

**Protecting Older Workers
Against Discrimination Act:
A Survey of Utah Voters Ages 50+**

April 2014



Protecting Older Workers Against Discrimination Act: A Survey of Utah Voters Ages 50+

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Acknowledgements

AARP collected the data for this project through a survey administered by Woelfel Research Inc. Survey data was collected via telephone March 4-7, 2014 among a random sample of 500 registered voters ages 50 and over in Utah. The margin of error for a sample of 500 randomly selected respondents is +/- 4.4 percentage points at the 95% confidence level. Lona Choi-Allum of AARP's Research Center wrote the report, with assistance from S. Kathi Brown and Jennifer Leslie. Inquiries about this report should be directed to AARP's Media Relations at (202) 434-2560.

Protecting Older Workers Against Discrimination Act: A Survey of Utah Voters Ages 50+ April 2014

Key Survey Findings

- ✓ Two in five older Utah voters report that they or someone they know has recently experienced age discrimination in the workplace.
- ✓ Over four in five say it is important for Congress to take action and restore workplace protections against age discrimination (86%).
- ✓ Across party and ideological lines, they support the Protecting Older Workers Against Discrimination Act (POWADA) (85%).
- ✓ Over four in five want their Member of Congress to support POWADA (84%).

Since the mid-1980s, older workers have been working longer. The decline of traditional pensions, inadequate savings, and now the losses in jobs and wealth due to the Great Recession mean that millions of older Americans face a future of economic insecurity unless they are able to work. The unemployment rate for older workers has soared in recent years, and once out of work, older jobseekers experience far longer spells of unemployment – nearly a year, on average – than their younger counterparts. Age discrimination is one of the significant reasons why it takes so much longer for older jobseekers to become reemployed. It can also pose barriers to those who want to stay employed or advance in their jobs.

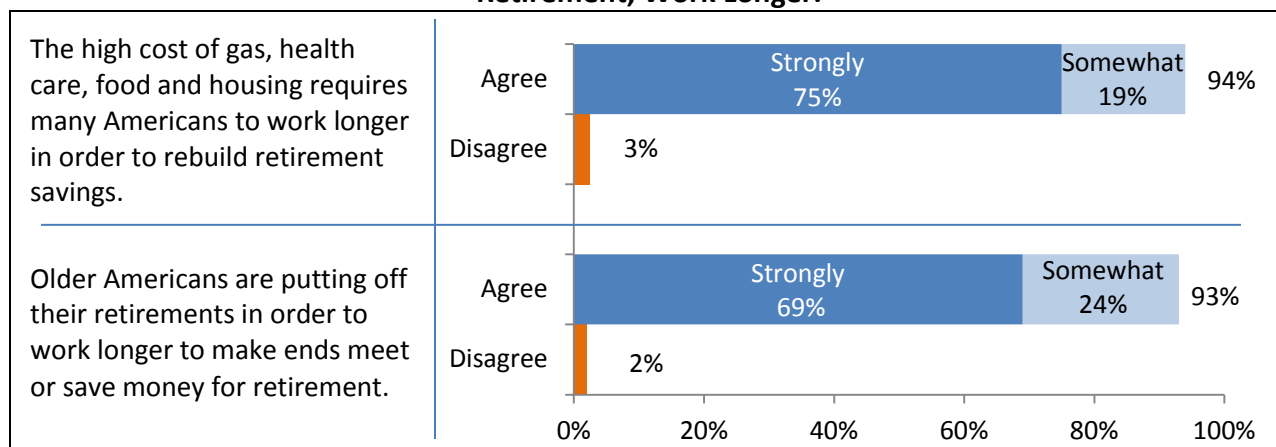
In 2009, the US Supreme Court changed the rules and decided that workers who assert they were discriminated against because of their age would have to do more than prove that age was *one factor* behind how they were treated, which had been the law for everyone for decades. Unlike the rules that apply to workers who have been discriminated against due to race, sex, nationality, and religion, older workers must now prove that age was the *decisive* factor, making it far more difficult to prove their case. A bipartisan group of lawmakers has introduced legislation, the Protecting Older Workers Against Discrimination Act (POWADA), to restore the previous legal rules and protections that existed before the 2009 decision.

