**T**he US ***Age Discrimination in Employment Act*** **of 1967 (ADEA)**

ADEA prohibits [employment](http://en.wikipedia.org/wiki/Employment) [discrimination](http://en.wikipedia.org/wiki/Discrimination) against anyone age 40 and over by employers with at least 20 employees. It also applies to federal, state, and local government employee, labor organizations and employment agencies. ADEA specifically prohibits:

* discrimination in [hiring](http://en.wikipedia.org/wiki/Hiring), promotions, wages, [termination of employment](http://en.wikipedia.org/wiki/Termination_of_employment), and [layoffs](http://en.wikipedia.org/wiki/Layoffs);
* statements of age preference and limitations in job notices or advertisements;
* the denial of benefits to older employees that are also provided younger workers.

In 1986, ADEA prohibited mandatory retirement in most occupations. ADEA remedies include reinstatement and back pay for the affected employee, or damages if reinstatement is not feasible and/or the employer's violation is intentional.

The procedural requirements for an ADEA suit are complicated. To exercise their rights, older persons must file a charge with the federal Equal Employment Opportunity Commission (EEOC) in a timely manner before suing an employer in federal court for job discrimination. If the EEOC considers the charge valid, it may try to mediate a solution or seek damages on behalf of the client.

Many states have also enacted legislation prohibiting age discrimination in employment, some even before the federal statute came into being. Some of these laws may be broader in coverage, e.g., covering smaller firms and more age groups.

A significant study1 on the effectiveness of ADEA found the following:

* While one no longer sees age limits placed in job advertisements, the thousands of age discrimination complaints filed every year with EEOC, suggest the persistence of age discrimination.
* Perhaps because of the legal difficulties in terminating older workers, both state and federal legislation against age discrimination may have contributed to the expanded employment of persons over age 60 years of age in recent decades.
* There is still an open question whether or not ADEA has resulted in a diminution in older worker hiring because of the obstacles presented to their possible termination.

*Note:* Since this study was completed, the US Supreme Court has raised the burden of proof on employees who bring age discrimination claims under the ADEA. A worker suing under the ADEA must now satisfy a higher burden of proof than persons covered by other discrimination legislation by proving that age was a decisive factor in how they were treated, rather than only one factor. Advocacy organizations for older persons are trying to overturn this decision.

1David Neumark, *The Age Discrimination in Employment Act and the Challenge of Population Aging*, NBER Working Paper No. 14317**,** September 2008. Available: <http://www.nber.org/papers/w14317>

See also:

*Age Discrimination Internationally* – USA. Available: <http://www.agediscrimination.info/international/Pages/USA.aspx>

US Equal Employment Opportunity Commission

<http://www.eeoc.gov/laws/types/age.cfm>

For information on age discrimination legislation in many other countries: [www.agediscrimination.info/international/Pages/international.aspx.](file:///C%3A/Users/SPB%20Consultant4/AppData/Local/Temp/notes5E0B40/www.agediscrimination.info/international/Pages/international.aspx)