

11.11: Case Study: EEOC Sues L'Oreal For Age Discrimination and Retaliation

Federal Agency Says Cosmetics Giant Told Senior Director She Didn't Fit 'Youthful Image'

DALLAS - The U.S. Equal Employment Opportunity Commission (EEOC) announced today that it has filed an age discrimination and retaliation suit against L'Oreal U.S.A., Inc., claiming that the cosmetics giant discriminated against a former female Senior Director by subjecting her to a hostile work environment because of her age.

The EEOC says that a L'Oreal Senior Director was fired in retaliation on March 12, 2003 for having previously complained about discriminatory age comments to Human Resource personnel, in violation of the Age Discrimination in Employment Act of 1967 (ADEA). L'Oreal, based in Clichy, France, has over 50,000 employees and had sales of over \$16 billion in 2002.

The EEOC asserts in its suit, Case No. 3:03-CV-2239-D, in U.S. District Court for the Northern District of Texas, that the former employee was subjected to discriminatory comments by a top executive about her age such as she was "too old to move to New York" and "too old for a V.P. sales position." The woman was also told that she needed a makeover "to fit in with L'Oreal's youthful image." The EEOC further charges that L'Oreal retaliated against the former Senior Director by allowing the newly hired Vice President of Sales to harass and abuse her as well as by terminating her after she reported these negative age comments to Human Resources.

"After years of hard work at L'Oreal, they told me I was too old to go to New York and too old to get a promotion," said Joyce Head. "They were wrong on both counts. I'm pleased that the EEOC is pursuing my case."

EEOC Dallas District Director Janet V. Elizondo said, "The growing retail trend of deliberately hiring only young, sexy employees is disturbing. Hiring for looks is a thoroughly antiquated idea, but too many companies are now still trying to ride that dinosaur."

The EEOC seeks injunctive relief, including training for employees and managers and the formulation of policies to prevent and correct workplace discrimination. The suit also seeks back pay, front pay, lost retirement and 401(k) benefits and liquidated damages for the former employee. The EEOC filed suit after exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

William C. Backhaus, EEOC Senior Trial Attorney, said: "This woman is a dynamo. She had sales of \$30 million dollars last year. At times, she generated 70 percent of the business for her department. That she was denied employment opportunities solely because she lacked youthful beauty is the epitome of rank, overt age discrimination."

Robert A. Canino, Regional Attorney for the EEOC's Dallas District Office, added, "L'Oreal needs a makeover in its workplace practices. The EEOC will continue to fight the practice in the cosmetic industry of herding the older employees from the sales floor to the stockroom."

The EEOC is authorized by Congress to file suit against employers who violate Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex (including sexual harassment or pregnancy), age, or national origin. Title VII also forbids retaliating against an employee for making a complaint. In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's website at www.eeoc.gov.

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