

Court OK's forced retirement

OTTAWA (CP) — A University of Alberta professor has narrowly lost her battle against mandatory retirement, but her case has widened the issue to include sex as well as age discrimination.

In a 4-3 ruling, the Supreme Court of Canada ruled today the Edmonton university had a right to require Olive Dickason to retire in 1985 when she turned 65.

In a lengthy dissent, Justices Claire L'Heureux Dube and Beverley McLachlin said the policy especially penalizes women who tend to have lower paying jobs, are less likely to have pensions and often interrupt careers to raise families, they said.

"These socio-economic patterns, combined with private and government pension plans which are calculated on years of participation in the workforce, in some ways make mandatory retirement at age 65 as much an issue of gender as of age discrimination," wrote L'Heureux Dube.

The Supreme Court has already ruled that mandatory retirement can be justified under the federal Charter of Rights.

Dickason complained her forced retirement violated Alberta's Individual Rights Protection Act, which bars discrimination on the basis of age, except

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— L'Heureux Dube

where it is reasonable and justified.

Writing the majority ruling, Justice Peter Cory said the university "has shown that the impugned practice of mandatory retirement is reasonable and justifiable within the meaning of (the act)."

Mandatory retirement allows the university to renew its faculty by introducing younger members and have a system of job tenure which enhances academic independence, said Cory.

Supreme Court justices can work until age 75.

Justices L'Heureux Dube, McLachlin and John Sopinka disagreed.

"Benefits to the university as a result of its discriminatory policy are, to say the least, unproved," L'Heureux Dube wrote. "Yet forced retirement at age 65 can have a devastating effect on individuals like Dr. Dickason."