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Labour and Employment Communiqué

Mandatory Retirement

On April 30, 2003, the Government of Ontario's Speech from the Throne was delivered at Queen's Park. Among other things, the Speech from the Throne outlined the Government's intention to introduce legislation to allow seniors to remain active in the workforce by retiring at a time of their own choosing. In short, the Government appears prepared to end mandatory retirement in Ontario.

Legislation that would bring mandatory retirement to an end has not yet been introduced in the provincial legislature. Therefore, at present the law remains unchanged. The Ontario *Human Rights Code* prohibits age discrimination in employment for people between the ages of eighteen and sixty-five. As a result, many organizations have mandatory retirement policies for employees turning sixty-five. Other organizations, depending on the industry, also have lawful mandatory retirement policies for employees younger than sixty-five, although this is a rare exception.

Increasingly, there have been calls for an end to mandatory retirement over the last few years. The Ontario Human Rights Commission has conducted recent consultations on this topic and others related to age discrimination. Some of its recent publications on age discrimination can be found on the website of the Ontario Human Rights Commission at the following addresses:

<http://www.ohrc.on.ca/english/consultations/age-consultation-report.pdf>

<http://www.ohrc.on.ca/english/consultations/age-discussion-paper.pdf>

<http://www.ohrc.on.ca/english/publications/age-policy.pdf>.

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To discuss the implications of this communiqué, please contact:

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Note: This communiqué is provided as an information service to our clients and is a summary of current legal issues of concern to Labour and Employment Clients. Communiqués are not meant as legal opinions and readers are cautioned not to act on information provided in this communiqué without seeking specific legal advice with respect to their unique circumstances.

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At this time, it appears Ontario will be joining many of the other provinces in Canada that prohibit mandatory retirement. Miller Thomson LLP will continue to monitor the status of any proposed legislation and will keep you up to date on how the legislation may affect your workplace.

About the author:

André Nowakowski is a member of our Labour and Employment Group. He provides legal services and advice to clients in the private and public sectors.

Our Labour and Employment Practice Group is dedicated to providing comprehensive and integrated legal services, and advises management in all aspects of labour relations and employment law. For more information about our Group, visit our website at www.millerthomson.com.