

# Age Discrimination in the Workplace

ZUCKERMAN LAW CAN HELP

## What is Age Discrimination in the Workplace?

It is treating an applicant or employee less favorably because of his or her age.



## Age Discrimination in Employment Act (ADEA)



**ADEA** is a federal law that protects workers and job applicants age 40 and over from age-based discrimination in all aspects of employment.

Remedies in age discrimination claims can be substantial.



### ADEA applies to:

Employers with 20 or more employees, including state and local government. It also applies to employment agencies, labor organizations, and federal government.



In addition every state has a law that prohibits age discrimination in employment. Most state laws apply to employers with fewer than 20 employees and often provide stronger protections than federal law.

## Age Discrimination is Illegal at any Stage of Employment Including:



Hiring



Firing



Promotions



Layoffs



Compensation



Benefits



Job Assignments



Training

The ADEA also prohibits retaliation from opposing age discrimination or filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

## Signs of Age Discrimination

### Fired

Older workers are being fired or offered buyouts and younger ones are being hired.

### Duties Re-assigned

Older workers are being re-assigned to unpleasant duties.

### Comments

Older workers start hearing unseemly comments about their age.

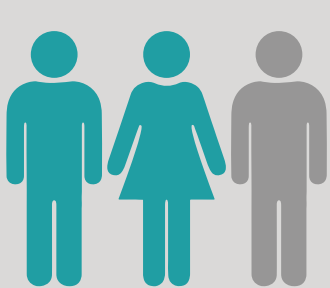
### No Raises

Older workers stop getting raises.

### Performance Reviews Tank

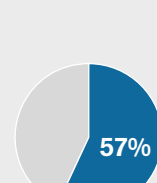
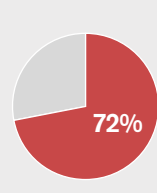
Suddenly older workers begin to get 1's instead of 4's.

## How Common is Age Discrimination?



2 out of 3

workers (ages 45+) say they have seen or experienced age discrimination in the workplace.



Percentage of women and men that think workers face age discrimination in the workplace today.



18,376

Number of age discrimination charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) in 2017.



Age discrimination makes up more than 1 in 5 of the discrimination charges received by the EEOC.

## Proving Age Discrimination

Employee usually must prove that an intentional action was taken against employee because of the employee's age.

40+

## Remedies

- ✓ Compelled employment
- ✓ Reinstatement
- ✓ Promotion
- ✓ Back/Front pay
- ✓ Double recovery in liquidated damages for willful violations
- ✓ Attorney's fees and costs



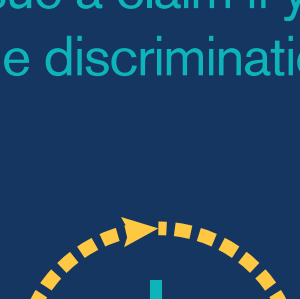
\$90.1 million

EEOC benefits paid in 2017

## Filing a Claim

You have the right to pursue a claim if you feel you are a victim of age discrimination.

For employees in the private sector, a charge of discrimination must be filed with the EEOC within 180 days of the discriminatory act (can be extended to 300 days if state or local agency enforces a state or local law that prohibits employment discrimination on the same basis).



Federal employees have a different charge filing process.

## It is Critical to Hire an Experienced Attorney



To maximize your remedies



To protect you from retaliation



To learn more about your rights, call Zuckerman Law 202-769-1681 or 202-262-8959

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ATTORNEY ADVERTISING MATERIAL

### SOURCES

American Association of Retired Persons (AARP), 10 Things You Should Know About Age Discrimination (February 2017), available at <https://www.aarp.org/work/on-the-job/info-2017/age-discrimination-facts.html>.

U.S. Equal Employment Opportunity Commission, Age Discrimination in Employment Act (Charges filed with EEOC) (includes concurrent charges with Title VII, ADA, EPA, and GINA) FY 1997 – FY 2017, available at <https://www.eeoc.gov/eeoc/statistics/enforcement/adea.cfm>