Employment Discrimination Against Older Workers: An Experimental Study of Hiring Practices

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ABSTRACT. Pairs of resumes, one for a 57-year-old and the other for a 32-year-old, were mailed to 775 large firms and employment agencies across the United States. Although the resumes presented equal qualifications, the older job seeker received a less favorable employer response 26.5% of times when a position appeared to be vacant. Vigorous enforcement of equal opportunity laws as well as initiatives to change employer attitudes are appropriate responses to such discrimination. The technique of employment testing, demonstrated in this research, can be useful in both efforts. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-342-9678. E-mail address: getinfo@haworth.com]*

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Eighty-one point four percent of Americans aged 45 through 54, 56.9% of those 55 through 64, and 11.8% of those 65 and older are either employed or seeking work while unemployed. Together, these groups encompass 39.2 million workers, or 30.2% of the nation's labor force (U.S. Department of Labor, 1993, Table A-4; Ventrell-Monsees & McCann, 1991).

Economists define discrimination in employment as the distribution of work opportunities and rewards based on factors unrelated to employee productivity (Ehrenberg & Smith, 1994, p. 402). A variety of evidence suggests that older workers may experience discriminatory treatment in the United States labor market:

- *Negative stereotypes.* Despite evidence to the contrary, employment decisionmakers often assume that older workers are less energetic, motivated, creative, and productive than their younger counterparts; less committed to their careers; more difficult to supervise; technologically obsolete and unwilling to change; uninterested in and unable to benefit from training; physically frail and more prone to accidents and illness; and expensive to employ due to high salary demands and costly fringe benefits (AARP, 1989a, pp. 8-9; Fyock, 1990, pp. 31-41; National Alliance for Business, 1985, pp. 9-11; Rosen, 1978; Rosen & Jerdee, 1976).
- *Workers' experiences.* In a nationwide Gallup poll of 1,300 employed workers age 40 and above, 6% of respondents reported that they had personally experienced age discrimination in employment (AARP, 1989b, p. 17), a rate corresponding to 3.3 million workers nationwide. In Fiscal Year 1994, the federal Equal Employment Opportunity Commission (EEOC) and its state and local counterpart agencies received 26,872 charges alleging violation of the federal Age Discrimination in Employment Act (ADEA) (EEOC, 1994).
- *Employment outcomes.* While wage rates of younger workers tend to increase with increasing experience and rising national wage levels, those of older workers tend to decline (Wanner & McDonald, 1983). When workers age 55 and older experience periods of unemployment, the duration of these periods averages nearly double that of workers age 25 through 34 (Bendick, 1983; U.S. Department of Labor, 1993, Table A-17). When older workers find new employment, their opportunities are restricted to a narrower range of occupations and industries than those for their younger counterparts (Hutchens, 1988).

While such evidence is suggestive, it remains limited in several ways. First, much of it is indirect; rather than observing discriminatory behavior directly, that behavior is inferred from observing its preconditions or its consequences. Evidence that is more direct, such as complaints filed with the EEOC, is based on unverified allegations.

Among all aspects of employment discrimination, perhaps the greatest uncertainty surrounds estimates of bias in hiring. If a job applicant is told that an advertised position has already been filled or that another applicant has been hired who is more qualified, the disappointed job seeker typically does not have sufficient information to confirm or contradict these assertions. Probably reflecting this difficulty in verification, among all charges filed under the ADEA as of 1989, only 14.2% related to hiring. Some 44.7% concerned separations from employment–including involuntary retirements–and the remaining 41.1% concerned compensation and treatment while employed (EEOC, 1989, p. 17).

The research reported in this article provides a direct, quantitative estimate of the extent to which discriminatory employer attitudes and practices limit hiring opportunities for older workers. It does so through employment "tests" (also called "audits") in which matched pairs of equally qualified older and younger workers are presented as actual job applicants to employers who are unaware that they are being tested.

METHODS

The study reported on here applies to the issue of age discrimination research procedures that have recently been developed to measure race-based employment discrimination (Bendick, 1996; Bendick, Jackson, & Reinoso, 1994; Bendick, Jackson, Reinoso, & Hodges, 1991; Fix & Struyk, 1993). Employment testing is a systematic social science technique for observing employers' candid

responses to the demographic characteristics of job applicants. Testing operates in the manner of a controlled experiment. Two applications are submitted simultaneously that portray job seekers who are identical in job-relevant qualifications but who differ in one demographic dimension–in the present case, age. Key factors relevant to the hiring decision–such as the applicants' education and experience–are controlled, while the influence of other random factors are eliminated through repeating the experiment dozens or hundreds of times. In these circumstances, relatively few assumptions and little analysis are required to infer that differences in outcomes are attributable to that demographic characteristic.

