**Age Discrimination in the Workplace**

**What is Age Discrimination in the Workplace?**

It is treating an applicant or employee less favorably because of his or her age.

**Age Discrimination in Employment Act (ADEA)**

ADEA is a federal law that protects applicants and employees age 40+ from age-based discrimination in all aspects of employment.

**Prohibitions**

- Discrimination in hiring
- Discrimination in firing
- Discrimination in compensation
- Discrimination in benefits
- Discrimination in job assignments
- Discrimination in training

**Remedies**

- Compelled employment
- Reinstatement
- Promotion
- Back/front pay
- Double recovery in liquidated damages for violation
- Attorney’s fees and costs

**Filing a Claim**

You have the right to pursue a claim if you feel you are a victim of age discrimination.

**It is Critical to Hire an Experienced Attorney**

To maximize your remedies & To protect you from retaliation

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**Signs of Age Discrimination**

<table>
<thead>
<tr>
<th>What</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firing</td>
<td>Older workers are being fired or offered buyouts and younger ones are being hired.</td>
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<tr>
<td>Promotion/Reassignment</td>
<td>Older workers are being re-assigned to unpleasant duties.</td>
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<tr>
<td>Comments</td>
<td>Older workers start hearing unseemly comments about their age.</td>
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<tr>
<td>No Raises</td>
<td>Older workers stop getting raises.</td>
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<tr>
<td>Performance Reviews</td>
<td>Suddenly older workers begin to get 1’s instead of 4’s.</td>
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**How Common is Age Discrimination?**

- 2 out of 3 workers (ages 45+) say they have seen or experienced age discrimination in the workplace.

**Proving Age Discrimination**

Employee usually must prove that an intentional action was taken against employee because of the employee’s age.

**ADEA**

- Applies to: Employers with 20 or more employees, including state and local government. It also applies to employment agencies, labor organizations, and federal government.
- In addition, every state has a law that prohibits age discrimination in employment. Most state laws apply to employers with fewer than 20 employees and often provide stronger protections than federal law.

**Remedies in age discrimination claims**

- Can be substantial.

**Filing a Claim**

- You have the right to pursue a claim if you feel you are a victim of age discrimination.
- For employees in the private sector, a charge of discrimination must be filed with the EEOC within 180 days of the discriminatory act (can be extended to 300 days if state or local agency enforces a state or local law that prohibits employment discrimination on the same basis).
- Federal employees have a different charge filing process.

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**Sources**