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All times are London time



COLUMNISTS

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 The first American baby boomer registered for her government pension earlier this month, and there are 76m more where she came from. Corporate America is terrified that the postwar birth boom could fuel a 21st century lawsuit explosion, as more and more geriatrics cling to jobs they can no longer perform – and then sue the boss that fires them.

The statistics are enough to give a thirty-something human resources manager premature arrhythmia: recent studies suggest that nearly three-quarters of American workers intend to work past retirement age – and 12 per cent say they will never retire.

Since other studies show that 40 per cent of workers over the age of 65 have some kind of disability, the boom generation could easily provoke a perfect storm of liability: those who do not sue under age discrimination laws (which protect workers over 40) can try their luck with the Americans with Disabilities Act. Small wonder that corporate America seems to be developing a boomer phobia.

The Conference Board, the leading US business research group, is worried that US managers will be paralysed at the thought of all that risk, and just avoid dealing with anyone who is, to coin a politically incorrect phrase, old. The group recently published a corporate guide to dealing with “mature workers”*. It offers lots of sage advice on how to keep older workers productive – by offering “phased retirement” (flexi-time or reduced hours), lifetime training, and perks such as eldercare for their parents or daycare for their grandkids.

But, inevitably, much of the guide deals with how to avoid getting sued by boomers – whether the geriatric in question is a vibrant, vital, vivacious seventy-something with decades of experience to contribute to the corporation, or someone who is truly old, in the traditional sense of the word: intolerant, inflexible, and twice the price of a youngster.

Avoiding such lawsuits, it seems, requires a feat of double-think, for, in a world where 60 is the new 40, old people no longer consider themselves old – and employers had better not do so either. The guide cites a study by the Society of Human Resource Management that says only 4 per cent of American workers describe someone over 40 as “older” – even though anyone over that age is protected by federal anti-discrimination law.

It warns managers against asking about retirement plans – even for those who are over 65 with fully vested pensions and a low handicap on the golf course.

Birthdays, it seems, are particularly dangerous territory: the guide includes a “sample birthday celebrations policy” that warns “careful attention should be made to the tone of and content of the celebrations to be respectful of . . . employees of all ages”. The policy sternly notes that “‘over-the-hill’, ‘it’s all downhill from here’, ‘next stop – the grave’, etc themes should be avoided”, and that “supervisors should be careful to avoid discussions of employees’ ages at these celebrations”. And by all means, managers must not talk about “work and/or career plans in relation to a particular birthday”. They must stick to “the usual small-talk topics” – though it is hard to imagine what those might be, if one cannot mention the grandkids or the golf game.

The bad news is that the Conference Board thinks we all need sensitivity training to purge our minds of negative stereotypes about older workers. The good news is that, if a worker happens to act out those stereotypes, he can still safely be sacked. Nobody has to keep a worker on the payroll just because he is old: the key – as in any other potential case involving racial minorities, women or anyone else protected by anti-discrimination law – is to document what they have done wrong, give them a chance to remedy it, and be ready to prove they are being punished for how they do their job and not who or how old they are.

Most American companies cannot force employees to retire at a certain age, but maybe with the help of the Conference Board, and an army of sensitivity trainers, we can all survive the “R” era.

*Putting Experience to Work: a Guide to Navigating Legal and Management Issues Relating to a Mature Workforce, www.conference-board.org

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