

Alert | Labor & Employment



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NJ Expands Law Against Discrimination to Further Protect Private-Sector Workers Over 70

On Oct. 5, 2021, Gov. Phil Murphy of New Jersey signed [legislation](#) expanding available protections under New Jersey’s Law Against Discrimination (LAD) to private-sector workers over 70 years of age. Prior to the newly enacted amendments, private employers were permitted to refuse to hire or promote an individual for the sole reason that the person was over age 70. Similar rules permitted certain state employers to require mandatory retirement for individuals who reached a retirement age “bear[ing] a manifest relationship to the employment in question.”

The amendments not only eliminate these previously permissible employment practices but also expand available remedies for claims of forced retirement. Under the amended LAD, a private-sector employee claiming to have been unlawfully denied employment or promotion due to their age, even if over 70, as well as any employee claiming to have been forced to retire because they reached age 70, may now pursue all available remedies under LAD, including compensatory and punitive damages, reinstatement with back pay, attorneys’ fees, and interest.

Sponsors of the bill cited New Jersey’s aging workforce and the reality that people may need to work well beyond the age of 65 as factors motivating the amendments. NJ’s LAD already prohibited age discrimination, including discrimination motivated by youth, but the once permissible “upper ceiling” of 70 years old is no longer a viable basis for private-sector employment decisions of any nature.

The amendments take effect immediately, and employers should promptly review any “mandatory retirement” and related severance policies to ensure compliance with these changes. Employers will also be wise to carefully consider employment decisions affecting older workers to assess compliance with these new rules.

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