To determine public views on older workers, age discrimination, and the Protecting Older Workers Against Discrimination Act (POWADA), AARP commissioned Woelfel Research Inc. to conduct a statewide survey in Utah. The survey was conducted by telephone from March 4 through March 7, 2014, with a random sample of 500 registered voters age 50 and over across Utah. Respondents were screened to ensure that they were ages 50+ and that they vote “always,” “almost always,” or “most of the time” “when there is a general election, such as for your state’s senator or member of Congress.” Results were weighted by age and gender. The margin of error for a sample of 500 randomly selected respondents is +/- 4.4 percentage points at the 95% confidence level. The full annotated questionnaire appears in the Appendix.

Finding: High Cost of Living, Making Ends Meet, and Saving for Retirement Require Americans 50+ to Work Longer

Ninety-four percent of respondents agree that the high cost of gas, health care, food, and housing requires many Americans to work longer in order to rebuild their retirement savings, with 75% strongly agreeing (figure 1). Furthermore, 93% agree that older Americans are putting off retirement either to make ends meet or to save money for retirement (figure 1).

Figure 1 – Most Agree Americans 50+ Are Having to Postpone Retirement, Work Longer.



Finding: Two-Thirds of Non-Retirees Are Not Yet Able to Retire (66%); 17% of Retirees May Need to Return to Work

Only 25% of non-retirees say they have or are close to having enough to retire comfortably. Sixty-six percent (66%) say they will have to work for a number of years or are unsure when they will be able to retire (figure 2). Among retirees who are not currently working at all, 17% say that they may need to return to work.

Figure 2 – Which of the following best describes your current financial situation?	
Non-Retirees (n=189)	
You have or are close to having enough to retire comfortably.	25%
You have to work for a number of years to save enough to retire comfortably.	31%
You are unsure when you will be able to retire.	35%
Retirees (n=253)	
You have already retired but may need to return to work.	17%**
You saved enough prior to retirement to live comfortably.	70%**

Note: The base (n) shown for each column is unweighted. All percentages are weighted.

** The responses shown are among retirees who are not currently working at all. The question was asked of all retirees, including those who consider themselves to be “retired and working at least part-time” as well as retirees who are not working at all. The responses among all retirees are displayed in the annotated questionnaire. (See Appendix.)

Finding: Four in Five Are Concerned Age Could Be an Obstacle to Finding Work

Eighty-two percent of respondents are concerned that their age would be an obstacle to finding work if they had to find a new job in the current economic climate. In fact, 55% say they are “very concerned” (figure 3).

Figure 3 – If you had to find a new job in the current economic climate, how concerned are you that your age would be an obstacle to finding work?	
Very	55%
Somewhat	27%
Not too	7%
Not at all	10%

Finding: Over Two-Thirds Think People Age 50 and Older Face Age Discrimination in the Workplace; 39% Say They or Someone They Know Has Recently Experienced Age Discrimination

Age discrimination is an issue of concern for Utah voters 50 and over. Sixty-nine percent of respondents think that people over age 50 face age discrimination in the workplace. Moreover, 39% report either they personally faced age discrimination in the last four years, or know someone who has, with 6% of total respondents having personally experienced age discrimination in the last four years (figure 4).¹

