

What To Know

AGE DISCRIMINATION

Top 15 Checklist for Avoiding Age Discrimination

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- WAGES AND COMPENSATION** 1 Employees and applicants 40+ must be paid the same as younger ones.
 - FRINGE BENEFITS** 2 Older employees must qualify for and receive the same benefits, and must not incur greater payroll deductions or to work more hours to qualify.
 - RECRUITMENT AND ADVERTISING** 3 Do not put preferred age ranges or age limits in help-wanted ads.
 - HIRING** 4 Do not make hiring decisions based on age.
 - LAYOFFS AND TERMINATIONS** 5 Reductions in force should not be based on age. Nor should they target the highest-paid employees who have seniority but may represent the oldest group.
 - JOB CLASSIFICATIONS** 6 Do not define jobs by age or classify workers based on age.
 - ASSIGNMENTS AND TRANSFERS** 7 Do not give the best jobs to the younger employees; do not deny training programs and opportunities for advancement to older employees.
 - PROMOTIONS AND DEMOTIONS** 8 Both promotions and demotions/reassignments must be consistent between ages. Don't assume older workers are unwilling to change.
 - TRAINING PROGRAMS** 9 All advancement opportunities, job designations, company-sponsored educational backgrounds, and apprenticeships must be evenly offered to all ages.
 - RETIREMENT PLANS** 10 Pensions and other retirement programs must be offered to employees with the same qualifying criteria, contribution and benefit accrual schemes, regardless of age. However, mandatory retirement or re-assignment can be imposed on high-level employees who qualify for a certain level on retirement benefits and meet other criteria.
 - LEAVES OF ABSENCE** 11 They must be granted or denied uniformly. The terms and conditions for qualifying for a leave of absence, compensation or lack, and the length of the leave must all be fixed without consideration of age.
 - COMPLAINERS** 12 Avoid discipline or other adverse job action against any employee who complains about age discrimination, or who files or participates in such charges.
 - JOKERS AND HARASSERS** 13 Prevent joking about age or older people. Develop anti-harassment policies and enforce them.
 - DISPARATE IMPACTS** 14 Be sure that all recruitment/compensation/downsizing activities do not inadvertently treat older employees unfairly.
 - DATA COLLECTION AND RETENTION** 15 Keep employee and payroll records for three years, Maintain job applications, resumes, communications with employment agencies, employee test results and related papers for one year after taking action relating to the records.