

A large, thin, yellow arc curves from the top right towards the bottom right, framing the title. A solid green rectangle is in the top left corner. A thin grey line runs horizontally across the page, intersecting a vertical grey line that runs down the right side. At the intersection, there is a small yellow square. Another small yellow square is located at the bottom right corner of the green rectangle.

AARP New Jersey Age Discrimination Survey

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**Data Collected by Princeton Survey Research Associates
Report Prepared by Katherine Bridges**

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AARP is a nonprofit, nonpartisan membership organization for people 50 and over. We provide information and resources; advocate on legislative, consumer, and legal issues; assist members to serve their communities; and offer a wide range of unique benefits, special products, and services for our members. These benefits include AARP Webplace at www.aarp.org, AARP *Modern Maturity*, and *My Generation* magazines, the monthly AARP *Bulletin*, and a Spanish-language newspaper, *Segunda Juventud*. Active in every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, AARP celebrates the attitude that age is just a number and life is what you make it.

Acknowledgements

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Background

As more Americans live longer and healthier lives, many are working longer or going back to work after retirement. A recent study conducted by AARP found that 8 in 10 baby boomers are planning to work during their “retirement years” (AARP, 2000), and the Bureau of Labor Statistics projects that between 1998 and 2008 the percentage of workers age 45 and older will increase by about 7 percent, adding nearly 17 million workers to this age group (Dohm, 2000). Furthermore, workers age 55 to 64 are projected to increase by 10 million during this time (Fullerton, 1999). Combined with a slowing economy and dwindling pensions, workforce changes such as these could give rise to increasing incidents of age discrimination in employment.

The federal Age Discrimination in Employment Act (ADEA) of 1967 states that employers with 20 or more employees may not discriminate against workers age 40 and older in recruitment, hiring, training, promotion, pay, benefits, firing, layoffs, retirement, and any other aspect of employment because of age. All 50 states have age discrimination statutes with widely varying provisions.

Purpose

This telephone survey of 801 New Jersey residents age 40 and older was conducted between April 5 – April 14, 2002 to assess public awareness of age discrimination in the workplace, opinions about the importance of protecting against age discrimination, and opinions on specific provisions being considered in New Jersey age discrimination law.

Summary

Age discrimination in the workplace is an issue recognized by older New Jerseyites, and many have seen, heard, or read about this issue in the news over the past year. These residents clearly feel that older workers should not be forced to retire because of age, and they believe that most older workers perform as well on the job as younger workers. These are significant findings considering that about 4 in 10 New Jersey respondents age 40 and older surveyed indicate a personal experience with one or more kinds of age discrimination in the workplace, whether it was themselves or someone close to them. Furthermore, over 8 in 10 say it is more or equally important to prevent age discrimination compared to other forms of discrimination.

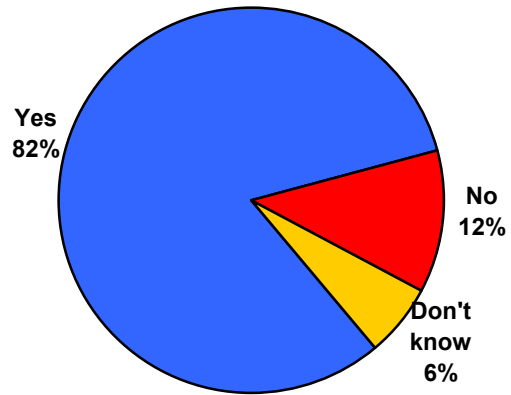
In terms of legal consequences for workplace age discrimination, New Jersey respondents age 40 and older believe employers should have to pay the legal fees for workers who win age discrimination cases against them. New Jerseyites also believe workers have a right to know, before they are asked to sign away their rights, the ages and job classifications of those offered a buy-out incentive compared to those who are not offered such an incentive during a downsizing. Given these results, there is likely to be support for revising New Jersey age discrimination law for at least the two elements tested in this survey.

Findings

Employers Who Discriminate Based on Age Should Pay Legal Fees for Workers

Currently under New Jersey law, even employees who win age discrimination cases against their employers may not be able to get their attorney fees paid; the decision is left to the discretion of the court deciding the case. In this survey, we find eight in ten (82%) New Jersey residents believe that if an employer is found guilty of discriminating on the basis of age, that employer should be required by law to pay the legal fees of the employee who brought the case to court.

