



THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
ONE ASHBURTON PLACE, BOSTON, MA 02108-1518



Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Julian T. Tynes  
Chairman

Sunila Thomas-George  
Commissioner

Jamie R. Williamson  
Commissioner

FOR IMMEDIATE RELEASE

**MCAD REACHES SETTLEMENT WITH NEWTON-BASED  
CABOT'S ICE CREAM AFTER EMPLOYMENT  
TESTING REVEALED AGE DISCRIMINATION.**

**Boston, MA – Monday, October 4, 2010** – The Massachusetts Commission Against Discrimination (“MCAD”) announced today that it has reached a resolution with Cabot’s Ice Cream, Inc., a restaurant located in Newton, Massachusetts, on a complaint initiated by the Commission which alleged that Cabot’s and its President, Joseph S. Prestejohn, made prohibited age-related inquiries on its employment application and denied older applicants equal employment opportunities ensured under the law. State and Federal laws prohibit discrimination against persons aged forty or over.

The MCAD initiated a complaint against Cabot’s after test results obtained through the MCAD’s Testing Program, revealed that the restaurant and ice cream shop consistently showed a preference for testers who were substantially younger than forty and applied for positions, than for older testers who had superior qualifications for the job. Specifically, Cabot’s treated testers it believed to be high school or college students more favorably and was less likely to contact, interview, or hire testers who were aged 40 or over. The MCAD investigation also revealed that Cabot’s used an employment application that improperly asked for an applicant’s date of birth.

Based on this information, the Commission initiated a complaint and investigation, which has resulted in Cabot’s agreement to resolve the matter.

Under the terms of the Consent Decree, Cabot's has agreed to train its management employees on equal opportunity hiring and promotion practices, place advertising in a broad range of news media, periodically report to the MCAD's Director of Testing as to its hiring practices, state on its application, web-site, and at its store, an intention to engage in fair employment practices, cease all inquiries as to date of birth on employment applications, and ensure that applicants of all ages are subject to equal opportunity hiring practices.

"This case reflects the Commission's commitment to ensuring that Massachusetts businesses engage in fair hiring practices, regardless of the applicant's age," said recently appointed Chairman of the Commission, Julian Tynes. "Under this Consent Decree, Cabot's has agreed to change the way it advertises for and hires workers, which will result in a fairer and more diverse workforce. Older workers deserve the same opportunity to compete for jobs in the Massachusetts economy as younger workers."

MCAD General Counsel Catherine Ziehl, Commission counsel Simone R. Liebman, Director of Testing Eric Bove, Enforcement Advisor Lila Roberts, and Investigator Elizabeth Hickey handled this case at the MCAD.

Contact information:

**Massachusetts Commission Against Discrimination**

Barbara Green, Press Liaison

One Ashburton Place, Room 601, Boston, MA 02108

617-994-6147 phone/ 617-994-6153 fax

[Barbara.Green@state.ma.us](mailto:Barbara.Green@state.ma.us)

<http://www.mass.gov/mcad>

###