

Age discrimination at work

It's against the law for your employer to treat you unfairly at work because of your age. It doesn't matter whether you're the age they think you are or not. This is called age discrimination. It's against the law to discriminate against you for being too young or for being too old. It is also against the law for someone to discriminate against you because of your age when they are providing goods and services. However, there are some exceptions to this, for example when it comes to insurance and pensions.

Who does the law apply to

The law about age discrimination applies to you if you're in work or if you're applying for a new job. It doesn't matter how many people work at your firm or how long you've been working for them.

What does the law mean

Your employer can't have rules or practices which put you at a disadvantage at work because of your age. For example, they can't say you need to have had 12 years experience after you've qualified to apply for a job. This would put younger people at a disadvantage and it's against the law.

It's also age discrimination if your employer puts you at a disadvantage because of the age of someone you're associated with. For example, they can't discriminate against you because you are the carer of an elderly relative.

Your employer can't bully or pick on you because of your age (this is known as harassment). For example, they mustn't allow people to make offensive jokes about your age in the workplace.

There are some exceptions to the general rules. For example, an employer may be allowed to discriminate against someone because of their age but only if they can show this is justified. If you don't accept the justification, you can make a claim to an employment tribunal and they will look at each case individually.

Retirement and age discrimination

From 1 October 2011, your employer can no longer force you to retire at 65. In most jobs, you can choose when you want to retire from work. However, there are some exceptions to this rule.

If you turned 65 before 1 October and your employer:

- gave you notice by 5 April 2011 at the latest that they wanted you to retire, and
 - followed the correct procedure
- you will have to retire on the date agreed with your employer.

If your employer didn't give you notice by 5 April 2011 that they wanted you to retire or didn't follow the **default retirement procedure** properly, they can't force you to give up work just because of your age, no matter how old you are, unless they can justify why you need to retire at that age.

There may be some jobs where your employer can say you have to retire at a certain age. They will need to be able to justify why you have to retire at that age. This could be, for example, because of health and safety or because they have problems recruiting younger workers if there is no prospect of promotion for them. If an employer wants to make you retire at a certain age, they will need to be able to justify their reasons to an employment tribunal. Employment tribunals will consider these types of cases very carefully to decide whether forcing someone to retire because of their age is fair or not.

Job applications and age discrimination

It's generally against the law for employers to refuse to take you on or promote you because of your age. This means that, in most cases, employers shouldn't advertise jobs aimed at certain age-groups. However, there are some exceptions to this rule, for example, if an employer can justify that it's necessary to refuse to employ people over or under a certain age.

Also, there are some laws about the age that you have to be to do certain work. For example, bar staff serving alcohol must be at least 18, so it isn't against the law to advertise for bar staff who must be aged 18 or over.

An employer is allowed to ask for information about your age in a job application. However, if you think an employer has used this information to discriminate against you, you have the right to make a claim to an employment tribunal.

Unfair dismissal

If you are sacked unfairly, you can make a claim for unfair dismissal, whatever your age. It's unfair to dismiss you because of your age. You may be able to make a claim for unfair dismissal if you've been sacked for this reason.

Redundancy pay and age discrimination

If you're made redundant, you're allowed to get redundancy pay regardless of how old you are. You must have worked for your employer for at least two years. The amount of redundancy pay you will be able to get isn't covered by the law about age discrimination. So, for example, when it comes to your statutory redundancy pay, which is the minimum amount of redundancy pay you must get, your age and how long you have worked for your employer is used to work out the total you're entitled to. This is not unlawful age discrimination. You can get more redundancy pay than this if your contract says so.

When they're making staff redundant, employers aren't allowed to discriminate against older or younger employees. But they may be allowed to choose people for redundancy based on how long they've been working for them.

What can I do if I'm being treated unfairly or harassed at work because of my age

If you're being treated unfairly or harassed at work, take action as quickly as possible:

- **get advice.** A Citizens Advice Bureau may be able to help or refer you to a specialist. Details of how to find your nearest CAB are at the end of this fact sheet
- If you're being harassed, **ask the person to stop.** Only do this if you feel it is safe. You may find it helpful to have a colleague or trade union representative with you when you do this
- **tell your manager** that you're being harassed or discriminated against. Put it in writing and keep a copy. Your employer is required by law to try to prevent the harassment. If the person harassing you is your manager, tell someone higher up in the organisation
- **talk to your personnel department or trade union.** They might be able to help you stop the unfair treatment or bullying
- **collect evidence.** This could include keeping a diary or record of the time, date and location of any incidents, what was said or done, if there were any witnesses and evidence of any similar incidents against other colleagues. Record the names and jobs of those you think are treated more favourably than you, or details of the rule or policy that puts you at a disadvantage and why
- you can ask your employer questions about your treatment. This can help you decide if you've been discriminated against. It can also help you get information to support your case.

Raising a grievance

If you've tried to stop the discrimination or harassment without success, you should **raise a written grievance**, if there is time to do so within the time limit. Your trade union or an adviser can help. Although the law can help protect you against victimisation, think carefully about taking out a grievance or making a complaint as this could put your job in danger or make your life at work even more uncomfortable.

Taking your case to an employment tribunal

If you have not been able to solve your problem through raising a grievance, you may have to make a claim to an **employment tribunal**. If there is time, it is advisable to raise a written grievance with your employer before you do this.

You'll have three months from the date the discrimination first took place to make a claim. An employment tribunal can:

- decide what your rights are
- award compensation. There is no upper limit to the amount of compensation that you can get
- make a recommendation to the employer to put the problem right.

Work pension schemes and age discrimination

The rules about work pensions and age aren't affected by the law on age discrimination. Employers are allowed to include rules about age in their work pension schemes.

The National Minimum Wage and age discrimination

The rules about the National Minimum Wage aren't affected by the law on age discrimination. If you're under 21, you get a smaller amount of minimum wage.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other information on Adviceguide which might help

- Resolving disputes at work
- Dismissal
- National Minimum Wage
- Redundancy

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