Sample of Firms

The goal in selecting firms to be tested was to approximate the American labor market confronting actual older job seekers nationwide. To sample a large proportion of that job market while limiting the amount of mailing required, the largest firms in the United States were targeted. Essentially all such firms can be assumed to have professional human resource staffs and formal policies against employment discrimination.

To test this segment of the labor market, mailing lists were purchased from commercial vendors for the 1,000 industrial firms and 500 service firms in the nation with the largest annual revenues, as well as a list of 752 employment agencies with an internal staff of at least 20. In 1992, the 1,500 industrial and service firms employed 24.8 million workers, or 19.2% of the national labor force (*Fortune*, 1993b; *Fortune*, 1993c; *Fortune*, 1982), and the 752 employment agencies are responsible for more than 500,000 job placements per year (NAPC, 1989). The sample excluded government entities and nonprofit firms.

After deletion of duplicates, these lists yielded 1,860 firms to which pairs of resumes were mailed. A completed test was defined as a mailing which elicited at least one response to one of the two applicants, either by mail or telephone. By this definition, 775 tests were completed, a response rate of 41.7%.

Table 1 presents data on the characteristics of the 775 firms or agencies for whom tests were completed. The table reports that these firms were in both urban and rural locations in all regions of

TABLE 1. Characteristics of the 775 Tests in the Study Sample

Characteristics	Number of Completed Tests	Response Rate (percent)
All Tests	775	41.7
Census Region of Firm		
Northeast	225	43.4
Midwest	223	44.2
South	181	34.5
West	146	46.6
Location of Firm		
Metropolitan area	739	41.8
Nonmetropolitan area	36	38.3
Industry of Firm		
Manufacturing	286	49.5
Finance, insurance & real estate	197	52.0
Wholesale/retail trade	74	56.1
Employment agencies	64	13.1
Services	61	52.6
Transport, utilities & communications	54	54.6
Other	21	53.8
Number of Employees in Firm*		
< 1,000	30	50.8
1,000 - 9,999	245	51.0
10,000 - 24,999	192	49.2
25,000 - 99,999	197	53.4
≥ 100,000	47	62.7
Occupation of Applicant		
Management information systems specialist	195	31.7
Executive secretary	295	47.4
Writer/editor	285	45.8
Gender of Applicant		
Male	336	36.1
Female	439	47.3
Applicant's Strategy		
Deemphasize age issue	260	42.1
Emphasize experience and maturity	251	40.1
Emphasize youthful qualities	264	42.3

* Excluding employment agencies.

the country. The firms represented a range of industries–from manufacturing to finance, retail, transportation, and utilities–and firm-wide employment varying from slightly under 1,000 employees to more than 100,000. Thus, while not precisely weighted to match the distribution of employment in the nation, they spread broadly across the spectrum of the nation's larger employers.

As Table 1 also reports, three white-collar occupations were studied: management information systems specialist, executive secretary, and writer/editor. These occupations satisfied five criteria: (1) positions could be found at virtually any firm in the diverse sample; (2) an older applicant for these positions would not be conspicuous; (3) typical positions are permanent, full time, and relatively well compensated; (4) employment applications received through the mail would not be considered unusual; and (5) together, the occupations encompassed both technical and nontechnical fields and both college graduate and nongraduate levels of education. To avoid confounding age discrimination with possible gender discrimination, applicants for management information specialist were assigned male names, those for executive secretary were assigned female names, and half of the applications for writer/editor were randomly assigned to each gender.

Applicants' Qualifications

For both younger and older workers, the materials mailed to each firm consisted of a one-page or two-page resume and a one-page cover letter addressed to the firm's director of personnel. The resumes and cover letters in each pair were equal in length, professional in appearance, and in standard formats adapted from typical sources of advice concerning how to be an effective job applicant (AARP, 1991; Beatty, 1992; Norris, 1990; Swanson, 1991; Yate, 1988). Older and younger applicants were randomly assigned fictitious names (for example, Evelyn Lee Hansen or Mary Walsh Abid), an address and telephone number in Washington, D.C. or a small city in Indiana, and resumes with slightly different typefaces and layouts.

