

Age Bias Claims Up But Tougher To Prove

by Brian Mahany

It's no surprise that the economic meltdown of 2008 and its aftermath has led to record numbers of age discrimination claims. Many businesses used the downturn as a reason to fire older workers. Why? In some cases because their performance simply was not up to par. But in many cases, the reasons are more sinister. Older workers who have been with the company for years make more money than a new hire. If the person let go was over 40, there may be a great case of age discrimination.

Although age discrimination cases are at record numbers, getting justice and compensation for these victims of discrimination is tricky business. The economic downturn has caused many Americans to lose their jobs. Today it is not uncommon for one or more jurors to be unemployed or recently displaced. Chances are that those jurors did not file a discrimination claim.

Unlike other forms of discrimination, age cases are often subtle. Today most managers are smart enough to not call an employee "too old" or say they wish to replace older workers with "young blood" or "fresh faces". These cases are won, then, through thorough investigation.

To convince a cynical jury that a person was let go because of their age, statistical data is critical. If one can show a pattern of higher paid older workers being let go and replaced with lower paid younger workers, discrimination can be proved even though no smoking gun exists.

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Brian Mahany and the team of employment discrimination lawyers at Mahany & Ertl help victims of discrimination. From our offices in Milwaukee, Wisconsin, we represent victims of age, race, gender, sexual orientation, criminal history and other forms of discrimination. Our lawyers have appeared before the EEOC, state Equal Rights Division, Wisconsin state and federal courts .

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