Incident of Age Discrimination

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Age discrimination is unfair treatment towards an employee due to his or her age. Age discrimination laws protect an employee in all aspects of employment. The incident under discussion is about Kelber, who was not hired on a junior position due to his age. Kleber had eight years of experience as a general counsel and in jobs related to general management. When he failed to get a job on a senior position, as per his experience, he started applying for junior positions to increase the likelihood of his employment. CareFusion hired a 29-year candidate and did not call him for an interview for senior counsel job. The job ad specified that they do not require experience of more than seven years. According to Kleber, the company has violated the law by ADEA which aims at protecting the older workers. The Age Discrimination in Employment Act 1967, protects the applicants over 40 years of age from any age discrimination based on hiring, firing, promotions and terms and conditions of employment (Miller, 2018).

In the US, laws against age discrimination were introduced with the intent to protect older workers from stereotypes, however, as the U.S. population ages, the law on discrimination often serves as a way to reduce entitlement program costs. Lahey (2010) found that that age discrimination law generally protected employed workers but posed adverse effects on those seeking employment. In contrast, EU legislation regarding age discrimination is motivated partially by political and economic considerations (Ellis & Watson, 2012). The legislation allows for more exemptions compared to the U.S. (Lahey, 2010). A key factor was the increase in the older population relative to the ‘working age' which puts mounting pressure on public finance and welfare systems. Modern EU laws, however, bar advertisements from explicitly mentioning age limits in the majority of occupations, and many EU members already had social norms that did not find age-based advertisements to be acceptable.

# References

Ellis, E., & Watson, P. (2012). *EU anti-discrimination law* (2nd ed.). Oxford: Oxford University Press.

Lahey, J. N. (2010). International Comparison of Age Discrimination Laws. *Research on Aging, 32*(6), 679-697. doi:10.1177%2F0164027510379348

Miller, M. (2018, September 5). *U.S. court cases aim to rein in age-discrimination hiring practices*. Retrieved January 20, 2019, from Reuters: https://www.reuters.com/article/us-column-miller-agediscrimination/u-s-court-cases-aim-to-rein-in-age-discrimination-hiring-practices-idUSKCN1LL2FP