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CONNECTICUT PROHIBITS AGE-RELATED INQUIRIES ON EMPLOYMENT APPLICATIONS

Starting October 1, 2021, Connecticut will join a small but growing number of states where employers are now specifically prohibited from inquiring about a prospective employee's age on the initial employment application, including indirect questions which are designed or which tend to elicit age information.

Connecticut law already prohibits employers from discriminating against employees and prospective employees on the basis of age, and thus, eliminating questions about dates of birth on applications or otherwise during the hiring process has been recommended for some time. The new law, which amends Conn. Gen. Stat. § 46a-60, now officially makes it a discriminatory practice for employers with three or more employees to request or require a prospective employee to disclose any of the following information on the initial employment application:

- Age;
- Date of birth; and
- Dates of attendance at or graduation from an education institution.

There are two important exceptions to the Act's prohibitions; i.e., an employer may request an employee's age, date of birth, or dates of attendance at or graduation from an education institution where such information is necessary for a bona fide occupational qualification or need. These inquiries are also permitted when required to comply with any provision of state or federal law as may apply to the subject position.

In light of the new legislation, employers should review their employment applications to ensure questions about applicants' ages, dates of birth, or dates of attendance at or graduation from educational institutions are not included. As the Act also applies to employers' agents, employers should make certain that third parties with whom they work in the hiring process, including recruiters, are aware of the Act's prohibition as well.