

# 40

**for•ty**

\'fort-e\ n,pl. forties. 1: the years 40 to 49 in a lifetime or century 2: experience 3: knowledge 4: rights

**5: age at which protection from discrimination begins**

adj or n - forty adj or pron

Prepared by the  
Pennsylvania Human Relations Commission

# Age discrimination is against the law.

## Pennsylvania Human Relations Commission

The Pennsylvania Human Relations Commission (PHRC) is a state agency which enforces the laws prohibiting discrimination because of race, color, religion, ancestry, age, sex, national origin, non-job related disability, known association with an individual with a disability, possession of a diploma based on passing a general education development test and familial status. PHRC's jurisdiction covers employment, housing and commercial real estate, contracting as an independent contractor (which includes contractors regulated by the Bureau of Professional and Occupational Affairs), public accommodations, education, refusal or willingness to participate in abortion procedures and monitoring racial tension situations.

## Employment

Under Sections 4(h) and Section 5 of the Pennsylvania Human Relations Act (PHRA) and under the federal Age Discrimination in Employment Act (ADEA), persons 40 years of age or older are protected from discrimination in employment. The PHRA prohibits age discrimination in hiring, discharge, promotions, fringe benefits and other aspects of employment.

Retaliation against a person who files a charge of age discrimination, participates in an investigation or opposes an unlawful practice is also unlawful.

The PHRA applies to employers of 4 or more employees. Employees include both full and part time employees.

## Housing

Section 5(h) of the PHRA also protects individuals 40 years of age and older and families with children from discrimination in the selling, leasing, financing, brokering, appraising and other aspects of housing. Certain exemptions exist for housing that has been legally determined to be housing specifically designated for "older persons."

## Public Accommodations

Neither state or federal law prohibit age discrimination in public accommodations. This is why things such as "senior citizen" discounts are legal.

## Advertisements

Under the employment and housing provisions of the PHRA, it is unlawful to print, publish or circulate any advertisement indicating a preference or limitation based upon age.

## Exemptions

The law exempts bona fide approved apprenticeship programs of two years or more. There are limited circumstances where age may be a bona fide occupational qualification.

## How and where to file a complaint

If you believe that you have been the victim of unlawful discrimination in employment or housing because of your age, you may discuss your concerns with a Commission staff member who will answer your questions and help you decide whether you should file a complaint with the Commission. Whatever the Commission's advice, you have the right to file a complaint, if you so desire.

The Commission is available to help you draft the wording of the complaint and prepare it in legal form for your verified signature. Before you sign the complaint, make sure that is an accurate account of what happened to you, to the best of your knowledge and belief. This is important, because Pennsylvania law provides penalties for persons who knowingly file false complaints.

If your complaint is also covered by the federal ADEA or the federal Fair Housing Act, Commission staff will dual-file your complaint for you with the appropriate federal agency, if you wish. PHRC is a state agency. There is no charge for its services.

You must file your complaint within **180 days of the alleged act of age discrimination**. You have the right to be represented before the Commission by a private attorney, if you so desire, but you may proceed without an attorney.

You have the right to contact one of the three PHRC's regional offices to file a complaint of age discrimination, or any other form of unlawful discrimination. A county map has been provided in this pamphlet to help you determine which regional office serves your county.

## Additional Information

PHRC enforces the PHRA and the PA Fair Educational Opportunities Act. The text of these laws is contained in a booklet entitled, "Laws Administered by PHRC" and are available on line at the [www.phrc.state.pa.us](http://www.phrc.state.pa.us) or from PHRC's Communication Division, 301 Chestnut Street, Pennsylvania Place, Suite 300, Harrisburg, PA 17101, or by calling (717) 772-2845 or (TT) (717) 783-9308. Information regarding the complaint process is contained in PHRC's "Guide for Complainants" and is also available online or upon request.

The Equal Employment Opportunities Commission enforces Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967. The text of these laws, and others, is contained in the booklet "Laws Enforced by EEOC," and is available from the Office of Communications/Legislative Affairs, 2401 E St. NW, Room 412, Washington, D.C. 20507.

The U.S. Department of Housing and Urban Development (HUD) can be reached at 1 (800) 669-9777.

