

*Retirement Age*

that firefighting was a young man's game was not sufficient to show that the mandatory retirement age of 60 was a bona fide occupational requirement. The court suggested that such a requirement could only be established with medical and statistical evidence on the subject of aging.

I mentioned the human rights legislation and two court cases to show that the question of the age at which a person should retire is not an easy one, Mr. Speaker, and the abolition of mandatory retirement will create a new and perhaps equally serious human rights problem. How do we determine when employers can require employees to retire? There is a very good reason why Section 15 of the Charter does not come into effect for some three years. The reason is to allow time for the provincial and federal statutes to be adjusted to the changing situation.

In addition to other factors, there are some very unique problems resulting from prohibiting discrimination based on age. Professor London, Dean of Law at the University of Manitoba, in an address at a 1982 conference listed five reasons why prohibiting discrimination on the basis of age was different from other forms of discrimination in Section 15 of the Charter. The term "discrimination on the basis of age" contains many different categories. The problems of discrimination against the young are very different from discrimination against the elderly. Prohibiting discrimination on the basis of age is a new concept, and in some places there is little public perception on the issues involved. It is something all people are capable of experiencing, unlike discrimination on the basis of race or religion. The issues involved in this kind of discrimination, the age to drive, to vote, to drink and to retire, have traditionally been dealt with by legislative means and not as a matter of fundamental rights.

Those are some of the considerations, Mr. Speaker, in dealing with the Bill before us this afternoon. As a matter of common sense, we all know that at some point, and to some extent, age might affect our mental and physical capabilities. There is no question of race or religion ever affecting our ability to work. I should emphasize that Professor London does not think that the unique problems of age discrimination should prevent the abolition of mandatory retirement. However, I do think that Professor London's analysis shows us that we must make sure that we have considered all the ramifications before abolishing compulsory retirement.

● (1750)

It may well be that we will want to bring forward legislation abolishing mandatory retirement before Section 15 of the Charter comes into effect in 1985. Mr. Speaker, I remind Members of this House that the coming into force of Section 15 was delayed for three years so that the federal and provincial Governments would have time to review and change laws that do not conform to the Charter.

The Department of Justice is engaged in a comprehensive review of all federal Statutes to ensure compliance with the Charter. That is essentially the information I received when I made representations on behalf of two constituents to the President of the Treasury Board (Mr. Gray)—that this matter

was being reviewed so that there could be a comprehensive policy established between Government departments.

I am sure that all Members will understand that this is a time consuming and complex process. Legislation cannot be changed without considering the effect of changes on other statutes, regulations and administrative practices. There is also an attempt to co-ordinate certain changes contemplated at the federal level with changes which might be brought about in certain provincial legislation.

In the area of mandatory retirement, it is interesting to note that at least five Provinces are conducting or have conducted inquiries, namely, British Columbia, Manitoba, Ontario, New Brunswick and Nova Scotia. Quebec has passed legislation abolishing compulsory retirement.

It is for these reasons, Mr. Speaker, that I am prepared to await the recommendation of the Department of Justice before determining what, if any, steps should be taken with respect to legislation providing for compulsory retirement.

It is only fair to mention, Mr. Speaker, that there are those who do not believe that the Charter is an absolute bar to laws providing for compulsory retirement. These people believe, and in fact, this point was raised by the Minister of Justice (Mr. MacGuigan) when he appeared before the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada, that the courts will determine if compulsory retirement offends the Charter guarantee against discrimination based on age.

In conclusion, I do not think that it is the time to pass legislation abolishing compulsory retirement in federal institutions. If we are to move in this direction, it must be only after careful consideration of all the ramifications and after consulting with the Provinces. The process of studying the legal, social and economic effects of ending compulsory retirement is going on now, and I suggest, Mr. Speaker, that we await the results of this process.

In the meantime, I am pleased to note that the Government is dealing with individual cases where Members have made recommendations that people who are physically and mentally capable and who have the enthusiasm to continue to work past 65 be recognized. Many of them are continuing to make a valuable contribution to society, to the Government of Canada and to the Crown corporations involved.

I am pleased that the Hon. Member brought forward this Private Members' Bill today. It requires the serious consideration of the House in the months and years ahead so that a fair and just policy can be established which recognizes that those people who want to work after age 65 can do so in an organized way that is of benefit to all.

**Mr. Bill Blaikie (Winnipeg-Birds Hill):** Mr. Speaker, I regret that I do not have more time to go into this matter. It is not my intention to talk the Bill out. I hope it will have the opportunity to go to committee as I think more Private Members' Bills ought to. Even though I may not agree with the detail of this Bill, at least in committee there would be an