

---

## 29 C.F.R. § 1625.7

---

### Differentiations based on reasonable factors other than age.

---

(a) Section 4(f)(1) of the Act provides that

\*\*\* it shall not be unlawful for an employer, employment agency, or labor organization \*\*\* to take any action otherwise prohibited under paragraphs (a), (b), (c), or (e) of this section \*\*\* where the differentiation is based on reasonable factors other than age \*\*\*.

(b) When an employment practice uses age as a limiting criterion, the defense that the practice is justified by a reasonable factor other than age is unavailable.

(c) Any employment practice that adversely affects individuals within the protected age group on the basis of older age is discriminatory unless the practice is justified by a “reasonable factor other than age.” An individual challenging the allegedly unlawful practice is responsible for isolating and identifying the specific employment practice that allegedly causes any observed statistical disparities.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)