

The Age Discrimination In Employment Act Turns 50

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Put 50 candles on the cake. In 1967, the U.S. Congress passed the Age Discrimination in Employment Act (ADEA) with the stated purpose “to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; (and) to help employers and workers find ways of meeting problems arising from the impact of age on employment.” Now 50 years later, as baby boomers are moving through the workforce and reaching retirement, the ADEA retains its relevance even as it becomes a “golden oldie” among anti-discrimination laws. While the ADEA is not the oldest of the contemporary federal employment discrimination statutes –Title VII’s prohibitions on discrimination based on sex, race, color, national origin, and religion date back to 1964 – the ADEA is one of the broadest in scope because it covers everyone over the age of 40. And it shows no signs of slowing down. It has been amended here and there, such as the 1990 addition of the Older Workers Benefit Protection Act, which set requirements for knowing and voluntary waivers of age claims in separation agreements and settlements. But as time goes by, age discrimination claims remain steady. U.S. Equal Employment Opportunity Commission (EEOC) statistics show that charges of alleged age discrimination hit a peak of 24,582 in 2008 and have remained at 20,000 or higher each year over the past decade, with 20,857 charges of age discrimination filed in 2016. Looking back at the Congressional findings from the 1967 enactment of the ADEA, some things have changed, such as that we see few instances of arbitrary age limits for employment, yet some of these same themes, [quoting from the 1967 act](#), could be driving age discrimination claims filed today:

- In the face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to retain employment and especially to regain employment when displaced from jobs
- The incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability is , relative to the younger ages, high among older workers; their numbers are great and growing and their employment problems grave

To recognize the 50-year anniversary of the ADEA, the EEOC will be [holding a panel discussion](#) on the future of the ADEA with commissioners and employment experts on June 14 at EEOC headquarters in Washington, D.C.

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