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United States Supreme Court Decides Age Discrimination Case

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The Age Discrimination in Employment Act (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment -- including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age. Recently the United States Supreme Court ruled that when a company asserts layoffs of older workers were based on factors other than the workers' age, the company has the burden of proving those factors are valid. By its decision, the Supreme Court enhanced the ability of older workers to bring job discrimination claims. The decision is significant since it comes as the nation's workforce is aging and many companies are downsizing and laying off workers. In that case, the Plaintiff and other employees sued the employer after being laid off allegedly due to budget cuts. The Plaintiff claimed that the determinations of which employees were let go had a disparate impact on older workers since 30 of the 31 employees laid off were over 40 years old. The Court held that an employer must prove the reasonableness of a factor other than age used in employment decisions that result in a disparate impact to individuals over 40 years of age. For additional employment information, please visit our web site at www.joettedoran.com.

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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