



Protected Characteristic - Age

AGE

What is Age Discrimination?

This is when you are treated differently because of your age in one of the situations that are covered by the Equality Act.

The Equality Act has some exceptions. For example, students are not protected from age discrimination at school.

The treatment could be a one-off action or as a result of a rule or policy based on age. It doesn't have to be intentional to be unlawful.

What the Equality Act says about Age Discrimination

The Equality Act 2010 says that you must not be discriminated against because:

- you are (or are not) a certain age or in a certain age group;
- someone thinks you are (or are not) a specific age or age group, this is known as discrimination by perception;
- you are connected to someone of a specific age or age group, this is known as discrimination by association;

Age groups can be quite wide (for example, 'people under 50' or 'under 18s'). They can also be quite specific (for example, 'people in their mid-40s'). Terms such as 'young person' and 'youthful' or 'elderly' and 'pensioner' can also indicate an age group.

If you have experienced discrimination, contact EQUIP for free, impartial advice and support:

Phone Number
0330 135 6606

E-mail Address
advice@equipequality.org.uk

Website
www.equipequality.org.uk





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Circumstances where being treated differently due to age is lawful

A difference in treatment may be lawful if:

- belonging to a particular age group is essential for a job: this is called an occupational requirement. For example, a film company making a film of Oliver Twist may lawfully hire a young boy to play Oliver.
- an organisation is taking positive action to encourage or develop people in an age group that is under-represented or disadvantaged in a role or activity
- your employer has set a compulsory retirement age that it can clearly justify in respect of your role: this is known as objective justification.
- the circumstances fall under one of the exceptions to the Equality Act that allow organisations to provide different treatment in employment or services based on age.
- a service provider is making age-related concessions and benefits. For example, a cinema can offer over 60s cheap tickets and special screenings or a GP can offer flu jabs to over 65s.
- the financial services sector (e.g. banks, building societies and insurance companies) is using age limits when deciding what services to offer. For example, a high street bank offers a 'silver saver' account for customers over 60, with higher interest rates. However, if they are using age to assess risk, for example only providing car insurance up to age 75 or charging more for insurance as a customer gets older, they would need up to date evidence from a reliable source, which shows that people over a certain age are a greater risk when driving.

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