

United States Supreme Court and the Prohibition of Age Discrimination in Employment

Cing-Kae Chiao

Institute of European and American Studies, Academia Sinica
No. 128, Sec. 2, Academia Rd., Taipei 11529, Taiwan
E-mail: chiao@sinica.edu.tw

Abstract

The purpose of this article is to provide a brief account of the legal regime governing the prohibition of age discrimination in employment in the United States. It examines in three stages in the development of that legal regime, taking account of thirty related decisions rendered by the U.S. Supreme Court over the past forty years, assessing the controversies resolved and issues as yet unresolved. The paper is divided into five sections. Section One discusses the background information, legislative history, important provisions, subsequent amendments, and the enforcement mechanism of the Age Discrimination in Employment Act (ADEA) of 1967. Section Two examines twelve cases ruled on by the Supreme Court from 1976 to 1985 to discuss the controversies it settled. Section Three evaluates twelve cases from 1989 to 1998. Section Four looks into eight cases rendered by the Court from 2000 to 2008. Section Five makes a general assessment of the impact of these decisions on the development of the American legal regime. Finally, the paper evaluates whether the American experience in this field can provide any guidance for Taiwan given its recent efforts to establish a similar legal system to combat age discrimination in employment.

Key Words: age discrimination in employment, Age Discrimination in Employment Act of 1967, Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Commission, United States Supreme Court