

EEOC Sues iTutorGroup for Age
Discrimination (May 5, 2022);
iTutorGroup to Pay \$365,000 to Settle
EEOC Discriminatory Hiring Suit
(Sept. 11, 2023)

U.S. Equal Employment Opportunity Commission





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Press Release

05-05-2022

EEOC Sues iTutorGroup for Age Discrimination

Tutoring Provider Programmed its Online Software to Automatically Reject More Than 200 Older Applicants, Federal Agency Charges

NEW YORK – Three integrated companies providing English-language tutoring services to students in China under the “iTutorGroup” brand name violated federal law by programming its online recruitment software to automatically reject older applicants because of their age, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

iTutorGroup, Inc., Shanghai Ping’An Intelligent Education Technology Co., Ltd., and Tutor Group Limited (collectively, iTutorGroup) hire thousands of tutors based in the United States each year to provide online tutoring from their homes or other remote locations. According to the EEOC’s lawsuit, in 2020, iTutorGroup programmed their tutor application software to automatically reject female applicants age 55 or older and male applicants age 60 or older. iTutorGroup rejected more than 200 qualified applicants based in the United States because of their age.

Such conduct violates the Age Discrimination in Employment Act (ADEA), which prohibits employers from discriminating based on age. The EEOC filed suit (EEOC v. iTutorGroup, Inc., et al., Civil Action No. 1:22-cv-02565) in U.S. District Court for the Eastern District of New York after the parties were unable to reach a pre-litigation settlement through the EEOC’s conciliation process.

“Age discrimination is unjust and unlawful. Even when technology automates the discrimination, the employer is still responsible,” said EEOC Chair Charlotte A. Burrows. “This case is an example of why the EEOC recently launched an Artificial Intelligence and Algorithmic Fairness Initiative. Workers facing discrimination from an employer’s use of technology can count on the EEOC to seek remedies.”

The EEOC seeks back pay and liquidated damages for the more than 200 applicants who were denied jobs because of their age. The EEOC also seeks strong injunctive relief designed to remedy and prevent age discrimination in the future. The agency's litigation effort will be led by Trial Attorney Daniel Seltzer and Supervisory Trial Attorney Nora Curtin.

"The reach of the laws that the EEOC enforces is long – even fully remote workers providing services to clients abroad may well be employees who are protected from age and other types of discrimination," said Seltzer.

Jeffrey Burstein, regional attorney for the EEOC's New York District Office said, "Too often, employers think they can refuse to hire older workers because of their age. It is illegal, and the EEOC's prosecution of this case will remind employers that age discrimination has consequences."

Judy Keenan, district director of the New York District Office, added, "Everyone loses when older applicants are judged by their age and not their qualifications."

The agency recently launched an [Artificial Intelligence and Algorithmic Fairness Initiative](#) to ensure that the use of software, including artificial intelligence (AI), machine learning, and other emerging technologies used in hiring and other employment decisions comply with the federal civil rights laws that the EEOC enforces.

For more information on age discrimination, please visit <https://www.eeoc.gov/age-discrimination>.

The EEOC's New York District Office is responsible for addressing discrimination charges and conducting agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island and Vermont.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our [email updates](#).



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Press Release

09-11-2023

iTutorGroup to Pay \$365,000 to Settle EEOC Discriminatory Hiring Suit

Settles Federal Charges Tutoring Provider Programmed its Online Software to Automatically Reject More Than 200 Older Applicants

NEW YORK – iTutorGroup, three integrated companies providing English-language tutoring services to students in China, will pay \$365,000 and furnish other relief to settle an employment discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

iTutorGroup, composed of iTutorGroup, Inc.; Shanghai Ping'An Intelligent Education Technology Co., Ltd.; and Tutor Group Limited hired tutors based in the United States to provide online tutoring from their homes or other remote locations. According to the EEOC's lawsuit, iTutorGroup programmed their tutor application software to automatically reject female applicants aged 55 or older and male applicants aged 60 or older. iTutorGroup rejected more than 200 qualified applicants based in the United States because of their age.

iTutorGroup's alleged conduct violates the Age Discrimination in Employment Act (ADEA), which prohibits employers from discriminating based on age. The EEOC filed suit (EEOC v. iTutorGroup, Inc., et al., Civil Action No. 1:22-cv-02565) after first attempting to reach a pre-litigation settlement through its conciliation process.

"Prohibitions on age and other types of discrimination do not stop at the border," said Trial Attorney Daniel Seltzer. "Even companies doing business abroad will face serious consequences if they discriminate against U.S.-based employees."

"Where, as alleged here, companies closely control the way fully remote workers perform their jobs, those workers are employees protected by federal anti-discrimination laws," said Jeffrey Burstein, regional attorney for the EEOC's New York District Office. "The EEOC will continue to enforce those protections for all covered employees."

The decree settling the suit provides \$365,000 to be distributed to applicants who were automatically rejected due to age. Although iTutorGroup has ceased hiring tutors in the United States, the decree also provides for significant non-monetary relief designed to prevent discrimination should iTutorGroup ever resume its U.S. operations. That relief includes extensive and continuing training for those involved in hiring tutors, issuance of a robust new anti-discrimination policy, and strong injunctions against discriminatory hiring based on age or sex and requesting applicants' birth dates. The EEOC will monitor iTutorGroup's compliance with these obligations for at least the next five years or longer if iTutorGroup resumes hiring tutors in the United States, and if iTutorGroup does resume its U.S. operations, it must notify and interview those applicants allegedly rejected because of age.

"Everyone loses when employers engage in age discrimination," said Timothy Riera, the acting director of the EEOC's New York District. "Hundreds of applicants lost out on employment during a difficult time for job seekers, and iTutorGroup's students lost the opportunity to learn English from highly qualified and experienced tutors."

For more information on age discrimination, please visit <https://www.eeoc.gov/age-discrimination>.

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