



AGE DISCRIMINATION

Age is a number.
Not a barrier.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality

AGE DISCRIMINATION

It is age discrimination to treat a person unfairly, or for them to be denied the same opportunities as others, because of their age or age group. Discrimination often happens because we make conscious or unconscious assumptions about a person's needs or abilities based on how old – or how young – they are.

In what situations is age discrimination against the law?

To be against the law, age discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule a person because of their age or age group (see separate brochure: *Offensive behaviour*).

Exceptions to the law

In certain circumstances age discrimination is subject to exceptions. For example:

- Some sporting activities and clubs are for specific age groups, for instance an over-50 hockey team
- It might be necessary to employ a younger person to work in a youth centre
- Only people of a certain age may be eligible for particular benefits or superannuation
- Sometimes children must be accompanied by an adult

(To understand how exceptions work see separate brochure: *Discrimination - exceptions to the rules*).

Exemptions

If you think there is a valid reason for doing something that might be considered age discrimination, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law - should you be exempt?*).

Do you feel you have been discriminated against on the basis of your age?

If you want to find out more or to make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

At a job interview Sally, 45, felt comments made about her age and ability to relate to younger workers were not appropriate. She didn't get the job, so she made a complaint of age discrimination in employment.

An employer requires all employees to pass a demanding physical test before being recruited to a particular position. This requirement may unlawfully discriminate against older employees if the physical test is harder for a person because of their age and does not reflect the actual requirements of the position.

A job ad states the applicant 'must have at least 10 years' experience'. Despite having 6 years' experience, at only 24 Ali felt he was not welcome to apply. The advertisement discriminates against Ali because of his age. Unless the employer could explain why 10 years' experience was necessary, the requirement would probably be considered age discrimination.

Ron asked for information from a group with which he was volunteering about their insurance cover for volunteers. The manager of the organisation told Ron they had been unable to get insurance cover for volunteers in his age bracket. Unless the insurance company could provide actuarial, statistical or other data from a reliable source and make the case that the decision to exclude those of Ron's age from insurance cover was reasonable having regard to the data and other relevant factors, the decision to exclude Ron from coverage would be discriminatory on the basis of age.