

Telemundo and NBC Facing Age Discrimination Claims

by Ramon E. Rivera on August 14, 2012

Telemundo and NBC Universal are facing an age discrimination lawsuit filed by a former reporter/anchor who claims she was terminated upon turning 50 and replaced by a much younger woman. Vicky Gutierrez, who worked for KVEA in Los Angeles from 2003 until March, further alleges that her termination may have been in retaliation to her complaints of workplace harassment.

“Defendants claim to have ‘laid off’ Ms. Gutierrez, age 50, but they actually terminated her, without cause and in breach of the employment contract between the parties, and promptly replaced her with a substantially younger woman to ‘look’ younger and ‘better’ to attract better ratings and at a lower cost to the employer,” the complaint states.

As employers should be aware, the Age Discrimination in Employment Act prohibits employers from giving preferential treatment to younger workers to the detriment of older workers. It specifically bans employers from discriminating against persons aged 40 years or older in hiring, discharge, compensation, terms, conditions or privileges of employment.

While the ADEA does allow the imposition of age limits for certain professions if evidence shows the ability to perform a particular job significantly diminishes with age or imposes a danger to society, the narrow exception generally applies to airline pilots and firefighters, not newscasters. Therefore, if Telemundo and NBC do not have a legitimate business reason for terminating the employee, they could face significant legal liability.