

## Age discrimination among the highest labor demands

Faced with incorrect management of labor relations in companies in the country

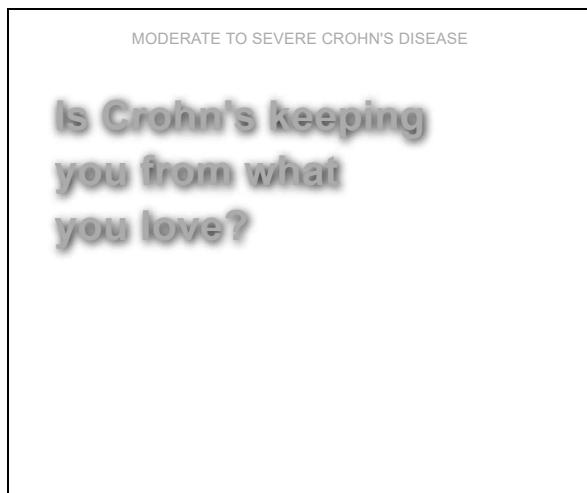
Ileanxis Vera Rosado, THE VOCERO 11/23/2019 Updated ago Nov 23, 2019



At a time when the population on the Island is growing older and in the face of a depressed economy that forces them to prolong working life, age discrimination rebounds as one of the main causes of demand against employers.

According to lawyer Tatiana Leal González, of the firm Jackson Lewis LLC, many of these lawsuits could be avoided with effective communication, and ensures that in most cases it is an inappropriate management of labor relations. “The important thing is to have adequate prevention management, which affects minimizing the risk of long and expensive litigation. Through effective communication you can reach solutions without going to court. ”

This trend is worrisome when the data revealed by economist Heide Calero, the population of Puerto Rico continues to decline with low birth rates and a median of 40 years that in the 50s was 18 years. According to the economist, the population of people aged 25 years or less experienced a 30% decrease and the demographic trend is that the group that will continue to grow - with a 22% increase since 2010 - is that of people 65 years of age or older. Today the Island has 658,755 people over 65 and 56% are women.



Likewise, the Social Security data indicates that the retirement age is increasingly farther away. Two decades ago, the average retirement age was 55 years old. The past decade increased to 65 years and today, already averages 67 years. This segment - for years of service, experience and hierarchy - usually has the highest salaries.

Like the age discrimination, claims are also filed for causes such as disability, retaliation, internal complaints not worked properly and negative repercussions against an employee, among others. “The incorrect handling of labor relations can lead to long litigation and substantial expenses for the employer. Many times litigation can be avoided if appropriate preventive measures are taken. There are very common mistakes that employers make in dealing with their employees that unleash legal disputes that can be avoided, which could be resolved with proper training, ”said Leal González. The lawyer pointed out that the lawsuits will not cease to exist, even if they may or may not be frivolous.

Currently there is no statistic that demonstrates the number of lawsuits filed annually, or the percentage of those that proceed versus that which do not. Similarly, the type of business or company that has the highest demand trend is unknown. For the graduate, the cause of the statistics is that the demands vary greatly by type of company and type of staff, in addition, that there are innumerable independent law firms or lawyers that carry out this type of legal process.

## **Causes of the demands**

For Leal González, one of the main causes is documentation errors, inconsistencies in performance evaluations, oversights and failure to execute company policies and manuals, stumbling blocks in recruitment, incomplete and ineffective internal investigations, undocumented disciplinary offenses and problems recognizing the need for reasonable accommodation. “There is no reason for the claims if effective communication is achieved and adequate internal investigations are carried out immediately. It is necessary to train supervisors, so that everyone is on the same channel. ”

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## **Impact of the demands**

Contrary to the imagined, the impact of the demands is not strictly economic. According to the graduate, the filing of a lawsuit - whether or not it proceeds - beyond the economic cost of lawyers and compensation, has a negative impact on the image and moral of the company, the demotivation of employees and the loss of working time of employees and executives that have to be used as witnesses in the lawsuit.

“In the demands more than money, time is lost that could be used for other purposes in favor of the company, a situation that can be avoided with clear policies, good documentation, effective internal investigations, effective training of supervisors and adequate training to identify the need for a reasonable accommodation or a license. The employer must learn to listen and be consistent in all processes and executions. The demands are very recurring. Monthly, we file countless lawsuits and claims that could have been avoided through effective dialogue with the employee. At the end of the day it results in a greater benefit than that achieved in a legal lawsuit, ”said the lawyer.

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