

HOW TO FILE A COMPLAINT

If you believe that you have been discriminated against because of your age, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act. For more information or to file a complaint, you may contact the regional office nearest to your home or place of employment, or visit our website at

WWW.DHR.NY.GOV.

SOME EXAMPLES:

You are over sixty years old and have been in your job for twenty years. You received a number of raises and promotions over the years. A promotion becomes available and you apply for it. A few weeks later your boss calls you in to tell you that he hired someone else. You then find out that the new employee is considerably younger and less qualified. Is this unlawful?

If your age was a factor in the decision to hire the younger, less experienced individual, then it would be unlawful.

You find an apartment that you want to rent. The landlord tells you that you look “young.” She then asks your age. When you tell her you are thirty years old, she responds that she prefers a more “mature” tenant. You don’t get the apartment. Is this unlawful?

Unless the apartment is in a properly designated senior complex, it is unlawful to refuse to rent an apartment based upon the prospective tenant’s age.

Your employer lays off 100 employees, the majority of whom are older than the employees retained. You are one of the older employees and believe your age is the basis for the decision. Is this unlawful?

If age played a role in the employer’s decision about whom to lay off, the lay offs of these employees may be discriminatory.

AGE DISCRIMINATION

NEW YORK STATE
DIVISION OF
**HUMAN
RIGHTS**

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Discrimination based upon age is unlawful.

This guide is designed to promote awareness and explain the protections provided under the New York State Human Rights Law.

The New York State Human Rights Law covers employers with four or more employees. It protects persons 18 and over from age discrimination in employment, apprentice and training programs, promotions and termination. It also prohibits age discrimination in credit, housing, and in admission to non-sectarian, tax-exempt educational institutions.

The New York State Human Rights Law does not prohibit age discrimination in the area of public accommodations.

EMPLOYMENT

- An employer may not refuse to hire or promote an employee, and may not terminate an individual because of age, and must provide the same terms and conditions of employment irrespective of age, including salary.
- It is an unlawful discriminatory practice for an employer or employment agency to make any inquiry or use any application form that expresses, directly or indirectly, any limitation or discrimination as to age. The Division recommends that employment inquiries relative to age be limited to the question, "Are you 18 years of age or older?," unless there are bona fide reasons, such as licensing, for a specific inquiry.
- An individual may not be denied entrance into an apprentice program because of age.
- An employer may not establish separate seniority, layoff, or recall lists based on age. Seniority must be based on length of employment, and age cannot be used to determine an employee's status with regard to seniority or layoff.
- It is unlawful for any union or labor organization to discriminate because of age. Benefits, services, and membership must be offered on the same basis as to other employees, without regard to age.
- Generally, mandatory retirement is unlawful under the Human Rights Law. There are, however, exceptions made for certain executives and persons in high policy making positions, as well as persons in certain occupations.
- Employment agencies may not discriminate because of age. They must provide services to individuals over 40 years old, such as job referrals, on the same basis as they would to clients of other age groups.

HOUSING

- It is unlawful to refuse to sell, rent, or lease any housing accommodations or to discriminate in the terms, conditions, or privileges because of age in either publicly-assisted or private housing. An owner-occupied two family building is exempt from the Law.
- The Law protects families with children under 18, as well as people who are pregnant or adopting children, from discrimination in the sale, rental, or lease of housing accommodations.
- The Human Rights Law has certain age exemptions with respect to senior housing.

CREDIT

- It is unlawful to discriminate in the area of credit because of age.
- A bank or loan company may not charge a higher rate of interest or shorten the time of a loan because of age. The Law prohibits discrimination as to age in the granting of credit and the fixing of rates, and the terms and conditions of credit. It is not unlawful to consider age in determining credit worthiness when age has a demonstrable and statistically sound relationship to a determination of credit worthiness.

EDUCATION

- A non-sectarian, tax-exempt educational institution may not deny admission or use of facilities on the basis of age.