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## EEOC Seeks to Stamp Out Systemic Discrimination: Recent Charges Involve Age Discrimination in Employment Practices

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Investigating and litigating systemic discrimination cases (race, age, gender, disability, etc.) is a top priority for the United States Equal Employment Opportunity Commission (EEOC). The EEOC has defined "systemic cases" as a pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location. Consequently, the fact that a discriminatory employment practice has been accepted in a particular industry or geographic area, positions an employer for more potential exposure, rather than "cover."

As any business with 15 or more employees face a lawsuit by the EEOC, it is prudent for employers to monitor what the EEOC considers to be its priority. When the EEOC files a lawsuit in its own name, it reveals those priorities.

For example, the EEOC recently sued a large law firm pursuant to the Age Discrimination in Employment Act ("ADEA"). The law firm had a policy requiring all partners who were 70 years old to give up their equity share in the firm. Such employees were entitled to receive a bonus at the discretion of the firm's management. These practices allegedly resulted in substantially reduced compensation for older employees as compared to younger workers with similar productivity. Since the case was only recently filed, it is uncertain how it will be resolved. Nevertheless, the law firm will have to expend time and money defending the case.

Outside of the law firm context, employers may have other age-based employment policies which draw the attention of the EEOC. The ADEA prohibits age-based employment discrimination against those age 40 and older, and also bars employers from retaliating against those who complain about such unlawful practices. In 2009, there were 22,778 age discrimination charges (the administrative procedure that precedes a lawsuit) filed with the EEOC.

With the assistance of an attorney, a prudent employer should proactively analyze its employment practices -- before an employee contemplates a lawsuit. Such efforts will reduce the risk of being sued on discrimination claims (and in all likelihood save time and considerable expense).

Unfortunately, even the most cautious employers may be confronted with employment-related claims. If you are faced with an employment-related claim, a Ruden McClosky labor & employment or litigation attorney can aggressively defend your interests.

If you have questions regarding this topic contact Daniel Matlow, Esq., 954-527-2475 or [daniel.matlow@ruden.com](mailto:daniel.matlow@ruden.com), or any Ruden McClosky labor & employment law attorney. Mr. Matlow is a partner in the Litigation Practice Group, in Fort Lauderdale, Florida. For more information about Ruden McClosky, please visit [www.ruden.com](http://www.ruden.com).

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