

Although mandatory retirement is a common practice in Canada, the proportion of employees forced to retire as a result is relatively small. Individuals are much more likely to discontinue employment by reason of poor health, death, layoff and personal choice. A 1980 Conference Board study, *Mandatory Retirement Policy: A Human Rights Dilemma?*, estimated that no more than one-tenth of one per cent of the total workforce actually retires, in any given year, because they have reached a maximum age or term of service.

Mandatory Retirement under Federal Law

The Public Sector Rules

In the federal public sector the mandatory retirement age is generally 65. For most employees, the source of the rule is the Public Service Superannuation Regulations. Different age or service limitations apply to members of the Royal Canadian Mounted Police, members of the Canadian Armed Forces, senators, federally appointed judges and members of various federal boards, commissions and tribunals.

A regular member or a civilian member of the RCMP must retire after 35 years of service. Regular members are also obliged to retire when they reach an age falling within the range of 56 to 62 years. The precise age that applies to a particular officer is rank-related. Generally speaking, the higher the rank the higher the retirement age.

In the Canadian Armed Forces, there are several stages at which a military engagement may come to an end: at a fixed point or points within the first 9 years of service; after 20 years of service or at age 40, whichever occurs later; and at age 55. Progression from one career pattern to the next depends on the results of competition for available openings.

The retirement age for federal judges is generally fixed by statute — at age 75 for judges of the Supreme Court of Canada and age 70 for other judges. The retirement age for superior court judges and for senators is fixed, by the Constitution, at age 75.

There are approximately 30 federal statutes and regulations that set an outside age limit on the term of office of individuals appointed to particular government boards, commissions and tribunals. Many of the holders of these offices are full-time, paid incumbents. The age limit is variously 65, 70 and 75.

In summary, mandatory retirement is the norm in the federal public sector. But there are many variations from the standard retirement age of 65 that apply to particular categories of service.

Limitations on Mandatory Retirement

The *Canadian Human Rights Act* prohibits age discrimination in employment in terms that would appear, on first impression, to eliminate mandatory retirement. However there are several exceptions that drastically narrow the prohibition.

Most important, the Act does not apply to a termination that is the result of an individual having reached “the normal age of retirement” for individuals working in similar positions (section 14(c)). Therefore, if retirement at a particular age is generally accepted in a certain line of work, it will not constitute a discriminatory