Should Employers Pay Legal Fees?
(n=801)

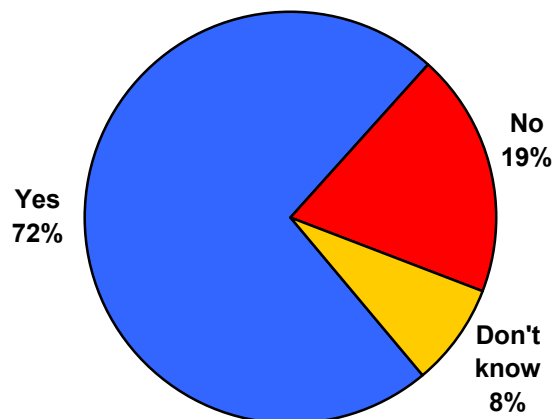


Employees Should Know the Ages and Titles of Those Receiving Special Termination Benefits

Downsizing has become increasingly common over the past few years. Indeed, three in ten respondents (30%) say they, or someone they know, have been terminated from employment in the past 12 months during a large-scale layoff or downsizing.

During corporate downsizing or mergers, companies might, even unintentionally, structure an incentive program in a discriminating fashion so that it disproportionately affects older workers. It is proposed that New Jersey's law be strengthened by making more information available to workers who receive an offer to leave the employer--usually with an enhanced set of pension and health benefits--so they can compare the ages and job classifications of those getting the offer to those who do not get the offer.

Should Employees Be Allowed to Know Ages and Titles of Those Offered Buyouts Before Signing Waivers?
(n=801)

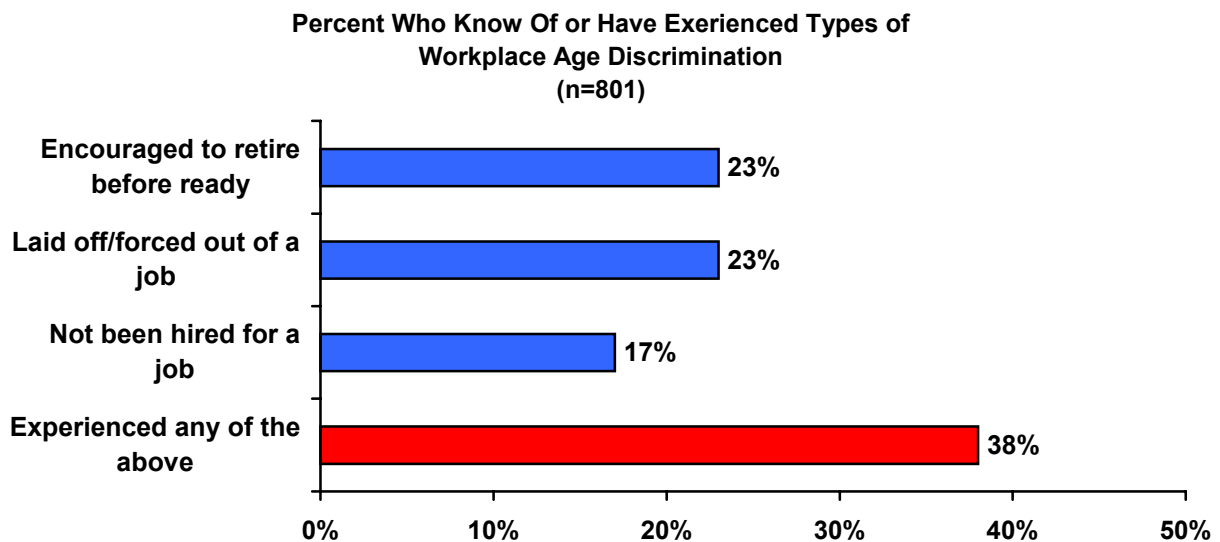


The majority of New Jersey residents age 40+ (72%) believe that in the event of a downsizing, employees should be able to know the ages and job classifications of those being offered an exit incentive program compared to those who are not getting the offer, before they are asked to sign away their rights to sue for unfair employment termination.

