

It should be noted, however, that not all witnesses opposed mandatory retirement. One argued that, by automatically removing workers from the workplace at a specified age, mandatory retirement avoids the trauma of competency tests and the possible humiliation of discharge on grounds of incompetence. We would add, here, a concern of our own — that existing pension entitlements not be reduced merely because individuals choose to work beyond age 65. Such a reduction would be a strong disincentive to continued labour force participation.

The abolition of mandatory retirement thus raises some potentially serious concerns. Great care must be taken, in correcting the age discrimination involved in mandatory retirement, to ensure that this does not impose negative impacts, such as discharge under humiliating circumstances, or the loss of pension entitlements, upon the very people it is intended to benefit. Ongoing attention to the impacts of the abolition of mandatory retirement is thus required, as well as the implementation, as needed, of measures to correct any negative impacts. We would add, in further response to the above-mentioned concerns of one of our witnesses, that continuing recognition of a normal age of retirement, while it should not be allowed to provide a basis for compelling individuals to retire, can help to avoid the attachment of any stigma to retirement.

The coming into effect of Section 15 of the Canadian Charter of Rights and Freedoms, in 1985, has provided an important new basis for the legal challenge of mandatory retirement, where it is not already prohibited, and a number of cases are now before the Courts. It is the opinion of the Committee that this development will result in the comprehensive abolition of mandatory retirement, with the sole exception of a limited class of occupations directly involving the public safety for which special standards are generally agreed to be appropriate. If this does not occur then, in our view, the strength of the case against mandatory retirement and of the feeling against it among older Canadians will make the implementation of alternative means for the abolition of mandatory retirement a priority task for those governments which have not already abolished it.

We therefore recommend that the federal government seek the cooperation of provincial governments in identifying and correcting any negative impacts of the abolition of mandatory retirement, as it is brought about by the Courts and, should existing law not result in comprehensive abolition, that federal and provincial governments undertake the complete