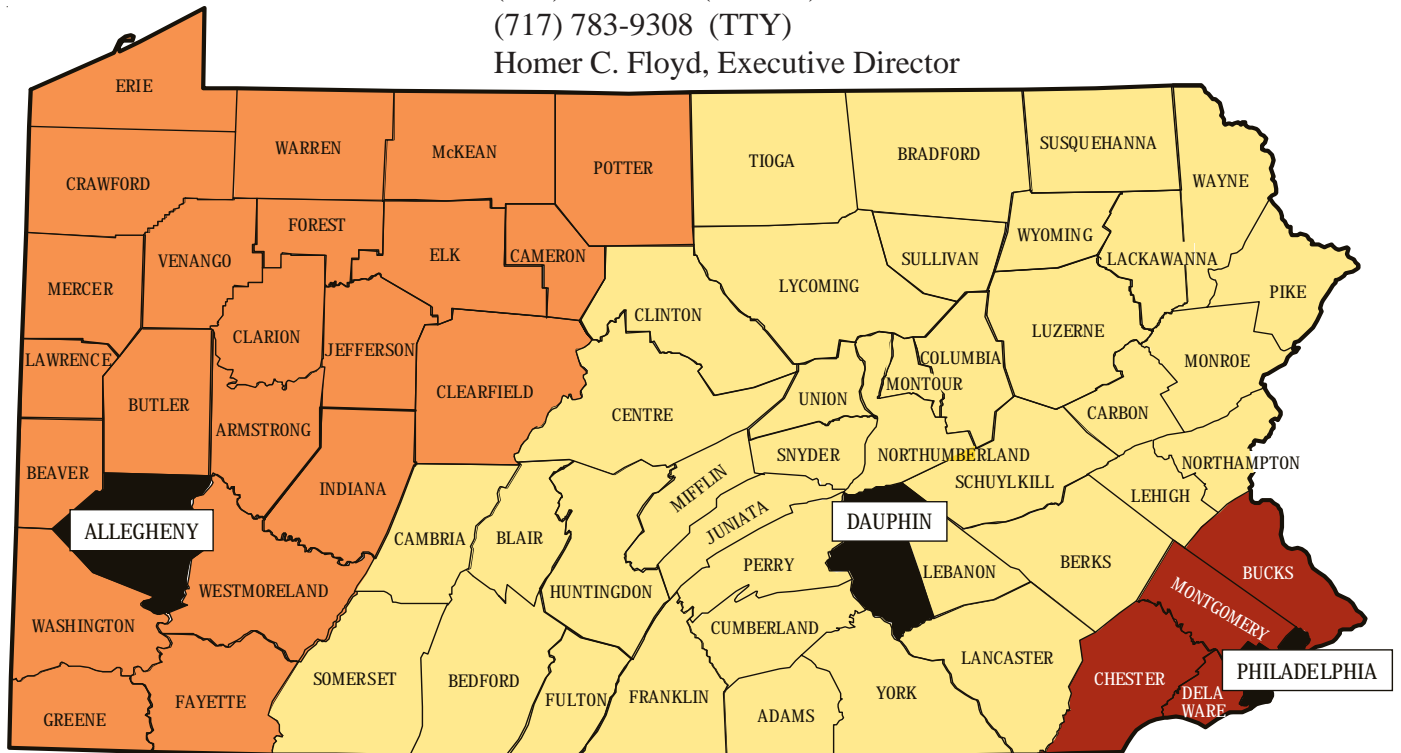
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# Pennsylvania Human Relations Commission

Visit us online at [www.phrc.state.pa.us](http://www.phrc.state.pa.us)

## Central Office

301 Chestnut Street - Suite 300  
Harrisburg, PA 171015-2702  
(717) 787-4410 (VOICE)  
(717) 783-9308 (TTY)  
Homer C. Floyd, Executive Director



## Pittsburgh Regional Office

11th Floor State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222-1210  
(412) 565-5395 (VOICE)  
(412) 565-5711 (TTY)

## Harrisburg Regional Office

Riverfront Office Center  
1101-1125 South Front Street  
5th Floor  
Harrisburg, PA 17104-2515  
(717) 787-9784 (VOICE)  
(717) 787-7279 (TTY)

## Philadelphia Regional Office

711 State Office Building  
1400 Spring Garden Street  
Philadelphia, PA 19130-4088  
(215) 560-2496 (VOICE)  
(215) 560-3599 (TTY)

## PHRC Officers

Stephen A. Glassman, Chairperson  
Raquel Otero de Yiengst, Vice Chairperson  
Dr. Daniel D. Yun, Secretary  
Toni M. Gilhooley, Assistant Secretary

## PHRC Commissioners

David A. Alexander  
M. Joel Bolstein  
Timothy Cuevas  
Rev. James Earl Garmon, Sr.  
J. Whyatt Mondesire  
S. Kweilin Nassar  
Daniel L. Woodall, Jr.

*The Commission provides equal opportunity in employment and service to the public. Pennsylvania is proud to be an equal opportunity employer supporting workforce diversity.*