported any type of age discrimination or harassment compared to just 34 percent of men.

Conclusion

While older workers have many fewer years left in the workforce than their younger counterparts, that doesn't make them less important. In fact, for companies seeking to hire seasoned people, older workers bring experience that younger ones haven't had the time to gain. And given that they account for almost half of all Americans who work, the needs of older workers must be considered.

Methodology

In April 2022 we conducted an online survey of 1,239 people aged 40 or older about their experiences with age discrimination. Only current full-time, part-time, and job seeking workers were included in the study. We estimated the number of people who'd experienced age discrimination using the number of employed adults over age 45 from the [Bureau of Labor Statistics](#).

References

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