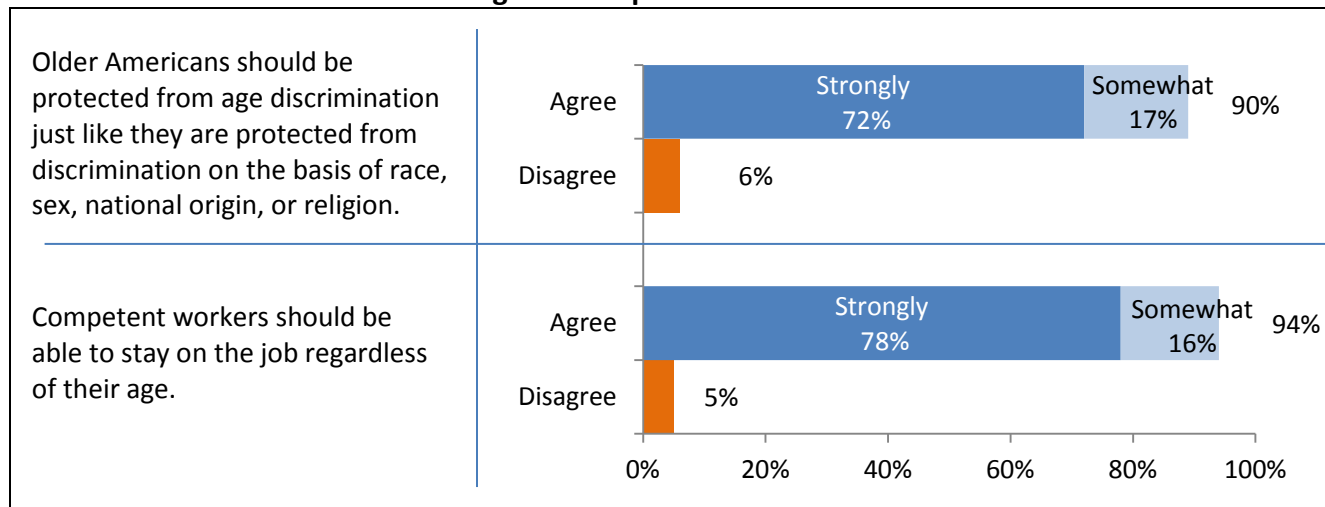
Figure 4 – Experience with Age Discrimination			
Based on what you have seen or experienced, do you think people over the age of 50 face age discrimination today in the workplace?		In the last four years, have you or has anyone you know faced age discrimination in the workplace, such as refusal to hire, reduced compensation, or limitations imposed by an employer?	
Yes	69%	YES	39%
No	22%	Self	6%
Unsure	10%	Co-Worker	5%
		Family/Friend	20%
		More than One	9%
		NO	56%

¹ All percentages in this report are rounded to the nearest whole percentage point. Therefore, the sum of the individual rounded percentages may differ slightly from the actual results. For example, the actual percent of respondents who say that they or someone they know has recently experienced age discrimination is 39 percent even though the sum of the individual rounded percentages (6%, 5%, 20%, and 9%) appears to be 40 percent.

Finding: Older Utah Voters Feel Strongly That Age Discrimination Should Be Treated on Par with Other Forms of Job Discrimination

Nine in 10 respondents (94%) say that competent workers should be able to stay on the job regardless of their age. Accordingly, a similarly large share (90%) agree that older Americans should be protected from age discrimination just as they are protected from other forms of discrimination, including a 72% majority of respondents who strongly agree (figure 5).

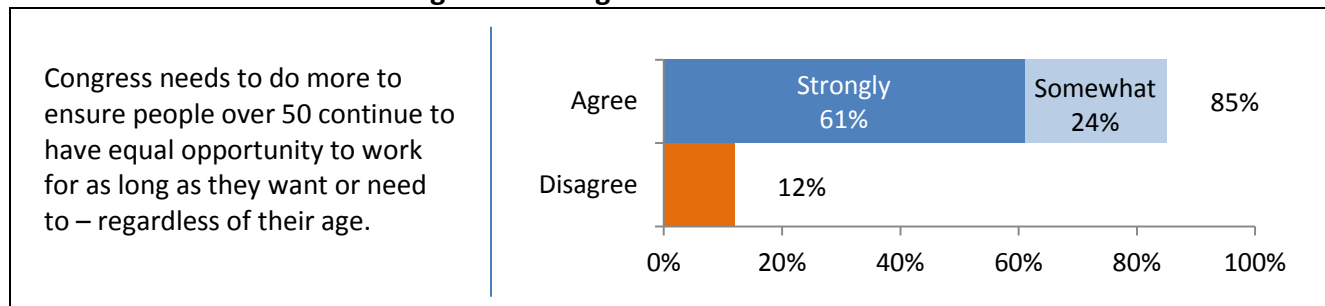
Figure 5 – Equal Treatment



Finding: Over 8 in 10 Think Congress Has a Role, Needs to Do More to Ensure Equal Job Opportunity for Americans Age 50+

Over eight in 10 (85%) agree that Congress needs to do more to ensure that people over 50 continue to have equal opportunity in the workplace,” with 61% strongly agreeing (figure 6).