Each resume set forth credentials designed to make the applicant well qualified for the employment sought. For example, applicants for executive secretary positions claimed typing speeds of approximately 90 words per minute, familiarity with state-of-the-art computer programs for word processing and desktop publishing, and experience working directly for a higher-level business executive. For each occupation, relevant skills and qualifications were identified by consulting reference works on occupational qualifications (especially, U.S. Department of Labor, 1992) and reviewing "help wanted" advertising for similar positions from major newspapers.

Within each pair of resumes and cover letters, qualifications were closely matched for the older and younger applicants. Both were given the same number of years of education, in identical or closely related fields, at schools of comparable quality. Both were described as currently employed and planning to move to the locality where the firm was located. Both were given 10 years' experience in the occupation in which they were seeking employment, comparable levels of responsibility in their prior employment, and similar specialized technical skills. Information in the resumes (such as dates of college graduation) allowed a reader readily to infer that one applicant was approximately age 32 and one age 57.[1] To account for older applicants' 25 additional years of living not covered by their 10 years of experience in their current occupation, resumes for executive secretary implied that the applicant had been out of the labor force while raising children, and resumes for writer/editor and management information specialist reported that the applicant had spent those years as a high school teacher.

Between March and June 1993, applications in each pair were mailed simultaneously from post offices in Indiana and Washington, D.C. Through August 1993, responses were received by mail or telephone answering machines. The interval between mailing an application and receiving a response averaged 18 days, with a range from 3 to 120 days. Employers' responses requesting that the applicant contact the firm were not responded to in any way.

RESULTS

The Overall Prevalence of Discrimination

When two equally qualified job seekers apply simultaneously to the same firm, it is to be expected that random circumstances (such

as whether one letter is delivered a day earlier than another) will generate some differences in treatment of the two applicants. However, random circumstances should favor the younger applicant and the older applicant equally often. Thus, the basic measure of discriminatory outcome is the *difference* between the treatment of the two types of applicants. To represent this difference, the proportion of times an outcome is experienced by an older applicant is *subtracted* from the proportion of times that same outcome is experienced by her/his younger counterpart. These differences are examined separately for the 696 tests in which neither applicant received a positive response (that is, where the only responses were rejection letters) and the 79 tests in which at least one applicant received some form of positive response (e.g., a message to call the company to set up an interview). In this study, these latter cases were interpreted as situations where the random mailing had probably coincided with a current job vacancy.

Table 2 presents five measures of employers' responses, all displaying a consistent (although not always statistically significant) pattern: despite all the ways in which the 32-year-old applicant and the 57-year-old applicant were identically qualified, the younger applicants were, on average, responded to more favorably.

The first indicator of this pattern is the median days that elapsed between the mailing of applications and receipt of a first response from employers. When positive responses were sent (e.g., "please call us to discuss your application further"), younger applicants received their responses, on average, one day faster than older applicants received similar messages (6 days rather than 7). However, if the response was negative (e.g., "we have nothing available at this time; we will keep your resume on file"), older applicants receiving such rejections received them, on average, one day faster than their younger counterparts received their rejections (13 days compared to 14).

The second measure presented in Table 2 is the proportion of responses that were received by telephone rather than by letter, an indication of the intensity or urgency of an employer's interest. Among older workers receiving positive responses, 50.0% of these responses were by telephone; among their younger counterparts receiving positive messages, 65.7% of those messages were by

TABLE 2. Differences in Employers' Responses to Applications

Response Measure	(1) Applicant Age 32		(2) Applicant Age 57		(3) Difference (1) - (2)
Median days between mailing and first response					
Tests with ≥ 1 positive response	6	–	7	=	−1
Tests with no positive responses	14	–	13	=	−1
Percent of first responses that were by telephone					
Tests with ≥ 1 positive response	65.7%	–	50.0%	=	15.7%**
Percent of positive responses that were followed by additional attempts to contact					
Tests with ≥ 1 positive response	18.8%	–	17.4%	=	1.4%
Percent of negative responses that suggested an alternative					
Tests with no positive responses	6.3%	–	5.3%	=	1.0%
Received a more favorable response than paired resume					
Tests with ≥ 1 positive response	43.0%	–	16.5%	=	26.5%**
Tests with no positive responses	2.2%	–	9.3%	=	2.9%*

* statistically significant $p < .05$
** statistically significant $p < .01$

telephone, 15.7 percentage points more. The degree of employer interest is also reflected in the number of attempts made to contact the employee when the employer's initial message went unanswered. The third set of results in Table 2 reports that, for younger workers receiving one positive message, 18.8% of employers attempted to contact the applicant one or more additional times; the corresponding figure for older workers was 17.4%, 1.4 percentage points less.