Four in Ten New Jerseyites Have Experience or Knowledge of At Least One Form of Age Discrimination in the Workplace

New Jersey residents age 40 plus have considerable awareness of the issue of age discrimination in the workplace. Four in ten (38%) say they have seen, heard or read something in the news about age discrimination in the workplace in the past 12 months.

Furthermore, many residents have experience with age discrimination. When given a list of three forms of age discrimination in the workplace, 38 percent of New Jersey respondents say they or someone they know have experienced one or more of them since turning age 40. The graph below shows the proportion of respondents who have experience with each type of age discrimination presented in the survey. About one-quarter say they or someone they know have been laid-off, fired, or forced out of a job, or have been encouraged to retire early, because of age. One in six respondents say that since turning 40, they or someone close to them has not been hired for a job because of age.

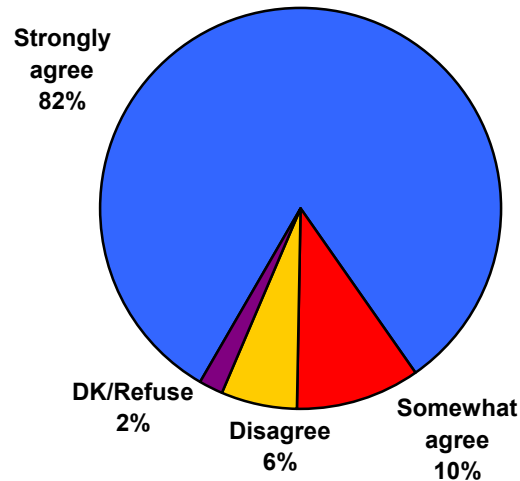


Most Residents Believe Older Workers Should Not Be Forced to Retire

“Nobody should be forced to retire because of age”
(n=801)

Nearly all of the respondents (92%) agree that nobody should be forced to retire because of age if they want to continue working and are able to perform the job.

In addition, more than eight in ten agree that most older workers can perform as well on the job as most younger workers (56% strongly agree, 27% somewhat agree).

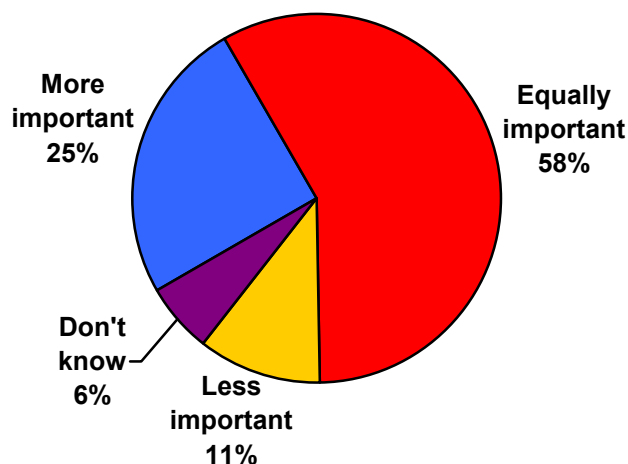


Respondents are less decisive about whether age discrimination is a widespread problem. More than half of the respondents (54%) feel that most employers discriminate against older workers, yet about a third (36%) disagree and one in ten (9%) is unsure.

