



# Age Discrimination

Age discrimination involves treating an applicant or employee less favorably because of his or her age.

The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states have laws that protect younger workers from age discrimination. It is not illegal for an **employer or other covered entity** (<https://www.eeoc.gov/employers/coverage-0>) to favor an older worker over a younger one, even if both workers are age 40 or older.

Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

## Age Discrimination & Work Situations

The law prohibits discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment.

## Age Discrimination & Harassment

It is unlawful to harass a person because of his or her age.

Harassment can include, for example, offensive or derogatory remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments,

or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

## Age Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of age, can be illegal if it has a negative impact on applicants or employees age 40 or older **and is not based on a reasonable factor other than age** (<https://www.federalregister.gov/articles/2012/03/30/2012-05896/disparate-impact-and-reasonable-factors-other-than-age-under-the-age-discrimination-in-employment>) (RFOA).

### Employer Coverage

20 or more employees

### Time Limits

180 days to **file a charge** (<https://www.eeoc.gov/filing-charge-discrimination>)  
(may be extended by state laws)

Federal employees have 45 days to **contact an EEO counselor**  
(<https://www.eeoc.gov/federal-sector/overview-federal-sector-eeo->

[complaint-process](#)).

## For more information, see:

- **Facts About Age Discrimination**  
(<https://www.eeoc.gov/laws/guidance/fact-sheet-age-discrimination>)
- **The Age Discrimination in Employment Act**  
(<https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>)
- **Regulations** (<https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>)
- **Policy, Guidance and Resource Documents**  
(<https://www.eeoc.gov/policy-guidance-and-resource-documents-related-age-discrimination>)
- **Statistics** (<https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>)
- **Older Women at Work: The Intersection of Age and Sex Discrimination**  
(<https://www.eeoc.gov/older-women-work-intersection-age-and-sex-discrimination>)

## Reports:

- **The State of Age Discrimination and Older Workers in the U.S. 50 Years After the Age Discrimination in Employment Act (ADEA)**  
(<https://www.eeoc.gov/reports/state-age-discrimination-and-older-workers-us-50-years-after-age-discrimination-employment>)
- **The Older American Worker - Age Discrimination in Employment (The Wirtz Report)** (<https://www.eeoc.gov/reports/older-american-worker->

**age-discrimination-employment).**