

Typical of arguments against mandatory retirement were those of the Manitoba Society of Seniors Inc., whose representatives argued that it is clearly discriminatory to tell a person he or she is no longer fit for work merely because a certain age has been reached. They noted that mandatory retirement robs some individuals of any sense of purpose, terminating the creative contribution such individuals otherwise could have made to their community. The Committee was told, also, that mandatory retirement fosters other abuses, such as poor treatment of employees in their pre-retirement years by employers who know that their older employees will be gone at age 65. The theme that mandatory retirement must be seen in the context of its broader implications, as well as of its specifically discriminatory character, was echoed in the comments of a witness who said: "Mandatory retirement sends signals to people in a society, signals that people have stopped being worthwhile and productive and useful" (17:31).

A number of witnesses argued that mandatory retirement combines discrimination on the basis of age with other forms of discrimination — notably discrimination on the basis of class ("The elites of society have never been faced with mandatory retirement") and discrimination based on gender. Illustrative of this latter point, and also of the special anguish experienced by those whose membership in several discriminated-against groups subjects them to compounded deprivations, was a particularly moving story presented to the Committee by a witness for the Legal Education and Action Fund. The witness, a 66-year old woman, had re-entered the workforce at an advanced age to help discharge debts incurred in the failure of her husband's small business, and to finance advanced education for her children. She found herself mandatorily retired from a job with a hospital at age 65, despite impressive testimonials of her current competence and an urgent need to continue working because of the lack of an accumulated retirement nest-egg.

A number of witnesses attacked several of the major justifications which have been advanced in favour of mandatory retirement, including the argument that spaces must be opened for younger workers. The Committee was told, for example, that in the Federal Republic of Germany, where contracts require the replacement of a retiring older worker by an unemployed younger one, it has been found that a replacement rate of only 50% occurs and that, in Canada, economic restructuring and corporate rationalization mean that no simple relationship can be drawn between one person retiring and another being hired.