

Age Discrimination - Your Rights

What Does the Law Say About Age Discrimination?

It is against the law for an employer to treat you differently, or harass you, because of your age.

In general, it is against the law to do this:

- when you apply for a job
- during the course of your employment
- in firing you from your job
- in forcing you to retire

If you are treated differently or harassed because of your age, you have the legal right to do something about it.

There are some exceptions to the age discrimination law. They are explained in this factsheet.

What are My Work Rights?

Applying For a Job

You have the right to:

- apply for and be fairly considered for most jobs, apprenticeships or traineeships, no matter what age you are.

In general, all jobs, apprenticeships and traineeships must be open to people of all ages. Your age must not be used as a reason to prevent you applying for or getting a job.

For example, an employer or employment agency must not generally refuse to interview or employ you just because you are above or below a particular age. In addition, an employer or employment agency must not ask for you to have a set number of years of experience or qualifications that take time to get - unless this is necessary for that particular job - as obviously younger people won't be able to meet these sorts of rules.

Exceptions

The main exceptions to all jobs being open to people of all ages, are that it is not unlawful for an employer to:

- refuse to hire someone who is under the age of 18
- refuse to hire someone who is over 70 years of age
- advertise for and employ someone of a particular age where age is an essential and relevant part of the job-for example, for authenticity in a play or where the job is to promote the welfare of or provide education for a particular age group and the most effective way of doing this is for someone of the same age group to do it.

During Employment

You have the right to:

- generally be trained, promoted and get all other work benefits. In some cases, work benefits or rules that are based on the number of years you have worked with your employer or elsewhere may also be against the law. This is because those who are older are more likely to get the benefits or get more of them. However, these types of benefits won't be against the law, if it is reasonable for the employer to use years of services as the determining factor.
- not be harassed at work because of your age.

Exception

Age may be used as a factor in the operation or terms and conditions of a bonafide retirement, pension, employee benefit or insurance plan, provided the provisions of the plan are not used to establish an age for mandatory retirement.

- not be dismissed, retired, etc. because of your age. In general, you should only be dismissed if you are no longer able to do the job properly or if the job no longer exists. However, employers can ask for a particular length of service for voluntary retirement.

Exception

In general, an employer can require the retirement of an employee who for the two prior years has been in an executive or high policy-making position, as long as the employee is entitled to a pension package that pays at least \$27,000 a year.

The law allows for the mandatory retirement at a certain age for people who hold certain positions, such as judges or tenured employees of colleges and universities.

What are My Rights with a Union?

You may not be excluded or expelled from membership in a union because of your age. Also, as a member of a union, you may not be treated differently in any way because of your age, except that a union may establish a reasonable minimum age for a person to be included in an apprentice or training program.

What are My Rights to Goods and Services?

It is generally against the law for anyone to refuse to do business with you because of your age. A person can't refuse to buy goods or services from you or to sell goods or services to you because of your age. However, be mindful that there are other laws that prohibit, for example, the sale of cigarettes or alcoholic beverages to people below a certain age.



CIVIL RIGHTS

For More Information

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Satellite Office:

26 Pennsylvania Avenue, Atlantic City, NJ 08401

Phone: (609) 441-3100

Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402

2 Riverside Drive, Camden, NJ 08103

Phone: (856) 614-2550

Fax: (856) 614-2568

TDD# (609) 757-2958

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102

Phone: (973) 648-2700

Fax: (973) 648-4405 / (973) 648-7582

TDD# (973) 648-4678

Paterson Regional Office:

100 Hamilton Plaza, Paterson, NJ 07501

Phone: (973) 977-4500

Fax: (973) 977-4511

TDD# (973) 977-1955

Trenton Regional Office:

140 East Front Street / P.O. Box 090

Trenton, NJ 08625-0090

Phone: (609) 292-4605

Fax: (609) 984-3812

TDD# (609) 292-1785

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