

## Lawyer representing laid-off IBMers hails Fed's discrimination ruling — former employees can still join a lawsuit



*Shannon Liss-Riordan*

by Chantal Allam — September 16, 2020

**RESEARCH TRIANGLE PARK** — The lawyer who is waging a class-action lawsuit against IBM has hailed a ruling by the US Equal Employment Opportunity Commission (EEOC) this week that backed up charges Big Blue had discriminated against older workers when making thousands of layoffs.

[Well-known employment lawyer Shannon Liss-Riordan](#) is currently representing about 150 former IBM employees who are claiming they lost their jobs because of age discrimination. That includes Henry Gerrits, 68, from Cary. He worked at IBM from 1985

through June of 2018, according to the lawsuit. He was told he was being laid off on March 29 of last year.

She said EEOC's letter, sent to IBM on Monday, bolsters their case.

"We're excited about this development. This validates what we've been arguing in our lawsuit," she told WRAL TechWire by phone.

In the letter, EEOC said analysis shows that, between 2013 and 2018, it was primarily older workers (85.85%) in the total potential pool of those considered for layoff.

"Evidence uncovered older employees who were laid off and told that their skills were out of date, only to be brought back as contract workers, at a lower rate of pay with fewer benefits," it wrote. "EEOC received corroborating testimony from dozens of witnesses nationwide supporting a discriminatory animus based on age."

Judy Keenan, EEOC's director, signed off on the letter and pointed out that the "decision is final."

Shannon Liss-Riordan said the ruling confirms that there is evidence supporting the charges.

"We're now working on getting the discovery because the EEOC got it," she said.

## **CLASS-ACTION LAWSUIT**

In September 2018, Liss-Riordan filed a class-action lawsuit against IBM alleging the tech giant consistently laid off at least 20,000 employees over the age of 40 between 2012 and the present.

IBM operates one of its largest corporate campuses in RTP and employs several thousand people across North Carolina.

IBM laid off an unknown number of workers in North Carolina during that time as it slashed the size of the state-wide workforce, including at its large campus in RTP.

Liss-Riordan said it's hard for individuals to prove discrimination, but this analysis proves that "bigger forces" are at play here with IBM and shows a "broad intent" to weed out older workers and build a younger workforce.

IBM has moved to dismiss cases, but Liss-Riordan said she is pushing forward to proceed with litigation. She's still also seeking to get the word out to other IBM employees around the country who may have claims. Depending on their circumstance, they may still have time to join the lawsuit.

"It's possible that employees who were untimely, are not anymore," she said.

To find out more, contact Liss-Riordan at [sliss@lrlaw.com](mailto:sliss@lrlaw.com).