The fourth set of figures in Table 2 examines instances in which an employer rejected an applicant but provided an alternative suggestion, such as the name of another company that might be interested in the applicant. This occurred for 6.3% of younger applicants and 5.3% of older applicants; this difference of one percentage point corresponds to 20% of the times such assistance was provided.

The most comprehensive indicator of applicant treatment in Table 2 is presented in the final set of figures in the table, below the broken line. This measure, labeled "Received a more positive response than paired resume," encompasses all forms of difference in treatment reported in the first part of Table 2 except the days that elapsed before a response was received. That is, the measure reflects the form of responses, the number of attempts to contact, and the provision of additional suggestions. But most commonly, it reflects the simple difference that one applicant was contacted for further consideration as a potential employee while the other reached a dead end.

The table reports that in the 696 cases where neither applicant received a positive response (for example, when both applicants were informed that the company had nothing available that matched their qualifications), younger workers received more favorable treatment 12.2% of the time while older workers were favored 9.3% of the time, for a net difference of 2.9% in favor of the younger person.

Most important, however, are the 79 tests in which at least one of the applicants received some positive response (such as a request that the applicant call to schedule an interview), suggesting that an actual job was probably available. Among those cases, the 32-year-old applicant was favored 43.0% of the time while the 57-year-old was favored 16.5% of the time, for a net difference of 26.5%. That is, in slightly more than one test in four with the most at stake, the older worker was treated less favorably despite having qualifications identical to her/his younger counterpart.

The following examples illustrate the differences in treatment these figures represent:

- A pair of resumes for positions as management information systems specialists was mailed to a transportation company. Seven days later, a person introducing himself as the human resources manager of the firm left a message on the younger applicant's telephone answering machine. The manager stated that he " . . . wanted to follow up with you and to find out a few things from you on the phone as well as kinda go from there." He asked the applicant to call him, giving a toll-free number and extension. Five days later, during which time he received no response from the younger applicant, the same manager signed a letter to the older applicant stating, "At this we have no position vacancies that match your background and experience. . . . "
- A pair of resumes seeking employment as executive secretaries was mailed to an employment placement agency. Three days later, a letter was mailed to the 32-year-old applicant stating, "The market in this area is good and prospects for the future appear bright . . . Our search for your new position will begin as soon as you . . . complete the enclosed application." The 57-year-old heard nothing from the agency.
- A pair of resumes for management information systems specialists was mailed to a computer software company. Within two days of each other, both applicants received printed postcards stating, "We are now sharing your information with those managers who may be able to utilize your background and experience." Five weeks later, the 32-year-old received a telephone message from a person identifying himself as the product development manager at a different computer software company in the metropolitan area of the company initially contacted. He stated that he was in the process of hiring a software developer, had received the applicant's resume from a contact at the first company, and wanted the applicant to call him. The 57-year-old heard nothing from the second firm.
- A pair of resumes for writer/editors was mailed to a large retail chain. Five days later, letters signed by the firm's Director of Personnel Administration were mailed to both applicants. The one addressed to the 57-year-old thanked him for his interest in the company, said that the company did not have any open positions that matched his skills and experience, and wished him luck in his job search. The letter addressed to the 32-year-old contained the same statements, but only with respect to jobs at

the corporation's headquarters. It then added, "You may wish to direct your resume to one of our subsidiary companies," and supplied the names and addresses of six retail chains.