Figure 6 – Congress Needs to Do More

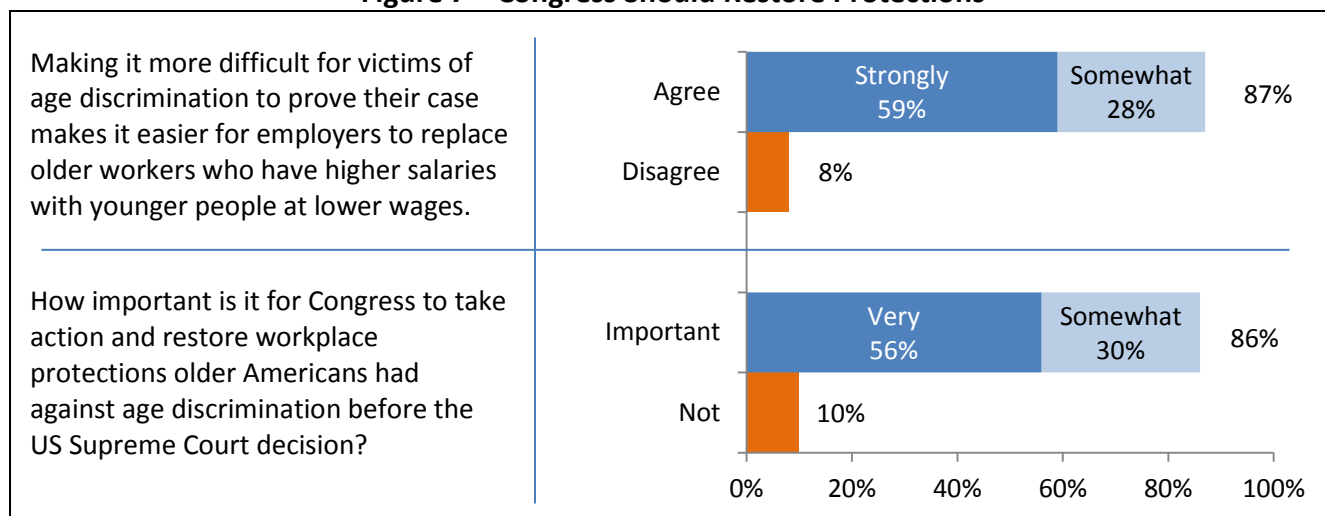


Finding: 50+ Voters Are Overwhelmingly Concerned about the Court’s Decision Making It Tougher for Older Workers, and Think It’s Important For Congress to Restore Legal Protections against Age Discrimination

Respondents were provided a brief description of the 2009 Supreme Court decision that changed the legal standards that apply to age discrimination. **The 50+ public seems to understand the connection between the legal burden on workers challenging age discrimination and employer behavior.** Over 8 in 10 (87%) agree that making it more difficult to prove age discrimination also makes it easier for employers to discriminate, e.g., by replacing older, higher paid workers with younger, lower paid workers.

Moreover, over 8 in 10 (86%) also say that they think it is important for Congress to take action and restore the workplace protections older Americans had against age discrimination before the US Supreme Court decision, with 56% saying that it is very important that Congress take action (figure 7).

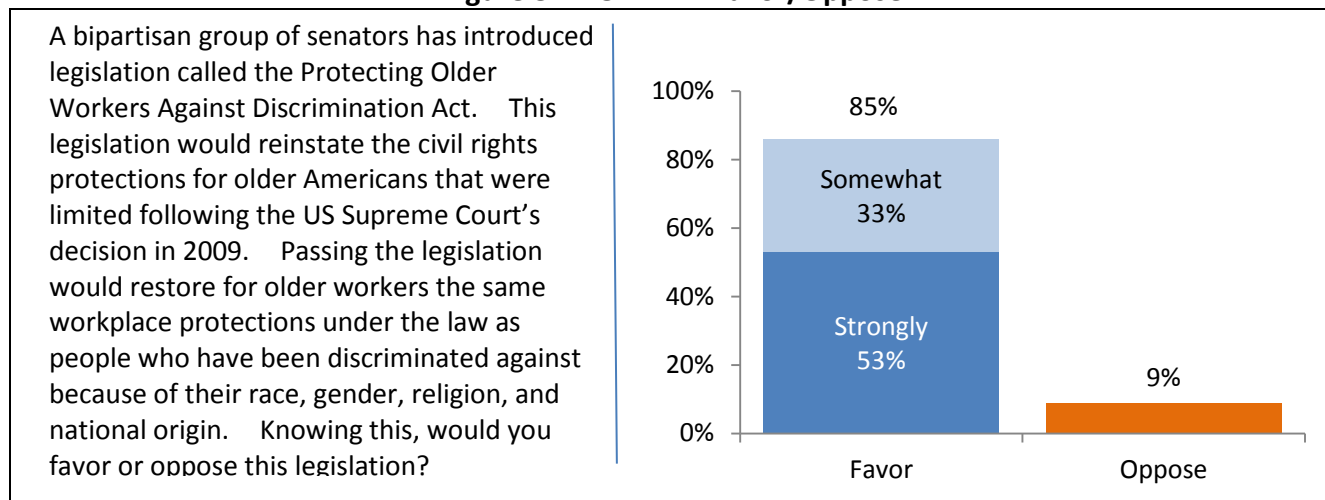
Figure 7 – Congress Should Restore Protections



