



What is age discrimination?

Age discrimination occurs when someone is treated less favourably than another person or is denied the same opportunities as another person because of their age or imputed age.

Age discrimination can occur across all age groups and often arises because of stereotypes and assumptions made about a person's needs and abilities, based on how old or young they may be.



Example of direct discrimination

At a recent job interview Sally, 45, felt that comments made about her age and ability to relate to younger workers was not appropriate. She subsequently didn't get the job, so she lodged a complaint of discrimination on the ground of age.

Where is it unlawful to discriminate?

The *Anti-Discrimination Act 1998* ("the Act") prohibits age discrimination in the following areas:

Employment - includes, but not limited to:

- paid or voluntary;
- membership of partnerships;
- registration or recognition by, or membership of, professional and trade organisations;
- registration or recognition by qualifying bodies;
- engagement of commission agents;
- registration or placement by employment agencies;
- engagement under a contract for services; and
- registration or enrolment by vocational training bodies.

Education and Training - at schools, colleges, universities or other educational institutions where education and training is provided.

Provision of facilities, goods and services - includes:

- relating to access to, and the use of, any place that members of the public are permitted to enter; or
- relating to banking, insurance, superannuation or the provision of grants, loans, credit or finance; or
- relating to entertainment, refreshment or recreation; or
- relating to transportation and travel; or
- relating to any profession, trade or business; or
- provided by a State authority or a council; or
- relating to selling, buying, leasing, assigning or disposing of an interest in land.

Accommodation - applies to residential (including house, flat, hotel, motel, boarding house or caravan) and business accommodation.

Membership and activities of clubs - being a member of a club and participating in activities associated with the club.

age Discrimination

Example of indirect discrimination

An employer requires all employees to pass a demanding physical test before being recruited to a particular position. This requirement may indirectly discriminate against older employees if the physical test is not an inherent requirement of the position.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

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GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841

Facsimile **(03) 6233 5333**

TTY **(03) 6233 3122**

Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Direct age discrimination

Direct age discrimination takes place if a person treats another person on the basis of their age or imputed age less favourably than a person without that attribute or characteristic (who is of a different age).

For direct discrimination to take place it is not necessary -

- That age be the sole or dominant ground for the unfavourable treatment; or
- That the person who discriminates regards the treatment as unfavourable; or
- That the person who discriminates has any particular motive in discriminating.

Indirect age discrimination

Indirect age discrimination takes place if a person imposes a condition, requirement or practice, which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share a particular attribute (of a particular age or age group) more than a person who is not a member of that group.

When is it lawful to discriminate?

In certain circumstances, age discrimination is permitted.

The following exceptions apply:

- Sporting activities for particular age groups;
- Clubs for particular age groups;
- Superannuation for persons of particular age groups;
- Insurance and financial services for particular age groups;
- Retirement on the basis of age;

Example of lawful discrimination

Sports carnivals requiring that competitors compete in their age group (for example, under-17's, under-19's, under-21's) is an example of lawful age discrimination.

- Employment based on age:
 - a. if it is a genuine occupational qualification or requirement of the position; or
 - b. wage rates that are based on age.
- Education for persons of a particular age group;
- Benefits and concessions on the basis of age;
- Children to be accompanied by an adult (where there is a reasonable risk that the child may cause a disruption or endanger himself or herself or any other person if not accompanied by an adult).

Education and Training

The Office of the Anti-Discrimination Commissioner, Tasmania provides training and education on discrimination and prohibited conduct covered under the Act.

Free Community Education sessions are available for NGO's, Schools and Community groups.

Corporate Training can be tailored to suit any organisation to meet the needs of its employees including Managers and Supervisors to create a discrimination and harassment free workplace environment.

Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.