

Most retirement policies illegal, lawyer says

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Journal Staff Writers

Most mandatory retirement policies in Alberta are illegal in the wake of a provincial board of inquiry ruling, a lawyer who argued the case said Saturday.

An arbitrator appointed by the Department of Labor ruled Friday the University of Alberta wrongfully discriminated against history professor

Olive Dickason when it told her she must retire at 65.

Sheila Greckol, Dickason's lawyer, said Saturday the ruling means "it is unlawful to have a mandatory retirement policy."

The only exception, Greckol said, would be where the employer could prove that the retirement policy was "reasonable and justifiable in the circumstances."

But, she added, "I think that if the university could not satisfy (that requirement) I don't think very many employers could."

Dickason said Saturday the ruling is a "tremendous moral boost."

She said reaction to the decision has been "very heartening indeed," though some people at the U of A are "wildly upset."

U of A President Myer Horowitz said he was "very definitely" disappointed with the ruling. The university will decide within a week to 10 days whether to appeal.

Dickason's case is the first to interpret a section of Alberta's Individual Rights Protection Act that prohibits discrimination on the basis of age.

The professor had taught in the U of A's history department for 10 years when the retirement issue arose.

The one-man board of inquiry, appointed in 1986 after the Alberta Human Rights Commission was unable to resolve the dispute, found "the university's policy of mandatory retirement at age 65 based on the evidence presented is contrary to law."

The policy also offends Canada's

Charter of Rights, Ken Alyluia writes in his decision.

Horowitz said that while Dickason's case has been seen as a human rights issue, "we also use the term human rights in relation to relatively young people who deserve work."

To force the U of A to retain aging professors will deny younger academics work and mean the university will not be "re-generated" with new blood and fresh ideas, he said.

Dickason called the argument "incomprehensible."

"You don't deprive the rights of one group of your citizenry to benefit another group. That's a very strange philosophy, especially for a university."

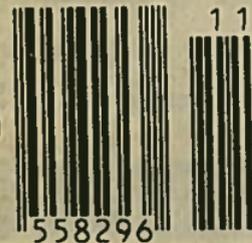
She said evidence at her hearing showed the proportion of professors who stay on the job until 65 is "minute."

Dickason disputed Horowitz's argument that mandatory retirement saves professors' pride because they don't have to be told they are no longer capable of performing their job. She said forced retirement "is the most undignified thing I can think of — to be told as soon as you hit 65, 'Out!'"

Horowitz noted his comment does not apply to Dickason, whom he called "very energetic, successful and competent."

He said the decision will be costly to the university as it is forced to pay for older professors when younger, and cheaper, professors could be hired.

Dickason said the part-time, temporary contract the university granted her during the dispute is due to expire in June. Officials had warned it would not be renewed.



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