



**ALFA International**  
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### THE CHANGING WORKFORCE

*From Boomer to Gen-Z*

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## The Changing Workforce: From Boomer to Gen-Z

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### INTRODUCTION – TALKIN' BOUT MY GENERATION

A “generation” is defined as a group of individuals born and living contemporaneously. Generations exhibit similar characteristics, such as communication, shopping and motivational preferences, ethics, values, beliefs, expectations.<sup>1</sup>

The collective experiences tend to shape the overall mindset of a particular generation and tend to create stereotypes and gaps among the different generations. While everyone is different, all those within a certain generation within the U.S. likely have a shared experience consisting of key events in history, technology, popular culture, etc. And, although they were raised by their parents, they differ generationally from those parents who had a different shared experiences with their peers (i.e., their generation).

#### A. Five Generations in today's Workforce:

- a. Traditionalists (76 to 99 years old)
- b. Baby Boomers (57 to 75 years old)
- c. Generation X (41 to 56 years old)
- d. Millennials (26 to 40 years old)
- e. Generation Z (25 years old and younger)<sup>2</sup>

Each generation has their own sense of work ethic and views on what "work" means to them. A way to make a living? Should work be your passion? What about "side hustles"? Do you work until retirement? Corporate leaders must find a way to integrate these different viewpoints as they develop policies and procedures within the company and must be aware of how generational gaps can impact workflow. In addition, leaders must be aware of stereotypes one generation may have towards another which can impede productivity (and perhaps even create legal liability). Attorneys can be valuable assets to ensure that policies are not unfairly prejudicing one generation versus another. Attorneys can also be resources for General Counsels and Human Resources to strategize how best to create a successful, multi-generational workplace.

### Legal Issues

#### Age Discrimination in Employment Act ("ADEA")

The ADEA § 623(a)(1) prohibits a pattern or practice of disparate treatment. To prove a claim under this theory, a plaintiff must show statistical evidence that a practice or policy that is neutral on its face harmed older workers (40+) substantially more than younger workers. The standard defense to such a claim is a "reasonable factor other than age," or RFOA. An employment practice is considered a RFOA when it is reasonably designed and administered to achieve a legitimate business purpose in light of the circumstances, including its potential harm

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<sup>1</sup> Generational Breakdown: Info about all of the Generations, The Center for Generational Kinetics, <https://genhq.com/faq-info-about-generations/>, last accessed Nov. 28, 2021.

<sup>2</sup> "Generational Mindsets Affect the Workforce," Allen Smith, J.D., Sept. 10, 2021, <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/generational-mindsets-affect-workforce.aspx>, last accessed Nov. 28, 2021.

## The Changing Workforce: From Boomer to Gen-Z

to older workers. There are a few factors that are relevant to assessing whether a practice is reasonable:

- a. The extent to which the factor is related to the employer's stated business purpose;
- b. The extent to which the employer defined the factor accurately and applied the factor fairly and accurately, including the extent to which managers and supervisors were given guidance or training about how to apply the factor and avoid discrimination;
- c. The extent to which the employer limited supervisors' discretion to assess employees subjectively, particularly where the criteria that the supervisors were asked to evaluate are known to be subject to negative age-based stereotypes;
- d. the extent to which the employer assessed the adverse impact of its employment practice on older workers;
- e. The degree of the harm to individuals within the protected age group, in terms of both the extent of injury and the numbers of persons adversely affected, and the extent to which the employer took steps to reduce the harm, in light of the burden of undertaking such steps.

While we are most familiar with this framework as it pertains to reduction in forces or RIFs, these factors are useful in evaluating any policy that a company may institute which could tend to have a disparate impact on older workers.

Employers must also keep in mind that many states have their own civil rights laws which protect all individuals, not just those over the age of 40. For example, the New York State Human Rights Law protects employees and applicants aged 18 and up from age discrimination.

As all employers work towards making sure that their workplace is keeping up with the times, there are bound to be issues that arise related to how leaders incorporate policies that cater to different generations. A divisive issue right now is working from home and the assumptions that older generations may make about younger generations and their ability to remain productive even when they are not at their office.

### Next Steps

The keys to success include:

- a. Identifying the generations in your workforce;
- b. Identifying the key values and characteristics of each generation;
- c. Identifying the negative stereotypes associated with each generation;
- d. Working with your workforce to debunk those stereotypes; and
- e. Implementing a multi-generational task force made up of members of all generations in your workplace to collaborate on employment practices and procedures that could negatively impact certain groups.

Keep in mind that generational considerations go well beyond hiring or layoff decisions. Concern should be given

## The Changing Workforce: From Boomer to Gen-Z

to issues such as the method for determining bonuses, PTO and sick leave policies, after-work activities, productivity expectations, technology, chain-of-command, project management, etc. As with most employment-related matters, involving employees in corporate decisions is always a best practice so that there is a larger "buy-in" from the workforce. Focusing on what unites the generations, rather than what divides, is also a powerful tool in busting myths and team-building. As with all workplaces, each employee is armed with different qualities and skillsets. Identifying the strengths each generation brings to the group is no different. Boomers may exhibit more patience for in-person meetings with clients, while Millennials can help bridge the gap between the analog method of achieving a goal and a more technologically advanced approach. The key for employers is to find a way to leverage the skills and attributes of a multi-generational workforce to build strong teams—resulting in increased productivity and profit.