Variations in the Probability of Discrimination

The results just presented estimate the average level of age discrimination throughout the American hiring market. To identify circumstances associated with greater or lesser rates of discrimination, the statistical technique of multiple regression analysis was applied to the sample of 79 tests where jobs were apparently available, and Table 3 presents the results.[2] As discussed earlier in this paper, for the average test among these 79, the probability of encountering discrimination in a single test is 26.5%. That figure appears in the first row of Table 3. The other rows of the table then show variations around this average, as follows:

- *Location.* Substantial locational variation was observed in the probability of encountering age discrimination. Holding other factors at their average values, firms in the Northeast and Midwest were estimated to discriminate only 8.3% and 8.4% of the time, respectively, in contrast to estimated rates of 25.6% for firms in the South and 42.2% for firms in the West. Similarly, firms in nonmetropolitan areas appear more prone to discriminate than those in urban settings (78.8% and 25.1%, respectively).
- *Industry.* In our sample of 79 firms, the services/retail sector (at approximately zero percent) and the finance/ insurance/real estate sectors (at 6.6%) were substantially less prone to discriminate than employment agencies (32.5%), "all other" sectors (32.9%), and manufacturing (at approximately 100%).
- *Firm size.* Within this study, firms varied from large (slightly under 1,000 employees) to very large (more than 100,000 employees). Within that range, very large firms were more likely to discriminate than their smaller counterparts. Holding other factors constant, an application to a firm with 100,000 employees had a 41.3% probability of encountering discrimination, more than twice the 17.5% probability for a firm with 1,000 employees. However, because the regression coefficient for variation by firm size was not statistically significant (see note 2), this finding should be treated cautiously.
- *Occupations.* Among the three occupations examined–all "white-collar" office fields–little variation was observed in the rate of discrimination encountered. Table 3 reports that the probability ranged from 24.7% for writer/editor to 28.3% for executive secretary, with an intermediate 26.7% for management information systems specialist. The narrowness of this band, in combination with the low levels of statistical significance for the regression coefficients underlying these figures (see note 2), suggests that these differences should be interpreted as essentially zero.
- *Gender.* Female applicants encountered discrimination at a slightly higher rate than males (27.8% versus 24.3%). However, the modest size of this difference, in combination with the low level of statistical significance for the underlying regression coefficients (see note 2), suggests that it is appropriate to emphasize the similarity of men's and women's experience in this study rather than their differences.

Is Nondiscrimination Good Business?

Another variable of interest is that of the success of firms as business enterprises. Potential litigation for violation of federal, state, and local anti-discrimination laws may motivate employers to avoid age discrimination. However, benefits in terms of business productivity and profitability–if they exist–might provide even more powerful inducements. Commentators often argue that utilization of older workers offers numerous advantages to firms, including tapping a large pool of well-qualified employees, reinforcing staff stability, enhancing staff morale, and promoting firms' relationships with potential customers (AARP, 1989a; Egan & Bendick, 1991; Fyock, 1990; National Alliance of Business, 1985).

To test the hypothesis that nondiscrimination is associated with business success, a scale was constructed of such success. A firm's score on this variable was the number of times it appeared on one of 21 lists of leading companies in the nation. The lists were compiled from a variety of sources and reflect an eclectic definition of success. The sources included: a book identifying 100 "best companies

TABLE 3. Circumstances Affecting the Probability that an Older Job Applicant Will Encounter Discrimination

Circumstance	Probability of Discrimination (percent)
All Tests	26.5
Census Region of Firm	
Northeast	8.3
Midwest	8.4
South	25.6
West	42.2
Location of Firm	
Metropolitan area	25.1
Non-metropolitan	78.8
Industry of Firm	
Manufacturing	100.0
Finance, insurance & real estate	6.6
Services/retail	0.0
Employment agency	32.5
All others	32.9
Number of Employees in Firm	
1,000 employees	17.5
100,000 employees	41.3
Occupation of Applicant	
Management information systems specialist	26.7
Executive secretary	28.3
Writer/editor	24.7
Gender of Applicant	
Female	27.8
Male	24.3
Firm's Score on a Scale of Business Success	
0 (lowest score)	32.2
6 (a high score)	2.2
Applicant's Strategy	
Deemphasize age	18.4
Emphasize experience	34.6
Emphasize youthful qualities	16.6

to work for" (Levering & Moskowitz, 1993); *Financial World* magazine's pick of the 200 best growth companies (Ozanian, Ourusoff, & Panchapakesan, 1993); *Fortune* magazine's 311 companies voted by chief executive officers as the most admired in their industry (*America's most admired corporations, 1993*) and corporations among *Fortune*'s 500 largest industrial firms and 500 largest service firms that ranked highest in 1992 in growth in sales, growth in profits, return on sales, return on assets, and total return to investors (The *Fortune* 500 largest, 1993; The *Fortune* service 500, 1993). Among the 79 firms represented in Table 3, the average firm scored 1.2, with a range from 0 to 8.

