

## *The ADEA at 50, Human Resource Executive, ft. Ellen Storch*

**Ellen Storch**, partner at Kaufman Dolowich & Voluck on Long Island, was quoted in an article written by Mark McGraw, published in *Human Resource Executive*, on the Age Discrimination Act on July 6, 2017.

*The Age Discrimination in Employment Act got a bit grayer around the temples this year.*

*2017 marks the 50th anniversary of the bill's enactment, which prohibited employers from discriminating against anyone age 40 and over in the decisions regarding hiring, promotions, wages, terminations and layoffs.*

*So how has the ADEA affected the workplace in the half-century since being signed into law by then-President Lyndon Johnson?*

*In curbing age discrimination, the law has been successful on some fronts, but hasn't made much on others, says Ellen Storch, a partner in the Woodbury, N.Y. office of Kaufman Dolowich Voluck.*

*For example, the bill has helped level the playing field for more seasoned workers in the hiring process.*

*"When the ADEA was first passed, employers frequently posted job advertisements that included the maximum age that they would consider for a position — say, 45 or 55 years old," says Storch. "The ADEA made those types of advertisements illegal."*

*On the other hand, she says, "remedies under the ADEA are not as good as they are under Title VII (of the 1964 Civil Rights Act) or the American with Disabilities Act" in cases where an employer has been found to have discriminated against an older employee or job candidate.*

*For example, Title VII and the ADA provide for punitive and emotional distress damages, while the ADEA does not, says Storch.*

*"The ADEA does provide for liquidated damages, though," she adds. "That's just double the back pay owed. So it's nowhere near as much as [a plaintiff] could have gotten if they were successful in a discrimination case under Title VII or the ADA."*

*One of the most significant developments to stem from the ADEA, says Storch, actually came more than 20 years after its passage — the Older Workers Benefit Protection Act, which amended the original law in 1990.*