

O'conner v.
consolidated coins
caterers



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O' Conner v. Consoli d Coins Caterers Introduction Before elaborating on three of the most vital aspects pertinent to this case, it would be of immense help in having a brief look at both the ADEA Act and also the McDonnell Douglas Case. This is more or less imperative for aptly commenting on the aforesaid issues related to the case.

The ADEA (Age Discrimination in Employment) Act of 1967 safeguards the interests of some specified employees and applicants who are above the age of forty, against discrimination based on age, in various organizational activities such as promotion, hiring, providing privileges and compensating, etc. The key issue of enforcement of this Act is taken care of by EEOC (Equal Employment Opportunity Commission). (1) (U. S. Department of Labor, ND). McDonnell Douglas Case, which took place in the year 1973, eventually led to a landmark judgment in support of the plaintiff, stating that they (plaintiff) are not necessitated to prove that discrimination led to the termination of their employment. It (the case) maintained, even if a strong inference is shown that discrimination did take place, the same would suffice to initiate legal proceedings against the defendant. In fact, “Prima-facie” speaks about this very issue of allegations backed by strong facts, which are sufficient to prove the misconduct of discrimination. (2) (The Lectric Law Library, 2010).

Decision of the US Supreme Court- A Relevant One

In the case of O' Conner v. Consolidated Coins Caterers, the final judgment of the US Supreme court is indeed an appropriate one. As a matter of fact, it (judgment) subtly focuses on the fact that, in some cases, the judges need to view the scenario with a broader perspective based on logic and common sense, rather than following the Law to the letter. It is this very common sense approach of the country's apex court that led to the decision attaching

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more relevance to the actual age difference between the discharged employee and the replacement, in the case, and not to the age-based categorization of ADEA. (3) (NP, ND).

Filing a Suit when the Replacement is Aged over Forty

The law courts permit a dismissed employee to file a suit even when the person replacing them falls in the protection group, as per ADEA. There are several reasons for this, and the major ones would now be focused upon. Firstly, the courts are committed to providing full rights to the applicant, who is the victim of discrimination, for invoking the provisions of ADEA. Here, the fact that the petitioner is also entitled to build their case backed by Prima-facie evidence, as per the McDonnell Douglas standard, warrants no special mention. Secondly, even if the petitioner cannot obtain any relief according to ADEA, still, the courts endeavor to provide protection to the plaintiff against any other possible forms of discrimination coming under the purview of various legislations. Perhaps, the most important of all the reasons is the one that has been emphasized by the Supreme Court, in this case (O' Conner v. Consolidated Coins Caterers) – wide disparity in ages! The Law provides every opportunity to the petitioner for establishing the key aspect of a big difference between the ages of the discharged employee and the replacement! At this point it needs to be noted that, the principle of “ Equality before Law” is meticulously followed in the US, where every citizen is facilitated to fully utilize all legal recourses in safeguarding their interests. Last but not the least is the highly vital fact that, in the US, compulsory retirement has been removed, and hence it is now nothing but just an unpleasant thing of the past. In light of this, the courts now attach even more significance to the right of applicants aged over forty, for protecting

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themselves from age-based discrimination. (3) (NP, ND).

Age Discrimination – Disparity in Age or Replacement's Age, or Both?

The focus would now shift in analyzing which of the key aspects is of utmost relevance in acts of discrimination on the grounds of age – age of replacement, difference in ages, or both! Here, the fact needs to be conceded that, it is just not possible to be coming out with a single answer that satisfactorily addresses all the cases coming falling under the purview of ADEA. To elaborate further, in the present case “ O’ Conner v. Consolidated Coins Caterers”, the ultimate decision by the apex court emphasized that the disparity between ages of the terminated employee and the replacement is more important, though the latter too falls in group safeguarded by ADEA. Likewise, if a case is examined where the ages of the dismissed employee and the replacement are forty and thirty eight, respectively, then, the age of the latter becomes the vital factor. This is so because, the new employee (replacement) does not fall under the scope of ADEA, and thus the plaintiff could safeguard themselves by ADEA, in a simplified manner. Finally, it can be concluded that both disparity in ages and age of replacement are key parameters, as per the Act (ADEA), and the question of ascertaining which actually is the more pivotal of the two depends entirely on the case in question. (3) (NP, ND).

SOURCES

- 1) U. S. Department of Labor, ND. Equal Employment Opportunity. Retrieved from dol.gov/dol/topic/discrimination/agedisc.htm.
- 2) The Lectric Law Library, 2010. PRIMA-FACIE, EVIDENCE, CASE. Retrieved from lectlaw.com/def2/p078.htm.

3) NP, ND. O' Conner v. Consolidated Coins Caterers. Retrieved from academia-research. com/files/instr/458405_Case%20Study. pdf.