

● AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

STATUTORY CITATION: 29 USC §§ 621 – 634

RELATED REGULATIONS: 29 CFR Parts 1625 – 1627

GENERAL SUMMARY: The Age Discrimination in Employment Act protects persons who are at least 40 years of age against arbitrary age discrimination by employers engaged in any industry affecting commerce — including agriculture — and who have 20 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

Employment agencies that regularly procure employees for at least one covered employer, as well as most labor organizations with 25 or more members, are also subject to the Act.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is unlawful for employers subject to the Act to fail or refuse to hire a job applicant, to harass or discharge an employee, or to otherwise discriminate against an individual with respect to compensation and other terms or conditions of employment, because of the individual's age. Likewise, employers may not limit, segregate or classify employees in any way which would deprive or tend to deprive a person of employment opportunities, or otherwise adversely affect his or her status as an employee, by reason of the person's age.

EXCEPTIONS — The Act does not forbid employment practices based on age where age is a bona fide occupational qualification, nor does it bar an employer from observing the terms of a bona fide seniority or benefit plan or from differentiating among employees on the basis of reasonable factors other than age.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee or job applicant because the employee or applicant has filed a complaint, participated in a proceeding, or opposed an illegal practice under the Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000)*. The Commission may conduct investigations, gather compliance data, enter and inspect workplaces, review personnel records, and interview employees. In general, any worker 40 years of age or older who has been denied rights protected under the Age Discrimination in Employment Act may file a complaint with the Commission at any time within 180 days after the apparent violation took place. Before instituting civil action to enforce the Act, the Commission must attempt to eliminate the alleged discriminatory practice and effect voluntary compliance through informal methods of conciliation, conference and persuasion. In any judgment in a complainant's favor, the Act authorizes recovery of back wages and, in instances of willful violations, liquidated damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — The Commission may delegate primary responsibility for acting on civil rights complaints brought to its attention to any state or local fair employment practices agency which enforces anti-discrimination provisions similar to those described under this law and which meets certain other criteria. Puerto Rico and all states except Arkansas and Mississippi have statewide or local agencies to which EEOC will defer all or certain types of charges under the Act.

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker who has been adversely affected by a violation of the Age Discrimination in Employment Act may bring suit against the employer or other offending party. However, in no event may an individual commence private action under the Act until 60 days after a charge of age discrimination has been filed with the Commission, and the right to sue privately ends once the Commission initiates court action to enforce the employee's rights under the Act.