Consistent with the hypothesis that nondiscrimination is associated with business success, Table 3 reports that firms that scored zero on the scale have an average probability of discriminating of 32.2%, while for firms scoring 6–that is, appearing on six lists of outstanding companies–the corresponding probability is 2.2%. Of course, this finding is subject to alternative interpretations concerning causality. Nondiscriminatory utilization of older workers might enhance a firm's performance; high-performing firms may have the "luxury" of engaging in nondiscriminatory employment practices; or high performance and nondiscrimination may both be consequences of some other characteristic of the company, such as unusually capable management. Nonetheless, the strength of the association is striking.

Applicants' Strategies for Self-Presentation

In the course of a campaign to obtain employment, most job seekers contact a substantial number–often dozens or even hundreds–of potential employers. This finding that discriminatory treatment is likely to infect more than one in four of these contacts suggests that age discrimination is a problem adversely affecting virtually all older job seekers. From their point of view, the consequences include being required to search further and harder before finding employment, enduring longer periods without earnings, experiencing greater frustration and anxiety, having to settle for positions that are less well compensated, stable, or fulfilling, and perhaps withdrawing from the labor market as "discouraged workers" (Buss & Red-

burn, 1988; Hutchens, 1988; U.S. Department of Labor, 1993; Wanner & McDonald, 1983).

Job applicants might attempt to avoid such adverse consequences by adopting various strategies for presenting their credentials to potential employers.[3] Three alternative strategies are commonly recommended to older job seekers (e.g., AARP, 1991, Unit V). In the study reported on here, these approaches were implemented through slight modifications to older applicants' resumes and cover letters, with each set of modifications randomly assigned to one third of tests:

- *The strategy of deemphasizing age.* In this approach, applicants make their age inconspicuous or ambiguous or imply that they are younger than their actual age. In the current study, it was not appropriate to disguise the older applicant's age entirely because that would have precluded measurement of differences in treatment between older and younger applicants. However, in applications implementing this strategy, the age of the older applicant was deemphasized by utilizing a "functional" format in the applicant's resume rather than the more conventional chronological one; the functional format features the job seeker's skills and accomplishments at the beginning of the resume and sets forth her/his employment history only briefly at the end of the document.
- *The strategy of emphasizing experience and maturity.* In this approach, older applicants proactively suggest that their age is associated with qualities that employers value, such as experience, stability, loyalty, maturity, and practical knowledge. In effect, this approach seeks to build upon positive stereotypes concerning older workers held by many employers (AARP, 1989a, p. 9; National Alliance of Business, 1985). In the current study, this strategy was implemented by inserting the following sentence into the otherwise standard cover letter accompanying older applicants' resumes: "Furthermore, with my many years of experience in and out of the corporate world, I offer you maturity, stability, and a proven track record."
- *The strategy of emphasizing youthful qualities.* In the final approach, older applicants seek to distance themselves from negative stereotypes associated with older workers by proactively claiming personal qualities more commonly associated with younger workers (AARP, 1989a, p. 8; Rosen, 1978; Rosen & Jerdee, 1976). In the current study, this strategy was implemented by inserting the following sentence into the otherwise standard cover letter accompanying older applicants' resumes: "Despite my many years of experience in and out of the corporate world, I remain energetic, adaptable to the latest technology, and committed to my career."

Obviously, a single sentence in a cover letter or a single change in a resume format cannot represent the full complexity of these strategies or their effect on applicant/employer interaction at all stages of the job-search process. Nevertheless, even in this simplified form, the three strategies generated substantial differences in employer responses. The final section of Table 3 reports that two strategies–that of emphasizing youthful qualities and that of deemphasizing age–were associated with relatively low rates of discrimination (16.6% and 18.4%, respectively). In sharp contrast, the strategy of emphasizing positive qualities associated with age and experience was associated with a 34.6% rate of discrimination, twice as high as for its two alternatives.

DISCUSSION

This last finding emphasizes that older job seekers acting individually can, at best, only ameliorate the disadvantage they face. If older workers are to have full access to employment opportunities and rewards unhindered by age discrimination, their efforts must be supplemented by collective action, both public and private.

