

Reference To Employee's "Shelf Life" Not Enough To Prove Age Discrimination

November 18, 2013 | [Employment Discrimination, Labor And Employment](#)



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No area of discrimination law presents as many opportunities for the interpretation (or misinterpretation) of workplace remarks as age discrimination. Google "old farts" and "age discrimination." Seriously. There are many cases and situations where that expression is part of an age discrimination analysis.

A reference by a supervisor to an employee's "shelf life" would not seem to be as likely to indicate discriminatory animus (and "old fart" itself is far from a guarantee of success for an age plaintiff), but it was an importance part of George Roberts' age discrimination case against IBM where an HR manager had asked a colleague about Mr. Roberts' "shelf life." The 10th Circuit Court of Appeals examined the context of the remark and found that it referred to Mr. Roberts' work pipeline and not to his age. [The court found](#) that the remark did not evidence age discrimination.

The case nonetheless reminds us of the importance of choosing our words carefully. Our normal conversation can include numerous expressions indicating freshness, newness, and energy. Obviously these can be positive qualities in an organization, but when used in the context of what an older employee is lacking, they can be construed as showing age discrimination. Employers' managerial training should include a few minutes to help managers make their points without touching on buzzwords that crafty plaintiffs' lawyers might grab hold of to support an age claim.

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