

U.K.'s Willingness To Protect Younger Individuals From Age Discrimination Not Likely In U.S.



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Diversity & Inclusion

I write about combatting ageism in the workplace.



In the U.K., a woman of 22 years just won an age discrimination case against her former employer after being told she was “too young for the job.” During a tribunal, Brooke Shanks shared that while employed, she was not provided a written contract, not enrolled in a pension scheme and received no wage slips nor holiday pay to which she was entitled. The tribunal awarded Shanks £2,002.50 for breach of contract and £1,000 for injury to feelings.

In 2010, [The Equality Act](#) simplified U.K. law by combining almost all previous anti-discrimination laws into a single piece of legislation. It also expanded the scope of discrimination law to cover: Age, Disability, Race, Sex, Religion, Sexual Orientation, Marriage and Civil Partnership, Pregnancy and Maternity, Age and Gender Reassignment (or Transgender).

Unlike the [U.S. Age Discrimination in Employment Act of 1967 \(ADEA\)](#) that prohibits employment discrimination against persons 40 years of age or older, The Equality Act of 2010 protects any age from employment discrimination.

No Protections for Reverse Age-Discrimination

If the ADEA were meant to protect against reverse age-discrimination, it would not have limited its application. In 1992, the U.S. Court of Appeals for the Seventh Circuit argued in [Michael R. Hamilton, Individually and on Behalf of All Other Persons Similarly Situated, Plaintiff-appellant, v. Caterpillar Incorporated, a Delaware Corporation](#) that “There is no evidence in the legislative history that Congress had any concern for the plight of workers arbitrarily denied opportunities and benefits because they are too young. Age discrimination is thus somewhat like handicap discrimination: Congress was concerned that older people were being cast aside on the basis of inaccurate stereotypes about their abilities. The young, like the non-handicapped, cannot argue that they are similarly victimized.”

The 2004 Supreme Court decision in [General Dynamics Land Systems, Inc. v. Cline](#), the U.S. Supreme Court settled a conflict among the lower courts over the viability of so-called “reverse age discrimination” claims referring to the ADEA age restriction as an indicator that the “young are not protected against the old.”