



Mineral



Question of the Week

October 1, 2025

Question

What is age discrimination?

ANSWER

Age discrimination (sometimes called ageism) means treating people less favorably because of their age. In the workplace, this commonly happens when an employer favors a younger worker over an older one. In some cases, age discrimination is unlawful.

If your organization has 20 or more employees (for 20 or more weeks in the current or previous year), then it is covered by the federal Age Discrimination in Employment Act (ADEA). Enacted in 1967, this law forbids age discrimination against people who are 40 or older. The ADEA requires covered employers to avoid and prevent age discrimination in all aspects of employment. This includes, but is not limited to, hiring, work assignments, wages, bonuses, promotions, discipline, and termination. Many states have age discrimination laws that kick in at a lower employee count and some even protect younger workers.

You don't have to intend to discriminate to violate the ADEA. You might even have good intentions. Let's say that you recently hired an employee in their late 60s and their start date is tomorrow, but you've just been informed about an infectious disease in your workplace. Fearing that the new employee may be more at risk because of their age, you push back their start date. Doing this would be a clear case of age discrimination (the proper course of action would be to reach out to the new employee to see what they'd like to do given the situation).

The best way to avoid discrimination is to base employment decisions only on factors that are job-related and irrespective of age.

This Q&A does not constitute legal advice and does not address state or local law.