Age Discrimination Is At Least As Serious As Other Types of Discrimination

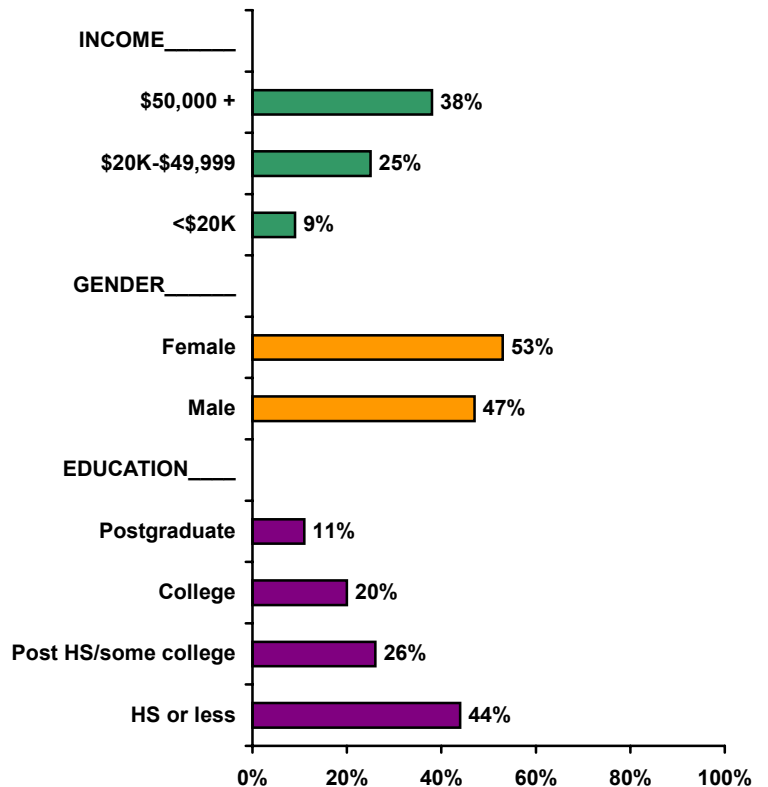
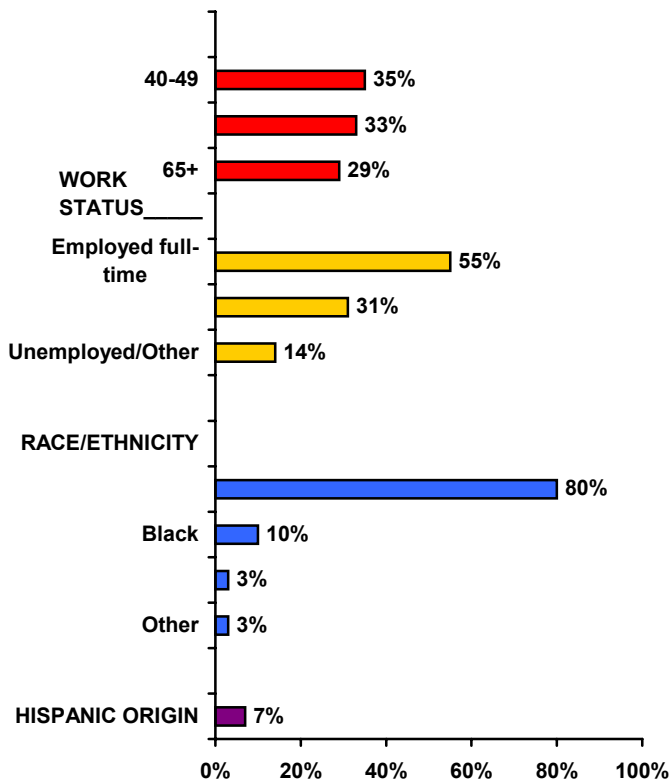
One-quarter of New Jersey respondents say that it is more important to prevent age discrimination in the workplace than discrimination based on gender, race, or national origin; six in ten say it is equally important to prevent. Interestingly, non-white respondents are more likely than white, non-Hispanic respondents to say it is more important to prevent age discrimination (35% vs. 22%).

Importance of Preventing Age Discrimination Relative to Other Forms of Discrimination
(n=801)



Demographic Characteristics of New Jersey Respondents

Most of the respondents in this survey are Caucasian or white (80%), and ten percent are black or African-American. About seven percent say they have a Hispanic or Latino background. New Jersey residents 40+ typically have a household income of \$50,000 or more, are married, working, and have a post-high school education, including some college or technical training. More than half of the respondents are working full-time, and about one-third are currently retired.



Methods

AARP commissioned Princeton Survey Research Associates to conduct a public opinion survey of New Jersey residents age 40 and older. From a random sample of 4,998 telephone numbers, 801 interviews were completed between April 5 – April 14, 2002, yielding a 32 percent response rate and a 44 percent cooperation rate. The survey has a sampling error of plus or minus 4 percent at the 95 percent confidence interval. Survey responses were weighted by age, sex, education, race, Hispanic origin, and marital status to reflect the New Jersey population age 40 and older.