The principle federal law addressing this issue is the Age Discrimination in Employment Act (ADEA), enacted in 1967.[4] Under the ADEA, most employees and job seekers age 40 and older are protected against discrimination in hiring, assignments, training, terminations, compensation, fringe benefits, and the terms and conditions of employment. The law covers private firms with 20 or more employees, governmental entities, labor unions, and employment agencies. As noted earlier in this article, in 1994, the number of

complaints under the ADEA filed with the federal Equal Employment Opportunity Commission (EEOC) and its state and local counterpart agencies totaled 26,872. These agencies may pursue litigation on behalf of a complainant, permit the complainant to pursue private litigation, or dismiss the complaint with a finding of no cause.

The deterrent value of this system is limited by several factors. Suits can be initiated only after exhausting a complaint process that, in the mid-1990s, has a backlog of nearly 100,000 cases. The subsequent litigation involves plaintiffs in unpleasant conflict and may take years to resolve. Successful plaintiffs can gain only reversal of the discriminatory actions (for example, reinstatement to a job) and "make whole" compensation for lost wages and additional expenses; unlike plaintiffs in litigation alleging race or gender discrimination in employment, plaintiffs under the ADEA cannot obtain compensatory or punitive damages. And the odds that a plaintiff will win average only about one in four (U.S. Senate, 1986, p. 88).

Accelerating complaint processing by the EEOC, amending the ADEA to provide compensatory and punitive damages, and other changes to the litigation process could strengthen efforts to address age discrimination. However, even with such modifications, this approach will remain too uncertain, complicated, and confrontational to be applied to more than a fraction of incidents. At the heart of the age discrimination process lies persistent, widespread stereotypes concerning older workers. In the testing study reported on here, about three out of four employment decisionmakers appeared to set aside such stereotypes and were willing to judge applicants on their individual merits. Only when the remaining 25% of employment decisionmakers are convinced to do the same will age discrimination be effectively addressed.

In this process of changing attitudes, testing itself can play an important role. For training of employment decisionmakers, efforts to inform the general public, and testimony before public officials, testing provides credible statistics and striking examples. Testing offers a low-cost means by which advocacy organizations and employers themselves can identify problems that need correcting. And, if cooperative efforts fail, testing evidence can be used in litigation (Boggs, Sellers, & Bendick, 1993; Yelnosky, 1993).

CONCLUSIONS

While age discrimination in employment is a well-established subject, the technique of employment testing is newly applied to it. This study suggests the richness of insights and the precision of measurement that the technique allows. Employment testing can significantly assist the nation to understand and address the challenges it apparently still faces in ensuring that older workers have access to employment opportunities and rewards unhindered by discrimination.

NOTES

1. About 55% of all complaints under the federal Age Discrimination in Employment Act are filed by persons between 50 and 59 (Schuster, Kaspin, & Miller, 1989, p. iv).

2. With a sample of 79 tests and a dependent variable of +1 = younger favored, 0 = treated equally, and −1 = older favored, we estimated the following regression equation:

Variable	Regression Coefficient	Standard Error	Z Score	
Intercept	.837	.401	2.1**	R2 = .37
1 = Northeast	−.292	.164	1.8*	DF = 62
1 = Midwest	−.264	.139	1.9*	F = 2.2
1 = South	−.127	.126	1.0	
1 = Metro Area	−.537	.318	1.7*	
1 = Manufacturing	1.351	.456	3.0**	
1 = Finan./Insur./Real Est.	−.200	.122	1.6*	
1 = Services/Retail	−.331	.187	1.8*	
1 = Employ. Agency	.010	.104	.1	
000s of Employees	.024	.100	.2	
1 = Manag. Info. Systems	.040	.163	.2	
1 = Executive Secretary	.018	.143	.1	
1 = Female	.035	.182	.2	
Business Success Scale	−.050	.051	1.0	
Package of Address, etc.	−.267	.100	2.7**	
1 = Deemphasize Age	.035	.128	.3	
1 = Emphasize Experience	.269	.117	2.3**	

* $p < .05$ ** $p < .01$

The entries in Table 3 are derived by multiplying each of these regression coefficients by values corresponding to the circumstance examined (e.g., first

1 = tester is female, then 0 = tester is male) while holding all other variables at their average values.

3. Another strategy would be to target applications toward categories of employers where, according to Table 3 or other sources, discrimination is less prevalent. However, such a strategy is limited by the absence of sufficient information to predict accurately whether an individual employer within a category is likely to discriminate.

4. Most states have enacted counterpart state statutes on age discrimination in employment, some offering more substantial coverage or relief than the ADEA. Some of these statutes prohibit discrimination on the basis of age *per se*, rather than specifying an age range (such as 40 or older) that is protected.

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