

# Eight profs have to retire

OTTAWA (CUP) — Eight professors and one librarian who sued four Ontario universities over their forced retirement have lost the first round in a legal battle to win faculty protection against age discrimination.

Justice W. Gibson Gray of the Ontario Supreme Court has ruled that Ontario universities are not bound by the Canadian Charter of Rights and Freedoms, and therefore may retire from the faculty at age 65.

The professors and librarian — four from York, two each from Laurentian and Toronto, and one from Guelph — were using Section 15 of the Charter, which prohibits discrimination on the basis of age.

In a 75-page ruling, Gray said universities have traditionally been granted autonomy from other regulations. Gray also said retirement at 65 is favourable to "ensuring the integrity of pension plans and improving the prospects of unemployed youth."

On faculty renewal, Gray said "thirty-five year old lecturers and professors... are being denied opportunity" by loosened retirement rules.

According to the Canadian Association of University Teachers, which is jointly bearing court costs with the Ontario Confederation of University Faculty Associations, more flexible retirement policies would actually help and not hinder faculty renewal.

John Thompson, a member of CAUT's academic freedom committee, says only "a handful" of professors want to work past 65, and some would prefer to retire early if they could collect full pension benefits.

Thompson said poor financing of the country's schools is more to blame for Canada's faculty crunch than aging, tenacious faculty. "If

the universities had the same student-to-faculty ratios today as they did 10 years ago, there'd be 2,000 more jobs in Canada," he said.

Gray's decision is a victory for university administrators, eager to keep faculty and other costs to a minimum. A different ruling "could have substantially changed the things we're doing," said University of Toronto vice-provost David Cook.

"If the university were under the Charter, it would affect everything from admissions to you-name-it," Cook said.

William Beckel, president of Ottawa's Carleton University, which has a collective agreement provision allowing faculty to work past 65, said he is "torn over the issue". While agreeing underfunding is the root of the problem, Beckel defends mandatory retirement in universities.

"If you have no mechanism for finding the large amount of money left through retirement, it would be very difficult for administrators to hire new staff," said Beckel.

Carleton faculty association president David Cray said a joint university committee has been struck to examine more flexible retirement policies. "Why throw away valuable people to help cope with underfunding? I think that's very shortsighted," said Cray.

CAUT official Vic Sim said he would be "very, very surprised" if an appeal was not made at the Ontario Court of Appeal. CAUT will officially decide its next legal move in a November meeting.

Mandatory retirement is illegal in Quebec and Manitoba, while the governments of Saskatchewan and Alberta are considering abolition. The federal government may strike mandatory retirement in the civil service.

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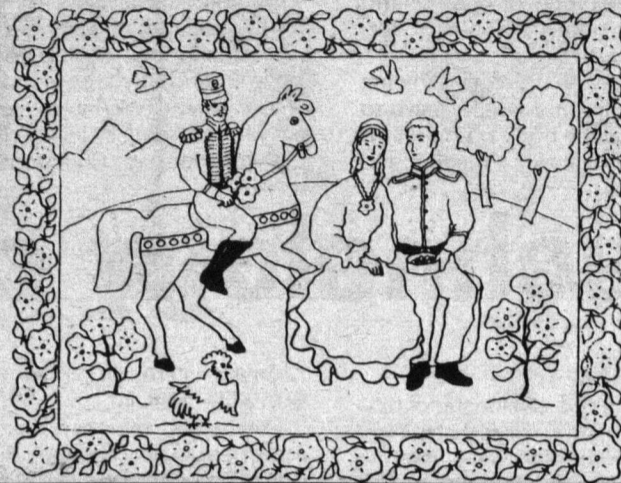
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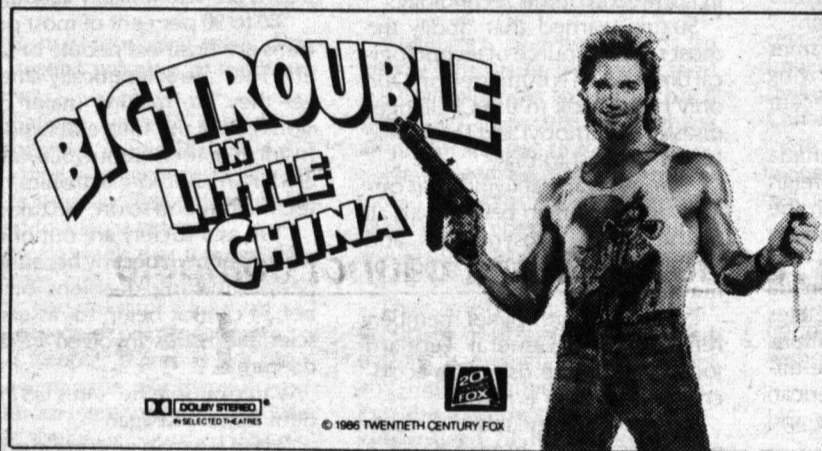
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## News Flash!

The presentation by Richard of the Edmonton Journal on Wed., Nov. 12 has been cancelled. Please go to SUB 282 for the new date and time.

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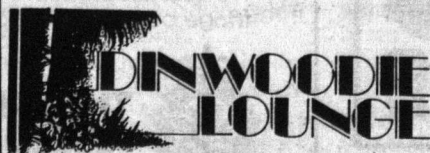


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