

OLDER WOMEN AT WORK: THE INTERSECTION OF AGE AND SEX DISCRIMINATION

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws protecting older women from discrimination in the workplace based on age and sex, including the Age Discrimination in Employment Act of 1967 (ADEA), Title VII of the Civil Rights Act of 1964 (Title VII), and the Equal Pay Act of 1963 (EPA). Together these laws prohibit pay discrimination, harassment, hiring discrimination, forced retirement, and other forms of employment discrimination faced by women based on sex and age (40 and over).

Women are generally paid less than men, even when working in the same occupation full time, and across both high- and low-paid occupations.¹ The most common occupations held by women pay lower wages than jobs dominated by men.² A substantial portion of the gender wage gap remains unexplained, even after accounting for factors such as work history, industry, occupation, and education.³ Further, as the proportion of women in an occupation increases, the pay in that occupation declines, even controlling for education, skills, and experience.⁴ Finally, the gender wage gap generally increases with age.⁵

Employment discrimination compounds these disparities and if experienced at any point in a woman's career can have significant effects on her economic security and retirement benefits. For example, discriminatory hiring and promotion decisions based on sex and/or age, gaps in employment due to pregnancy discrimination or a hostile work environment, and unequal pay shortchange workers—and the economic impact of such discrimination compounds over time.⁶ Older women of color may experience intersectional discrimination based on their sex, age, race, and/or national origin. As women age, forced retirement, stereotypes about older women, and discriminatory hiring practices hurt their careers and deprive businesses and the economy of their talent.

BY THE NUMBERS*

Between fiscal years 2020-2023, the EEOC:

52K


- Received over 52,000 charges of age discrimination, at least half of which were filed by women.

15K


- Received over 15,000 charges of discrimination based on both sex (Title VII) and age (ADEA) from women workers.

\$146M


- Recovered over \$146 million for female victims of discrimination under the ADEA through its administrative enforcement efforts. (Does not include monetary benefits obtained through litigation.)



* Charging Party sex is not a required data collection field for ADEA charges, therefore, these numbers may be underinclusive.

IN THE COURTS & BEYOND

Through lawsuits that address various stages in a woman's career—from hiring and pay decisions to saving for retirement to choosing when to retire—the EEOC has achieved significant progress for older women in recent years:

- **Targeting Discriminatory Hiring Practices**

- In 2023, [pharmaceutical corporation Lilly USA](#) and its parent company Eli Lilly and Company agreed to pay **\$2.4 million** and provide other equitable relief to settle a nationwide age discrimination lawsuit brought by the EEOC. The EEOC sought relief for applicants denied pharmaceutical sales representative positions due to the company's "Early Career" hiring initiative, which included goals designed to add more millennials to its workforce.
- In 2023, the [EEOC resolved an age discrimination suit against iTutorGroup](#), an English-language tutoring provider that programmed its tutor application software to automatically reject female applicants aged 55 or older and male applicants aged 60 or older. EEOC alleged that iTutorGroup rejected more than 200 qualified applicants based in the United States because of their age. The EEOC obtained \$365,000 for applicants automatically rejected due to their age and significant non-monetary relief.
- In 2020, the [EEOC resolved an age discrimination lawsuit against a CBS affiliate](#) in Texas that refused to hire an experienced female TV reporter because of her age, and instead hired a 24-year-old female applicant, a former NFL cheerleader who did not meet the hiring criteria advertised. CBS 11 agreed to pay \$215,000 and provide training on the ADEA.

- **Combating Pay Disparities and Saving for Retirement**

- In 2024, [Urbana School District agreed to pay](#) approximately \$206,000 in an age discrimination suit, providing monetary relief to 40 teachers, most of whom were women, following a federal district court ruling that the school district's collective bargaining agreement was discriminatory because it limited the salary increases of a group of teachers over 45 because of their age.
- In 2020, the [EEOC settled a federal age discrimination lawsuit with Baltimore County](#) for **\$5.4 million** for over 2,000 county employees. The EEOC alleged that older employees were required to pay higher rates than younger members for the same pension benefits.



