

Age Discrimination at Work



WORLD Policy
Analysis Center

KEY FINDINGS

Less than half of countries prohibit age discrimination in hiring (47%) or in pay (46%).

Even fewer prohibit age discrimination in promotions and demotions (39%) or in trainings (38%).

Only 23% of countries ban age discrimination in terminations without exceptions.

ABOUT THE DATA

This fact sheet presents findings from the following article and includes data updates:

Amy Raub, Pamela Stek, and Jody Heymann (forthcoming in 2023). **Legal gaps in laws prohibiting age discrimination at work: An analysis of laws in 193 countries.** *Comparative Labor Law and Policy Journal.*

Age Discrimination in the Workplace

- Studies show that workplace age discrimination is widespread, affecting workers across the globe. Older women face particularly strong biases in hiring and training and experience significant pay inequality.
- For both workers and workplaces, enabling older people who wish to keep working to do so has significant benefits:
 - In addition to the financial advantages of working longer, there are physical and mental health benefits to continued engagement in paid labor, so long as jobs provide healthy work environments.
 - Studies around the world have found that older workers demonstrate just as much productivity and innovation as younger workers. Older workers' knowledge, skills, and work attributes are valuable resources

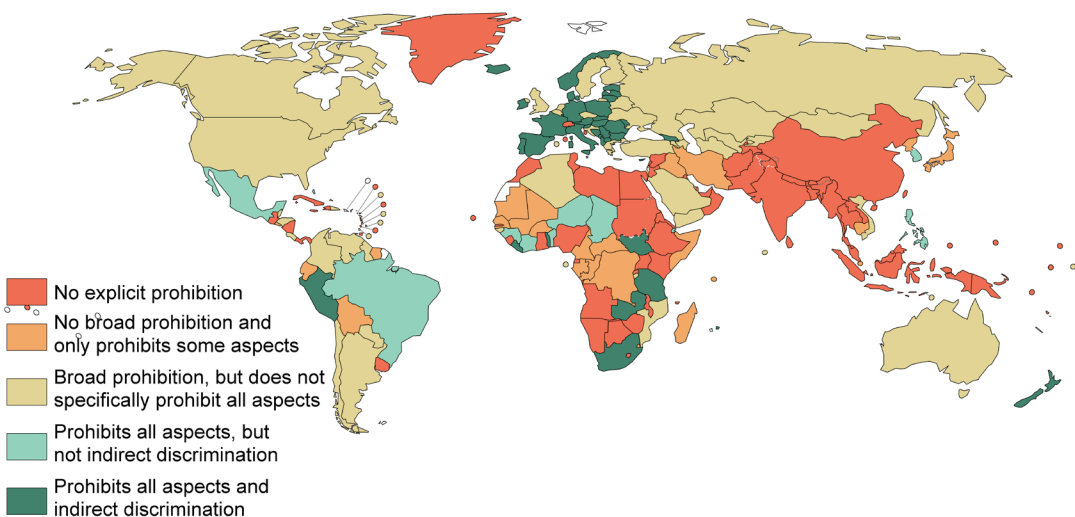
for employers.

- As the global population ages, ensuring older adults have the option to continue to work, as well as ensuring pensions are universally available, is vital.
- Research has demonstrated the positive impacts of age-based anti-discrimination laws for older workers. But as of 2021, only 64% of countries explicitly prohibit at least some aspect of age discrimination in the workplace.

Prohibitions of Age Discrimination in Specific Aspects of Work

- Out of all aspects of work studied (hiring, pay, training, promotions and/or demotions, and termination), hiring and pay are the most frequently protected by legislative prohibitions of age discrimination (47% and 46% respectively).

Do countries prohibit age discrimination in all aspects of work?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2021

- Aspects of work that matter to continued advancement at work, such as promotions and/or demotions and training, have lower levels of protection (39% and 38%, respectively).
- For all aspects of work studied except pay, there are stark differences in prohibitions across country income levels. For example, whereas 71% of high-income countries prohibit age discrimination in hiring, only 40% of middle-income countries and 22% of low-income countries do so.

Measures to Support Effective Implementation

- Only 15% of countries require employers to take specific steps to prevent age discrimination at work, such as requiring workplace trainings or establishing a code of conduct. An additional 4% of countries generally require employers to prevent age discrimination at work, but do not specify particular steps.
- Only 35% of countries prohibit any form of adverse action against employees reporting age discrimination, which may include harassment, disciplinary action, or dismissal.

An additional 7% more narrowly prohibit at least one aspect of retaliation.

- Similarly, only 31% of countries prohibit retaliation against other employees participating in workplace investigations of age discrimination, such as witnesses.

Legal Exceptions and Mandatory Retirement

- 1 in 5 countries prohibit age discrimination in terminations but have explicit exceptions in place for the dismissal of employees at or near retirement age.
 - In 13% of countries, legislation establishes mandatory retirement that allows for the termination of employment contracts.
 - In 4% of countries, age-based terminations for workers who have reached retirement age are explicitly not considered discrimination or unfair dismissal.
 - In 3% of countries, provisions that prohibit discrimination do not affect legal or collective bargaining retirement ages.
- More than 1/3 of high-income countries that