References

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Dohm, A. (2000, June). Gauging the labor force effects of retiring baby-boomers. Monthly Labor Review Online, 123, (7) p.1.

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**AARP New Jersey Age Discrimination Survey
Annotated Questionnaire**

PRINCETON SURVEY RESEARCH ASSOCIATES for
AARP

NEW JERSEY AGE DISCRIMINATION SURVEY

--FINAL TOPLINE--

April 18, 2002

Job#: 22041

N= 801 New Jersey residents age 40 and older

Margin of Error: Plus or minus 4 percentage points

Interviewing Dates: April 5-14, 2002

Data is weighted

INTRODUCTION: Hello, my name is _____ and I'm calling for Princeton Survey Research. We're conducting an important statewide survey in New Jersey about employment issues, and we'd very much like to include your household.

NOTE: An asterisk (*) indicates a value less than one percent.

SCREENING INTERVIEW:

S1. Here's my first question... How satisfied are you with the way things are going for you and your family today? Are you...**(READ)**

39 Very satisfied
43 Somewhat satisfied
11 Not too satisfied, OR
6 Not at all satisfied?
1 Don't know/Refused
100

S2. To make sure our survey includes many different kinds of families, I need to ask you a few questions about who lives in your household... Are there any CHILDREN under 18 years of age now living in your household?

S3. Including yourself, how many ADULTS, 18 and older, now live in your household?

ASK S4a IF ONE ADULT IN THE HH (S3=1):

S4a. Are you, yourself, over or under age 40?

ASK S4b IF TWO OR MORE ADULTS IN THE HH (S3=2-5):

S4b. How many of these adults are 40 years of age or older?

IF NO ADULT AGED 40+ (S4a=2 or S4b=0), READ: Thank you very much for your cooperation. For this survey, we're looking for households with adults age 40 and over...

ASK S5a IF ONE PERSON AGED 40+ (S4b=1):

S5a. May I please speak to this person?

ASK S5b IF TWO PERSONS AGED 40+ (S4b=2):

S5b. May I please speak with the (ROTATE: YOUNGER/OLDER) of these two persons over 40 who is now at home?

ASK S5c IF THREE OR MORE PERSONS AGED 40+ (S4b=3-5):

S5c. May I please speak to the person over 40 who had the MOST RECENT birthday and is now at home?

ASK S6 OF ALL NEW RESPONDENTS (S5a=2 or S5b=2 or S5c=2):

S6. Hello, my name is _____ and I'm calling for Princeton Survey Research. We're conducting an important statewide survey of people age 40 and over about employment issues. **READ IF NECESSARY:** This survey is for research purposes ONLY – we're not trying to sell you anything. All of your responses will be kept entirely confidential.

Before we start, I need to confirm that you are 40 years of age or older. Is this correct?

MAIN INTERVIEW:

1. In the past 12 months, have you seen, heard, or read anything in the news about age discrimination in the workplace?

38 Yes
61 No
1 Don't know
* Refused
100

2. Now I'm going to read you a list of statements about work and retirement. As I read each one, please tell me if you strongly agree, somewhat agree, somewhat DISagree, or strongly disagree with it. (Here's the first/next one...)

	<u>Strongly Agree</u>	<u>Somewhat Agree</u>	<u>Somewhat Disagree</u>	<u>Strongly Disagree</u>	<u>DK</u>	<u>Refused</u>	
a. Nobody should be forced to retire because of age if they want to continue working and are able to perform the job.	82	10	3	3	1	1	=100
b. Most employers discriminate against older workers	23	32	23	13	9	*	=100
c. Most older workers can perform as well on the job as most younger workers.	56	27	10	4	3	*	=100

3. Please tell me if you or a family member or friend has experienced any of the following BECAUSE OF AGE since turning 40. Have you or a family member or friend...