Finding: 85% Favor the Protecting Older Workers Against Discrimination Act

Respondents were provided a brief summary of the Protecting Older Workers Against Discrimination Act (POWADA), then asked whether they favor or oppose the act. Eighty-five percent favor the legislation (figure 8). Even more striking, 53% *strongly* favor it.

Figure 8 – POWADA Favor/Oppose



Finding: Support for POWADA Crosses Ideological and Party Lines

The support for POWADA is widespread, crossing ideological and party lines (figure 9). Favorable responses are nearly 80% or more across all subgroups, with at least 46% of self-identified conservatives and independents saying they strongly favor the bill.

Figure 9 – POWADA Favor/Oppose

	Overall (n=500)	Ideology			Party			Age	
		Lib* (n=71)	Mod (n=127)	Cons (n=261)	Dem* (n=95)	Indep (n=123)	GOP (n=257)	50-64 (n=172)	65+ (n=328)
Total Favor	85%	96%	88%	81%	88%	81%	86%	90%	79%
Strongly	53%	64%	61%	46%	66%	47%	51%	55%	50%
Somewhat	33%	32%	27%	36%	22%	33%	36%	35%	30%
Total Oppose	9%	4%	7%	12%	8%	15%	7%	7%	13%

Note: The base (n) shown for each column is unweighted. All percentages are weighted.

* Due to small cell size, data in columns marked with an asterisk is for directional use only.

Finding: 84% Want Their Member of Congress to Support POWADA

About four in five respondents, again across ideological and party lines, say their member of Congress should support legislation like POWADA (figure 10).

Figure 10 – Would you want your member of Congress to support legislation like this?							
	Overall (n=500)	Ideology			Party		
		Lib* (n=71)	Mod (n=127)	Cons (n=261)	Dem* (n=95)	Indep (n=123)	GOP (n=257)
Yes	84%	94%	89%	78%	90%	81%	84%
No	10%	2%	6%	14%	7%	14%	9%
Don't know	6%	3%	6%	7%	3%	5%	7%

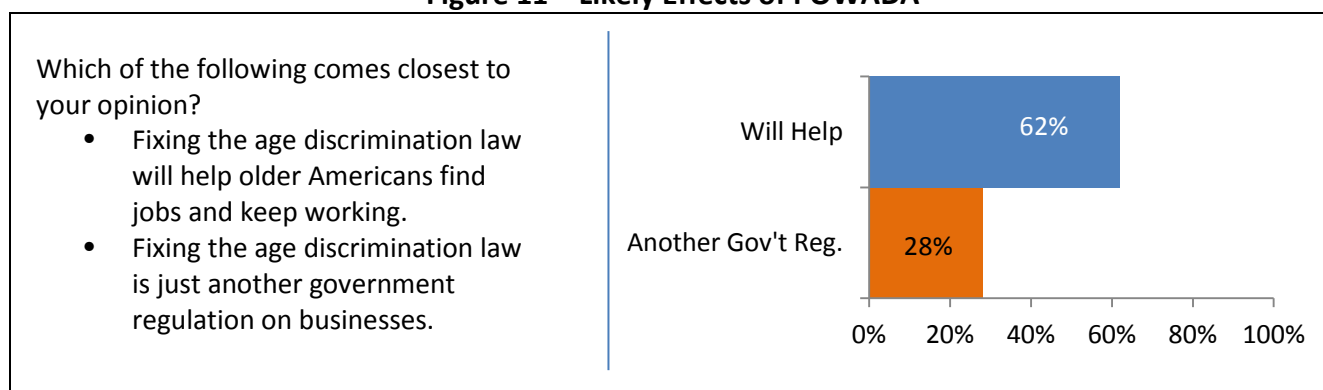
Note: The base (n) shown for each column is unweighted. All percentages are weighted.