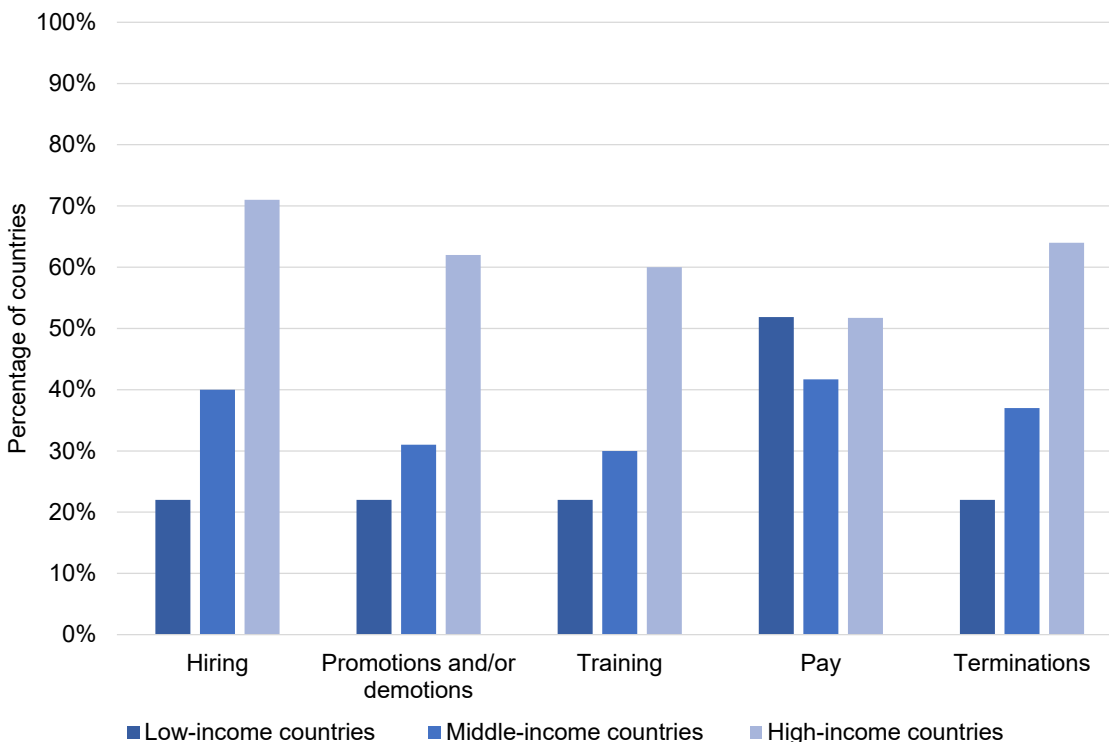


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ABOUT THE METHODOLOGY

This analysis relies on a systematic review of original legislation and statutory guarantees extended to the private sector as of January 2021 for all 193 United Nations member states. It excludes instances where case law has extended the application of more general prohibitions to specific areas of work and to cover additional social groups. Further details on full methodology can be found at: worldpolicycenter.org/topics/equal-rights-and-discrimination/methods.

Legislative prohibitions of age discrimination in aspects of work by country income level



For pay, this includes both equal pay for equal work and equal pay for work of equal value.

prohibit age discrimination in termination allow for retirement-related exceptions, as do 1/2 of low- and middle-income countries. These exceptions are found in all regions.

- Exceptions to anti-discrimination provisions for workers nearing retirement age are not limited to retirement: some countries allow for establishing a maximum age for recruitment.
- Eliminating age-based discrimination in hiring and mandatory retirement ages in no way impedes governments and companies from providing an option for voluntary retirement by establishing an age when pensions begin.

Prohibitions of Indirect Age Discrimination and Age-Based Harassment at Work

- Only 34% of countries prohibit indirect age discrimination in the workplace.
 - Whereas more than 1/2 of high-income countries prohibit indirect age discrimination, only 1/4 of middle-income countries and 15% of low-income countries do so.
- Only 1/3 of countries explicitly prohibit age-based harassment in the workplace.
 - High-income countries are more likely than low- or middle-income countries to have these provisions.



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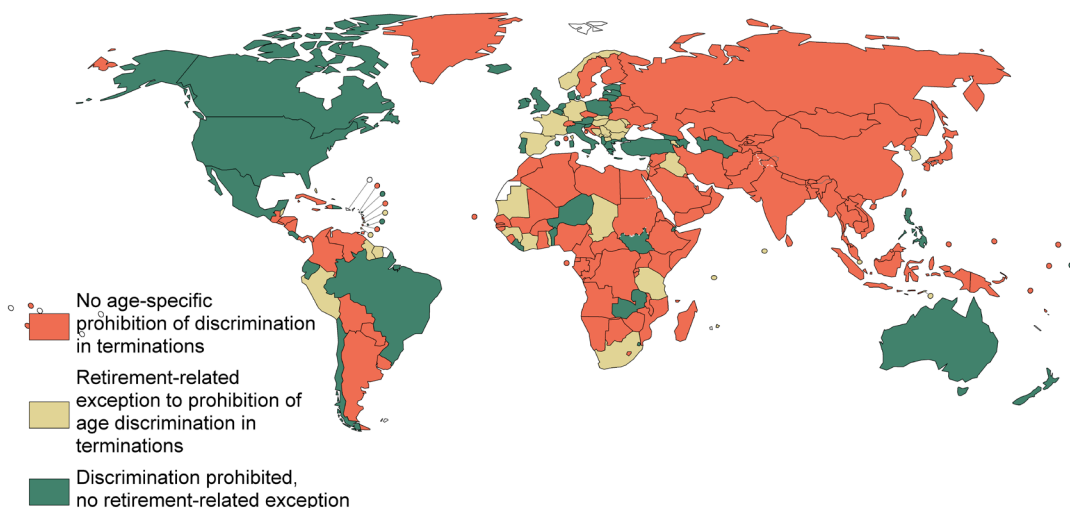
ABOUT WORLD

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Are there retirement-related exceptions to prohibitions of age discrimination in terminations?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2021