

# Age Discrimination In The Workplace

## What is age discrimination in the workplace?

Age discrimination in the workplace is where an individual who is 40 years of age or older is not treated fairly by an employer or fellow employees due to their age, and the unfair treatment results in loss of opportunity, pay, or work.

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## Is there an age requirement to claim age discrimination?

Yes. Age discrimination rules only cover people 40 years of age or older. Disability protections cover all disabled people but may also cover older workers when age discrimination cannot be shown.

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## Where do I file a complaint?

Age discrimination complaints are filed with the Equal Employment Opportunity Commission (EEOC). You can file online at <https://publicportal.eeoc.gov/Portal/Forms/NewEditForm.aspx?templateId=160>, or you can file in person at an EEOC office. To find an EEOC office near you, visit <https://www.eeoc.gov/field/index.cfm>.

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## How long do I have to file a complaint?

In Tennessee, you have 300 days to file a complaint.

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## What do I need to include in the complaint?

Your complaint should include a description of the discrimination and any evidence you have to support your complaint. Evidence can include witnesses, documents proving your age, documents showing your qualifications for the job, emails or other communication, and your sworn statement about the discrimination you faced. Your complaint should be thorough and honest and should include all of the information you have available to you.

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## **What happens after I file the complaint?**

The EEOC will send a notice of the complaint to your employer within 10 days of you filing the complaint. If the EEOC determines your complaint is timely and the EEOC rules apply to your case, then it may ask you and your employer to mediate and reach a voluntary settlement.

If the complaint is not sent to mediation or is not resolved in mediation, then the EEOC will begin an investigation, gather a response from your employer, and get a response from you. The EEOC usually takes about 10 months to investigate a complaint. Once the EEOC completes its investigation of the complaint, it will notify you and the employer of the result. If the EEOC is not able to determine whether your employer broke the law, it will give you a notice of a right to sue. You may then sue your employer in court for age discrimination, and let a judge or jury decide if your employer broke the law and what your remedy may be.

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## **Can my employer get back at me for reporting?**

Employers cannot legally retaliate against you if you report them for age discrimination.

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[Table of Contents](#)

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