

Age Discrimination and Harassment

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Age discrimination and harassment are illegal under federal, state and city legislation designed to protect the rights of people irrespective of their age. The federal Age Discrimination in Employment Act (ADEA) outlaws age discrimination against employees and job applicants over 40 years of age. The ADEA applies to both state and private employers with more than 20 employees.

The ADEA safeguards workers from age discrimination and harassment in every stage of the employer-employee relationship, including applying for a job, interviewing, promotion, performance assessment, etc.

State legislation provides additional protection against age-based discrimination and harassment in the workplace. The majority of state legislative acts to a large extent duplicate the ADEA.

Many state laws also prohibit discrimination on the basis of age. Although some of these laws essentially mirror federal law and protect people only older than 40, other state laws are broader and protect workers of all ages. Many state laws also cover employers with 20 employees and fewer. The New York State Human Rights Law covers employers with 4 or more employees as does the New York City Human Rights Law.

Age discrimination occurs when a person is laid off, refused a job, benefits or promotion, forced to retire or otherwise subject to unfair treatment or an adverse employment action on the basis of his or her age. Under the federal and state legislation the employer cannot legally:

- Lay off employees over 40 years of age without a well-documented reason such as poor job performance, etc.

- Force older employees to retire early. However, the employer can offer some sort of additional benefits (e.g. a higher pension, better insurance) that, when voluntarily accepted by the worker, serve as a compensation for early retirement.

- Deny a job, promotion, benefits and privileges or otherwise penalize employees on the basis of age

There are also cases which can be mistaken for age discrimination and harassment, but are not prohibited under the federal and state law:

- Older employees can be laid-off if younger workers are treated equally

- Refuse a job on the basis of age in cases when a younger person is absolutely needed, since physical fitness or other age-related qualities are considered BFOQ (bona fide occupational qualification).

Age harassment is any offensive conduct towards older employees occurring in the workplace and based on one's age. It includes but is not limited to insulting age-based jokes, comments, gestures or other types of hostile behavior.

If you feel that you are discriminated against or harassed because of your age, you need to take immediate action. First, you can file a well-grounded complaint to the upper management of your company. If they fail to respond in a satisfactory way, you can file age discrimination and harassment charges with the U.S. Equal Employment Opportunity Commission (EEOC) or a similar agency on the state or state level. You can also sue directly in court. Before initiating any formal legal charges, you should contact our office to assist you in evaluating your claim.

New York Labor and Employment Attorneys - The Law Office of Borrelli & Associates, P.L.L.C. - Assisting with Age Discrimination and Harassment issues in the workplace.

Top NY Age Discrimination and Harassment Lawyers

Age discrimination is all too common in the workplace today and that is why New York Age Discrimination Lawyers are in such high demand; contact Employment Lawyer New York if you are in search of a NYC Age Discrimination Lawyer or a NY Long Island Age Discrimination Lawyer.

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more than 20 employees.

Age discrimination at your place of work can come in many forms, any and all of which contribute to creating a hostile work environment. Perhaps you were not chosen for that promotion, despite your qualifications and experience, because your employer thought you looked too old to handle the job. Maybe you were moved to a desk job, in spite of your health and fitness, because your employer found a younger employee for the warehouse job. Or worse, maybe you were terminated because of your age or because of how your employer perceives your age.

Employee Rights, Harassment in the Workplace, ADEA Law

All these examples of age discrimination are prohibited under the Age Discrimination in Employment Act, also known as the ADEA, of which our New York discrimination lawyers are experts! The Age Discrimination in Employment Act prohibits firing, hiring, promoting, or setting wages based on age. Don't let these things happen to you! Hire a New York age discrimination attorney today!

Whether you work in or near Manhattan, New York City, Nassau County NY, Suffolk County NY, Carle Place NY, Brooklyn, the Bronx, Queens, and Staten Island, your voice deserves to be heard and that is why New York age discrimination lawyers from Employment Lawyer New York will be happy to represent your case. Call Employment Lawyer New York today to hire a NYC age discrimination lawyer or a NY Long Island age discrimination lawyer!