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## **Protecting Your Legal Rights-Supreme Court Expands Claims for Age Discrimination**

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A recent Supreme Court ruling makes it easier to sue for age discrimination. The Court ruled that older workers may take their employers to federal court even in cases in which the alleged adverse impact on them was not intentional. The ruling means that workers age 40 and over which accounts for about half the nation's work force, now have less of a burden to raise their claim in court when suing under federal law. The decision is important since just over half of the nation's 147 million-member labor force is 40 or older, according to the Bureau of Labor Statistics. At issue were workplace policies that appear neutral but actually disproportionately hurt older workers. A five-justice majority said the federal Age Discrimination in Employment Act (ADEA), which protects all workers older than 40, permits a limited range of "disparate impact" lawsuits, or claims that older workers are disproportionately harmed by policies an employer applies to its entire workforce.

The Supreme Court already has ruled that disparate impact claims are allowed under Title VII of the 1964 Civil Rights Act, which bans discrimination based on race, gender, religion or national origin. The decision provides that it should be no different for age discrimination, although it ruled the scope of liability is narrower. In fact, all five members of the majority agreed that disparate-impact suits based on age discrimination should be more limited than racial discrimination suits ruling that older employees must identify a specific policy or practice that harmed them. This limitation was necessary, according to the Court because the ADEA allows employers to treat older workers differently because of "reasonable factors other than age." The court reasoned that age, unlike race or other classifications protected by the Civil Rights Act, commonly has relevance to an individual's capacity to engage in certain types of employment. Accordingly, the Supreme Court agreed with the federal appeals court that dismissed the case of 30 police department employees in Jackson, Mississippi. The employees argued that a new pay plan gave greater raises to officers younger than 40 than to older officers. However, the Court found that this was an "unquestionably reasonable" attempt by the city to keep its police salaries competitive with those of nearby jurisdictions. For additional information regarding age discrimination, please visit our web site at [www.joettedoran.com](http://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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