* Due to small cell size, data in columns marked with asterisk is for directional use only.

Finding: 62% Believe POWADA Will Help Older Americans Find Jobs and Keep Working

Respondents were asked what they thought the effects of POWADA would be. When asked to choose between two possible outcomes, 62% say they think that the bill will help older Americans find jobs and keep working. Only 28% think that its impact would mainly be just another government regulation on businesses (figure 11).

Figure 11 – Likely Effects of POWADA



Survey Respondent Demographics

A random sample of 500 registered voters age 50 and over in Utah was used. Respondents were screened to ensure that they were 50+ and that they vote “always,” “almost always,” or “most of the time” “when there is a general election, such as for your state’s senator or member of Congress.”

Results were weighted by age and gender using Current Population Survey benchmarks for the state of Utah.²

Figure 12 – Respondent Demographics			
Ideology		Party	
Liberal	15%	Democrat	19%
Moderate	25%	Republican	52%
Conservative	52%	Independent	24%
Age		Gender	
50-64	59%	Male	48%
65+	41%	Female	52%
Employment Status			
Employed	37%	Retired	48%
Full Time	28%	Not Working at All	38%
Part Time	9%	Working at least Part Time	9%
Not Employed	11%	Other	3%
Looking for Work	5%		
Not Looking	5%		

Note: For demographics other than gender and age, percentages do not add to 100% due to responses of “don’t know” and refusals, which are not displayed.

² Age weights were developed using CPS benchmarks for the percentage of Utah’s registered voters ages 50+ that fall into the following age categories: ages 50-64, 65-74, and 75+. Gender weights were developed using CPS gender benchmarks for the 50+ population in Utah (rather than Utah’s 50+ registered voters) because gender benchmarks for the state’s 50+ registered voters were not available.

Appendix—Annotated Questionnaire

Annotated questionnaire displays the distribution of responses for each question. All percentages are weighted. The base (n) for each question is unweighted.

Introduction: Good evening. My name is _____ and I'm calling from [WRI], a national public opinion firm. This evening we're conducting a survey about public policy issues of interest to people ages 50 and older and we'd like to get your opinions. All answers are confidential and no one will try to sell you anything

1a. Before we start, is your primary residence in [insert state on list]?

	Base: Total Respondents	Utah
	N=500	%
1.	Yes	100
2.	No	-

1. Can you please tell me your current age? [RECORD EXACT AGE]

	Base: Total Respondents	Utah
	N=500	%
1.	50 – 54	15
2.	55 – 59	23
3.	60 – 64	21
4.	65 – 69	13
5.	70 – 74	10
6.	75 – 79	8
7.	80 +	10

2. When there is a general election, such as for your state's senator or member of Congress, do you always vote, almost always vote, vote most of the time, vote some of the time, hardly ever vote, or never vote?

	Base: Total Respondents	Utah
	N=500	%
1.	Always	73
2.	Almost always	14
3.	Most of the time	13
4.	Sometimes	-
5.	Hardly ever	-
6.	Never	-

3. If you had to label yourself, would you say you are a liberal, a moderate or a conservative in your political beliefs? IF LIBERAL OR CONSERVATIVE, PROBE: Is that very or somewhat?

	Base: Total Respondents	Utah
	N=500	%
1.	Very liberal	5
2.	Somewhat liberal	10
3.	Moderate	25
4.	Somewhat conservative	27
5.	Very conservative	25
6.	Don't know	7
7.	Refused	1

Appendix—Annotated Questionnaire

4. With which political party are you registered or affiliated?

	Base: Total Respondents	Utah
	N=500	%
1.	Republican	52
2.	Democrat	19
3.	Independent/No party	24
4.	Other	<0.5
5.	Don't know	4
6.	Refused	1

5. In general, how would you describe economic conditions in the country today? Excellent, good, only fair, or poor?

	Base: Total Respondents	Utah
	N=500	%
1.	Excellent	1
2.	Good	13
3.	Only fair	38
4.	Poor	47
5.	Don't know	1
6.	Refused	-

**Please tell me whether you agree or disagree with the following statements . IF AGREE/DISAGREE:
PROBE: Is that strongly or somewhat? ROTATE Qs 6-9**

6. Competent workers should be able to stay on the job regardless of their age.

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	78
2.	Somewhat agree	16
3.	Somewhat disagree	4
4.	Strongly disagree	1
5.	Don't know	1
6.	Refused	<0.5

7. Older Americans are putting off their retirements in order to work longer to make ends meet or save money for retirement.