[Equal pay advocate Lilly Ledbetter on how pay discrimination affects not only a woman's present circumstances but also her retirement, her 401K, and her social security.](#)

- **Preventing Forced Retirements and Layoffs**

- In 2024, [the EEOC obtained \\$105,000 for a woman](#) who was fired after she refused to retire when she turned 65. A company manager at J&M Industries, a manufacturing and distribution company, repeatedly asked the employee about retirement as she approached her 65th birthday. When she said she had no plans to retire, the company fired her, claiming that her position was being eliminated due to economic uncertainty. The employer quickly hired a man in his 30s to fill her position.
- In 2020, the EEOC settled an age discrimination lawsuit against [Jet Propulsion Laboratory](#), a research facility focused on space and earth science missions. The company agreed to pay **\$10 million**, along with injunctive relief, after the EEOC alleged that it systematically laid off employees over the age of 40 and passed over older employees for rehire in favor of younger workers.

The EEOC's enforcement and public education efforts also tackle workplace barriers like harassment and stereotyping that can limit professional growth and significantly impact older women's economic security:

- **Confronting Harassment**

- In 2024, the EEOC obtained \$145,000 for a woman who worked at a [car dealership](#) for nearly 18 years. After she returned from a short medical leave, the company owner told her she needed to retire or she would be fired, made comments about her gray hair and "old-timers disease," and told her she was old enough to be his mother.
- In 2024, the EEOC issued its updated [Enforcement Guidance on Harassment in the Workplace](#), which includes information about intersectional harassment based on age and sex.

- **Fighting Stereotypes**

- In 2024, the [EEOC obtained \\$78,000 for a long-tenured receptionist](#) at a retirement community who was fired because of her age and disability. After returning from a brief hospitalization, she was questioned by the general manager about how long she planned to continue to work, whether she needed to work, and whether she would prefer to spend her time traveling and seeing family instead of working. She was then fired and replaced by a much younger employee.
- In 2023, [Fischer Connectors agreed to pay \\$460,000 to settle](#) an EEOC lawsuit alleging age-based discrimination in violation of the ADEA on behalf of a human resources director who complained that the employer systematically eliminated older management and sales employees, and replaced them with a new, younger workforce. After complaining, the HR director was fired and replaced by two significantly younger individuals. Recognizing that bias and unfounded assumptions about the competence of older workers continue to drive age discrimination in the workplace, the settlement required Fischer Connectors to train all of its U.S. employees and managers on the ADEA.

Older women bring valuable contributions to America's workforce. Through its outreach, education, and enforcement efforts, the EEOC remains committed to preventing and remedying discrimination against older women workers.

For more information about the EEOC or to file a charge of discrimination, visit [EEOC.gov](https://www.eeoc.gov).



Endnotes

¹ [Issue Brief: Understanding the Gender Wage Gap](#) 2-3, U.S. Dep't of Labor, Women's Bureau (Mar. 2023).

² [Bearing the Cost: How Overrepresentation in Undervalued Jobs Disadvantaged Women During the Pandemic](#) 15, U.S. Dep't of Labor, Women's Bureau (Mar. 2022); Glynn, Sarah Jane, and Boesch, Diana, "[Connecting the Dots: 'Women's Work' and the Wage Gap](#)," U.S. Dep't of Labor Blog (Mar. 14, 2022).

³ Foster, Thomas B., Marta Murray-Close, Liana Christin Landivar, and Mark DeWolf. [An evaluation of the gender wage gap using linked survey and administrative data](#) 6 (Washington DC: US Census Bureau, Center for Economic Studies, 2020).

⁴ [Issue Brief: Understanding the Gender Wage Gap](#) 3, U.S. Dep't of Labor, Women's Bureau (Mar. 2023).

⁵ "Among workers ages 50 or older, women working full-time and year-round are paid about 75 cents for each dollar their male counterparts make." George, Erin and Livingston, Gretchen, "[Older and wiser, but not richer: The gender pay gap for older workers](#)," U.S. Dep't of Labor Blog (July 1, 2024).

⁶ See [Issue Brief: Living on Less: Persistent Gender Disparities in Income Levels, Sources for Older Adults](#), U.S. Dep't of Labor, Women's Bureau (May 2023).