	<u>Yes</u>	<u>No</u>	<u>DK</u>	<u>Refused</u>	
a. Not been hired for a job	16	79	5	*	=100
b. Been laid off, fired, or forced out of a job	23	76	1	*	=100
c. Been encouraged to retire before you or they were ready	23	75	2	*	=100

Total experienced any of the above ... 38%

4. In your opinion, is age discrimination in the workplace more important, equally important, or less important to prevent than discrimination based on gender, race, or national origin?
- | | |
|-----------------|-------------------|
| 25 | More important |
| 58 | Equally important |
| 11 | Less important |
| 6 | Don't know |
| * | Refused |
| <u> </u> | |
| 100 | |
5. If a worker wins an age discrimination case against his or her employer, do you think the employer should be required to pay the worker's legal fees?
- | | |
|-----------------|------------|
| 82 | Yes |
| 12 | No |
| 6 | Don't know |
| 0 | Refused |
| <u> </u> | |
| 100 | |
6. Have you or has anyone you know been terminated from employment in the past 12 months during a large-scale layoff or downsizing?
- | | |
|-----------------|------------|
| 30 | Yes |
| 69 | No |
| 1 | Don't know |
| * | Refused |
| <u> </u> | |
| 100 | |
7. If a company is downsizing and offers a buyout or exit incentive program to its employees, the company sometimes asks the employee who accepts the buyout to sign a form giving up the right to sue the company for unfair termination of employment. In that situation, do you think before employees are asked to sign away their rights they should be able to know the ages and job titles of those being offered the buyout compared to the ages and job titles of those not getting the offer?
- | | |
|-----------------|------------|
| 72 | Yes |
| 19 | No |
| 8 | Don't know |
| * | Refused |
| <u> </u> | |
| 100 | |

DEMOGRAPHICS (ASK ALL):

D1. RECORD RESPONDENT'S SEX:

47 Male
53 Female
100

D2. Now I have just a few more questions so I can describe the people who took part in our survey... Are you married, LIVING AS married, divorced, separated, widowed, or have you NEVER been married?

67 Married
2 Living as married
7 Divorced
2 Separated
9 Widowed
13 Never been married/Single
* Refused
100

D3. What is your age?

35 40-49
33 50-64
29 65 or Older
1 Don't Know
2 Refused
100

D4. What is your five-digit ZIP code at your home address?

D5. Just to check, let me read that back to you... Is that correct?

D6. What is the LAST grade or class that you COMPLETED in school?

3 None, or grade 1-8
9 High school incomplete (grades 9-11)
32 High school graduate (grade 12 or GED certificate)
6 Business, technical, or vocational school AFTER high school
19 Some college, no 4-year degree
19 College graduate (B.S., B.A., or other 4-year degree)
11 Post-graduate training or professional schooling after college (e.g., toward a master's degree or Ph.D.; law or medical school)
* Don't know
1 Refused
100

D7. Are you, yourself, of Hispanic or Latino background, such as Mexican, Puerto Rican, Cuban, or some other Latin American background?

7 Yes
92 No
0 Don't know
1 Refused
100

D8. What is your race? Are you white, black, Asian, or some other race?
IF R SAYS "HISPANIC" OR "LATINO" ASK: Do you consider yourself a WHITE Hispanic/Latino or a BLACK Hispanic/Latino?

80 White
11 Black/African-American
3 Asian
3 Other or mixed race
1 Don't know
2 Refused
100

D9. What is your employment status? Are you...

47 Employed full-time
8 Employed part-time
31 Retired and not working
4 A homemaker
5 Unemployed and looking for work, OR
2 Disability
3 Something else (**VOL.**)
0 Don't know
1 Refused
100

D10. Are you or is your husband/wife/partner a member of A/A/R/P?

40 Yes
58 No
1 Don't know
1 Refused
100

D11. Last year, that is in 2001, what was your total household income from all sources, BEFORE taxes?
Just stop me when I get to the right category.

- 3 Less than \$10,000
 - 6 \$10,000 to under \$20,000
 - 7 \$20,000 to under \$30,000
 - 9 \$30,000 to under \$40,000
 - 9 \$40,000 to under \$50,000
 - 12 \$50,000 to under \$75,000
 - 26 \$75,000 or more
 - 6 Don't know
 - 22 Refused
- 100

END INTERVIEW, THANK RESPONDENT: That completes the interview. Thank you very much for your time and cooperation. Have a nice day/evening.

AARP
Knowledge Management
For more information contact Katherine Bridges (202) 434-6329