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	69
2.	Somewhat agree	24
3.	Somewhat disagree	1
4.	Strongly disagree	1
5.	Don't know	5
6.	Refused	-

Appendix—Annotated Questionnaire

- 8. Congress needs to do more to ensure people over 50 continue to have equal opportunity to work for as long as they want or need to—regardless of their age.**

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	61
2.	Somewhat agree	24
3.	Somewhat disagree	8
4.	Strongly disagree	4
5.	Don't know	3
6.	Refused	<0.5

- 9. The high cost of gas, health care, food and housing requires many Americans to work longer in order to rebuild their retirement savings.**

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	75
2.	Somewhat agree	19
3.	Somewhat disagree	2
4.	Strongly disagree	1
5.	Don't know	3
6.	Refused	-

- 10. Based on what you have seen or experienced, do you think people over the age of 50 face age discrimination today in the workplace?**

	Base: Total Respondents	Utah
	N=500	%
1.	Yes	69
2.	No	22
3.	Unsure	10
4.	Refused	-

- 11. If you had to find a new job in the current economic climate, how concerned are you that your age would be an obstacle to finding work – very concerned, somewhat concerned, not too concerned, or not at all concerned?**

	Base: Total Respondents	Utah
	N=500	%
1.	Very concerned	55
2.	Somewhat concerned	27
3.	Not too concerned	7
4.	Not at all concerned	10
5.	Don't know	1
6.	Refused	<0.5

Appendix—Annotated Questionnaire

- 12. In the past four years, have concerns about being 50 or older ever discouraged you from looking for a job or from looking to change jobs?**

	Base: Total Respondents N=500	Utah %
1. Yes		23
2. No		74
3. Unsure		3
4. Refused		<0.5

- 13. Thinking about how you are personally treated in the workplace or have been treated when searching for a job since you turned 50, do you think your age has generally caused the employer to treat you better, worse, or no differently than other workers? If you are not working and have not looked for a job, please say so.**

	Base: Total Respondents N=500	Utah %
1. Better		7
2. Worse		17
3. No different		44
4. Not working		26
5. Don't know		5
6. Refused		1

- 14. In the last four years, have you or has anyone you know faced age discrimination in the workplace, such as refusal to hire, reduced compensation, or limitations imposed by an employer? [Read Responses]**

	Base: Total Respondents N=500	Utah %
1. Yes, Self		6
2. Yes, Co-worker		5
3. Yes, Family/Friend		20
4. Yes, more than one of the above		9
5. No		56
6. Don't know		4
7. Refused		<0.5

Appendix—Annotated Questionnaire

Please tell me whether you agree or disagree with the following statements. **IF AGREE/DISAGREE**

PROBE: Is that strongly or somewhat? **ROTATE Qs 15-17**

- 15. Making it more difficult for victims of age discrimination to prove their case makes it easier for employers to replace older workers who have higher salaries with younger people at lower wages.**

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	59
2.	Somewhat agree	28
3.	Somewhat disagree	5
4.	Strongly disagree	3
5.	Don't know	5
6.	Refused	<0.5

- 16. Unfairly targeting older workers could increase costs for taxpayers because more will need to rely on government safety nets even though they want to work.**

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	50
2.	Somewhat agree	32
3.	Somewhat disagree	6
4.	Strongly disagree	4
5.	Don't know	8
6.	Refused	<0.5

- 17. Older Americans should be protected from age discrimination just like they are protected from discrimination on the basis of race, sex, national origin, or religion.**

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly agree	72
2.	Somewhat agree	17
3.	Somewhat disagree	4
4.	Strongly disagree	2
5.	Don't know	4
6.	Refused	1

- 18. In 2009 the Supreme Court changed the rules and decided that workers who claim they were discriminated against because of their age would have to do more than prove that age was one factor behind how they were treated, they would have to prove that age was the decisive factor. In your opinion, how important is it for Congress to take action and restore the workplace protections older Americans had against age discrimination before the US Supreme Court decision—Very important, somewhat important, not too important or not at all important?**

