

Protection from Age Discrimination

Complaint Process

Any person who feels that they are a victim of discrimination because of their race, color, sex, age, ancestry, national origin, disability, military status or religion may file a formal complaint with the OCRC. Both parties to the complaint will be provided with the option to participate in mediation.

If the mediation process is unsuccessful or if one party does not wish to participate in mediation, the case will be referred to the investigative unit. Through a series of steps including witness interviews, document requests and site visits, the Commission will determine whether or not discrimination has occurred.

All services are free of charge and complaints can be filed at your local OCRC office or by telephone.

Report It!

If you believe that you have been the victim of discrimination due to your age you may file a complaint with the Ohio Civil Rights Commission:

1. Make immediate detailed notes of your experience including the date, time, what you saw or were told and any witnesses to the incident.
2. Collect and keep copies of advertisements, letters or other relevant documentation.
3. Contact the nearest regional office of the Ohio Civil Rights Commission. You must do this within six (6) months .

OHIO CIVIL RIGHTS COMMISSION



COMMISSIONERS

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OHIO CIVIL RIGHTS COMMISSION

GOVERNOR JOHN KASICH



Age Discrimination

In the Workplace

Equal Opportunity for All

www.crc.ohio.gov

1-888-278-7101



The Law

State and Federal Law

Federal and state anti-discrimination laws prohibit discrimination in employment against persons age 40 and over. The purpose of the Age Discrimination in Employment Act (ADEA) and Ohio's Fair Employment Practices Act (FEPA) is to promote the employment of our aging workforce, based on qualifications rather than on age.



The provisions of the laws require all employers, employment agencies and labor unions to implement employment practices and policies that are free from age discrimination.

Who is Protected?

1. Employees and job applicants 40 years of age or older.
2. Employees in the protected age class who are employed, or are seeking employment, at a place of employment with 20 or more employees under federal law and 4 or more employees under state law.

Age Discrimination

Warning Signs of Discriminatory Treatment

1. A younger applicant was selected for a position instead of an equally qualified applicant in the protected age class.
2. An employee in the protected age class was terminated or removed from their position and replaced by a younger employee.
3. An employee in the protected age class was "passed over" for a promotion or other employment incentive because of his/her age.
4. Only workers outside of the protected age class are permitted to participate in professional development or training opportunities.
5. An employer will terminate the employment of a person in the protected age class who has an otherwise good work record.
6. An employer or manager gives unreasonable work assignments to an employee in the protected age class with the intent to force a transfer or resignation.

Employer Responsibilities

Employers have a duty to prevent "age harassment" from occurring, by ensuring that management as well as other employees do not harass older workers with derogatory comments and other forms of harassment, which have the effect of creating a hostile or intimidating work environment for the older employee.

What actions are legal?

Permissible Employment Actions:

In some situations, age can serve as a legitimate qualification for employment. Employers may legally:

- Claim a bona fide occupational qualification (BFOQ) when an age preference is necessary to the operation of the business
- Observe the terms of a bona fide seniority system or benefit plan
- Make employment decisions based on reasonable factors other than age
- Discharge or discipline an employee for good cause
- Retire all bona fide executives and high policy makers, who are at least 65 years of age, have held the position for at least 2 years prior to retirement, and will receive at least \$44,000 per year in pension benefits.

Choosing Remedies

Under Ohio Law, a person who wishes to make a formal allegation of discrimination on the basis of age can do so through one of two options.

1. The aggrieved party may file a charge of discrimination with the Ohio Civil Rights commission, or
2. The aggrieved party may elect to file a private lawsuit in a court of law.