**Gerontology 306 Assignment**

[**Health Policy Analysis**](https://learn.umuc.edu/d2l/le/news/347496/1404380/view)

**Social Issue Associated with Aging**

Compare these two legislative mandates:

**Legislation #1** Age in Discrimination Act

**Legislation #2** Older Workers Benefit Protection Act

**Information should be placed in the table below. 2 Pages Total**

**(Table page and Reference page)**

Policy Analysis Table

|  |  |  |
| --- | --- | --- |
| **Issue:** Age discrimination in the workplace | **Legislation #1** | **Legislation #2** |
| Why was this legislation enacted? | According to Audit studies two applicants having the same skills but different ages applied for same position. The older candidate was discriminated on the basis of his age (nber.org, 2017). There were so many other examples in this regard therefore The equal Employment Opportunity Commission came up with ADEA. It aims to protect the old age employees at work place. | This Act was passed with an objective to protect the old age employees by providing all the benefits equally at work places. Under this law, employers will provide benefit plans their old employees. They will give same amount of benefits to old employees which are given to younger employees in payments. |
| Recent legislation or Amendments  Has the issue been changed because of this legislation? | The Age Discrimination in Employment Act was passed in 1967. However, in 1990 it was amended to OWBPA (Rothenberg & Gardner, 2011). It has been very helpful to overcome the issues related to Age discrimination at work places. After amendment several sections are added. It increased the employment rate of employees having age above 60. | The Older Workers Benefit Protection Act (OWBPA) was approved in 1990. After it there is no any change or amendments are made. It is more concerned about the employee benefits for old employees at work. It has minimized the number of cases regarding the Age discrimination at work places and many of the elders get benefits due to this law. |
| What programs have arisen in response to this policy? | There are programs like Seniority benefits and promotion within the organization, pension and insurance programs for the senior employees (Gold, 2004). These programs are introduced to overcome the discrimination against old age. It also protects the usage of bona fide seniority system (Neumark, 2003). | OWBPA covers benefits like Fringe benefits, health coverage benefits, disability packages, Life coverage, allowances and retirement funds. All these programs aim to ensure the equal opportunities for employees having age above 40. Under OWBPA, an early retirement incentive plan was introduced for employees with older ages (Harper, 1993). |
| Are there viable alternatives to this policy or the programs that have been implemented? | There many alternatives policies and programs which are working for similar objectives. However, these are not age specific. For instance, the minimum wage program is implemented under the Fair Labor Standard Act. In addition, there are other laws like The Occupational Safety and Health Act which ensures healthy environment at work places. Likewise, there are other policies and programs which overlap functions with this policy. | Like OWBPA there are other policies which are safeguarding the rights of citizens of an old age. For instance, Social Security Act provides financial support to those who are retired or having physical disabilities. Moreover, the Unemployment benefits are provided by the state to those who are unemployed for few months. At the same time, The Civil Rights Act of 1964 also aims to protect the rights of every citizen regardless of age, race, class, gender and sect. |
| How could this policy be implemented more effectively? | Although, this Act aims to provide equal opportunities of older ages. At the same time, there are laws against those employers who are not following the rules and regulations under ADEA. Employees who are discriminated on the basis of age go to courts. But many of them quite due lack of financial matters and they cannot afford a lawyer. Others quite due to the court procedures. If there are alternatives like specific lawyers or efficient procedures to cater the specific cases, it will work more efficiently. | It is already effective but few recommendations may work to strengthen it further. For instance, OWBPA seems one-sided policy and it only favors old age employees. Therefore, it is criticized by many researcher. Sometimes old age employees misuse the act. Therefore, this policy should be made more flexible and cases should be dealt after listening to both parties. |
| Were there any unintended consequences that arose because of this legislation? | The unintended consequences were like the number of cases for ADEA were increased. Secondly, the employment opportunities for young generation decreased because the older employees had more experience than fresh graduates. | Cases were identified were the old age employees started misusing the Act. At the same, number of cases are also increased under this act. Many researchers criticized it as “money for nothing” (Higgins, 1998). |

**References**

Gold, M. E. (2004). Disparate impact under the Age Discrimination in Employment Act of 1967. Berkeley J. Emp. & Lab. L., 25, 1.

Harper, M. C. (1993). Age-based exit incentives, coercion, and the prospective waiver of ADEA rights: The failure of the Older Workers Benefit Protection Act. Virginia Law Review, 1271-1344.

Higgins, M. (1998). Take the Money and Sue. ABAJ, 84, 46.

Neumark, D. (2003). Age discrimination legislation in the United States. Contemporary Economic Policy, 21(3), 297-317.

Rothenberg, J. Z., & Gardner, D. S. (2011). Protecting older workers: The failure of the age discrimination in employment act of 1967. J. Soc. & Soc. Welfare, 38, 9.

The National Bureau of Economic Research. (2017). the Past and Future of the Age Discrimination in Employment Act. Retrieved from <https://www.nber.org/aginghealth/2008no3/w14317.html>