Appendix—Annotated Questionnaire

18. (continued)

	Base: Total Respondents	Utah
	N=500	%
1.	Very important	56
2.	Somewhat important	30
3.	Not too important	6
4.	Not at all important	4
5.	Don't know	3
6.	Refused	1

19. In fact, a bipartisan group of Senators has introduced legislation called the Protecting Older Workers Against Discrimination Act. This legislation would reinstate the civil rights protections for older Americans that were limited following the US Supreme Court's decision in 2009. Passing this legislation would restore for older workers the same workplace protections under the law as people who have been discriminated against because of their race, gender, religion and nationality. Knowing this, would you favor or oppose this legislation? PROBE: Is that strongly or somewhat?

	Base: Total Respondents	Utah
	N=500	%
1.	Strongly favor	53
2.	Somewhat favor	33
3.	Somewhat oppose	5
4.	Strongly oppose	4
5.	Don't know	4
6.	Refused	1

CONTINUE ASKING ALL:

20. Would you want your member of congress to support legislation like this?

	Base: Total Respondents	Utah
	N=500	%
1.	Yes	84
2.	No	10
3.	Don't know	6
4.	Refused	1

21. Which of the following comes closest to your opinion?

	Base: Total Respondents	Utah
	N=500	%
1.	Fixing the age discrimination law will help older Americans find jobs and keep working.	62
2.	Fixing the age discrimination law is just another government regulation on businesses.	28
3.	Don't know	9
4.	Refused	1

Appendix—Annotated Questionnaire

Now I'd like to ask you a few questions for statistical purposes only.

22. What is your current employment status: READ ALL CHOICES

	Base: Total Respondents	Utah
	N=500	%
1.	Employed full time	28
2.	Employed part time	9
3.	Retired and working at least part time	9
4.	Not employed but looking for work	5
5.	Not employed and not looking for work	5
6.	Student	<0.5
7.	Homemaker	3
8.	Retired and not working at all	38
9.	Don't know	-
10.	Refused	1

IF ANSWERS 1,2,4,5,6,7 (NOT RETIRED)

23A Which of the following best describes your financial situation? [READ CHOICES]

	Base: Not retired	Utah
	N=189	%
1.	You have or are close to having enough saved to retire comfortably	25
2.	You have to work for a number of years to save enough to retire comfortably	31
3.	You are unsure when you will be able to retire.	35
4.	Don't know	5
5.	Refused	4

IF ANSWERS 3,8 (RETIRED and not working at all, or RETIRED and working at least part-time)

23B Which of the following best describes your financial situation? [READ CHOICES]

	Base: Retired	Utah
	N=307	%
1.	You have already retired but may need to return to work.	19
2.	You saved enough prior to retirement to live comfortably.	68
3.	Don't know	9
4.	Refused	4

CONTINUE ASKING ALL

24. Are you currently an A-A-R-P member?

	Base: Total Respondents	Utah
	N=500	%
1.	Yes	36
2.	No	62
3.	Don't know	2
4.	Refused	1

Appendix—Annotated Questionnaire

25. What is your current household income?

	Base: Total Respondents N=500	Utah %
1.	Under \$15,000	9
2.	\$15,001 to \$25,000	10
3.	\$25,001 to \$40,000	14
4.	\$40,001 to \$50,000	11
5.	\$50,001 to \$75,000	17
6.	\$75,001 to \$100,000	12
7.	Over \$100,000	13
8.	Don't know	-
9.	Refused	14

26. Are you, or is any member of your immediate family, from a Hispanic or Spanish speaking background?

	Base: Total Respondents N=500	Utah %
1.	Yes	6
2.	No	94
3.	Refused	1

27. Which of the following ethnic groups describes you?

	Base: Total Respondents N=500	Utah %
1.	White or Caucasian	93
2.	Black or African-American	<0.5
3.	Latino, Hispanic or Mexican	2
4.	Asian or Pacific Islander	1
5.	Native American	1
6.	Mixed Race	2
7.	Other	<0.5
8.	Don't know	-
9.	Refused	1

28. Gender

	Base: Total Respondents N=500	Utah %
1.	Male	48
2.	Female	52