

Age Discrimination in Employment Act (ADEA)

The ADEA protects individuals 40 years and older from employment discrimination.

Prohibited language patterns:

- "Old school" or "set in ways" - implies inflexibility based on age
- "Overqualified" - often code for "too old"
- "Digital native" expectations - discriminates against older workers
- "Low energy" or "not keeping pace" - age-related stereotypes

Legal requirements:

- Performance assessments must be based on actual job requirements
- Age is not a proxy for skill, adaptability, or technological capability
- Training and development opportunities must be age-neutral

Best practices:

- Focus on specific skills and outcomes
- Avoid assumptions about retirement plans
- Document concrete performance issues, not age-related generalizations