



HUMAN RIGHTS AND AGING IN CANADA

Second Report
of the
Standing Committee on Human Rights

REGINALD STACKHOUSE, M.P.
CHAIRMAN

August 1988

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Président: Reginald Stackhouse

Minutes of Proceedings and Evidence of the
Standing Committee on

Procès-verbaux et témoignages du Comité
permanent des

Human Rights

Droits de la personne

RESPECTING

CONCERNANT

Consideration of a draft report on Age
Discrimination

Considération d'un projet de rapport sur la
discrimination fondée sur l'âge

INCLUDING

Y COMPRIS

The Second Report of the

deuxième rapport de la Commission

Second Report

of the

Standing Committee on Human Rights

REGINALD STACKHOUSE, M.P.

CHAIRMAN

August 1988



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Le deuxième rapport à la Chambre

Second Session of the Thirty-Third Parliament,
1986-87-88

Deuxième session de la trente-troisième législature,
1986-1987-1988

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**THE STANDING COMMITTEE ON
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has the honour to present its

SECOND REPORT

In accordance with its mandate under Standing Order 96(3), your Committee has heard evidence and studied the question of Human Rights related to Age Discrimination and has agreed to make the following report:

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Note: In the text that follows, references to the published Minutes of Proceedings and Evidence of this committee have been made as in the following example:

(17:35)

17:35 refers to page 35 of Issue No. 17 of the Minutes of Proceedings and Evidence. These publications may be consulted in depository and reference libraries.

HUMAN RIGHTS AND AGING IN CANADA

I. INTRODUCTION

Ageism — an embracing cultural devaluation of the aging and elderly — remains a prevailing reality in Canada, and is a fundamental source of many of the specific problems identified in this study. During the investigation which has led the House of Commons Standing Committee on Human Rights to this conclusion, witnesses have provided the committee with evidence of the persistence in Canada of discrimination based on age. They have also told the committee of a wider failure of Canadians, in our treatment of many older members of our community, to fully live up to nationally and internationally recognized standards of human rights.

We believe that the time has come for resolute action against age discrimination in Canada, and against the ageist attitudes which underlie it. This is so, in part, because of demographic realities which now face Canadian society. Canada's population is steadily aging, and will continue to do so until well beyond the year 2000. The proportion of Canadians vulnerable to the human rights problems discussed in this report is thus destined to increase substantially in coming years. The numbers actually experiencing an erosion of rights will likewise increase, unless action is taken to prevent this.

The evidence we have heard suggests, as well, that population aging will merely deepen problems of age discrimination, and other age-based human rights abuse, which should even now be intolerable to Canadians. These problems violate human rights standards which Canada has affirmed, both domestically and internationally, and which remain precious safeguards of civilized life. If potential realities did not compel action, present realities would still demand it.

We recognize that Canada has come to provide an impressive range of programs and benefits to its older citizens, which might seem to imply correspondingly positive attitudes. Nevertheless, we submit this report with a strong sense that more fundamental progress remains to be achieved. The concerns of which witnesses have made us aware prescribe a broad agenda of human rights issues related to age and the aging. Progress is needed in virtually all sectors of government, and in institutions and practices outside the governmental sphere, if Canada is to fully meet the human rights challenge posed by the aging and elderly.

A) The Study

The present study was undertaken in response to problems of which Canadians have made us aware in our capacity as Members of Parliament. In letters and in personal visits during recent years, older Canadians have shared with Members of the House of Commons Standing Committee on Human Rights some deeply disturbing stories about the experience of aging in Canada. Among these stories have been some heartbreaking accounts by Canadians in their fifties and sixties, who remain unable to find work after sometimes lengthy periods of unemployment, or unable to re-enter the workforce after periods of child-rearing. Many of these people now suffer immediate privation, and related problems of family breakdown and eroding physical and mental health, while most Canadians enjoy new levels of affluence after five years of economic growth.

First-hand accounts of the experience of individuals, supported by a substantial body of social science research, convinced the Committee that age discrimination plays a central role in the predicament of unemployed older workers. Problems of age discrimination fall within the general mandate of the Committee. It was therefore concluded that the Committee could legitimately undertake an investigation of age discrimination and older worker employment problems. The inquiry leading to the present report was launched in the spring of 1987.

During initial phases of the study, it became increasingly apparent that experiences of age discrimination encountered by many unemployed older workers are part of a much larger problem. While retaining age discrimination in employment as an area of focal interest, the Committee therefore invited witnesses to provide evidence, more broadly, on ways in which the experience of older Canadians reveals inadequacies in our adherence to accepted standards of human rights.

Between 20 May 1987 and 3 May 1988 the Committee held 10 hearings, in Edmonton, Winnipeg, Toronto and Montreal as well as Ottawa. The Committee would like to express its thanks to witnesses for their invaluable help and, in particular, would like to commend contributing non-governmental organizations for their obvious dedication and expertise, achieved despite often scarce resources of time and staff. The Committee would also like to thank officials of the Canadian Human Rights Commission for their informative contributions during information visits to the Commission held in lieu of formal hearings. We look forward to ongoing

discussions with the new Chief Commissioner and his colleagues concerning the findings set forth in this report.

B) Central Definitions

Age and discrimination are among the central ideas defining the scope of this study. It is appropriate, therefore, to discuss them at the outset.

The committee is aware that limitations of human rights are experienced by young as well as older Canadians. As well, people can suffer human rights deprivations on the grounds that they are "too old" even while they would normally still be seen as relatively young. The committee has, in view of these observations, noted human rights concerns of the young as an area for future study.

For practical reasons, the scope of the present study has been restricted to human rights issues related to advancing age. We have deliberately not limited the study to the concerns of people above a hard-and-fast age threshold. We have found, however, that advancing age is not associated with widespread problems below the age of 45. The study thus predominantly deals with those aged 45 - 65 (referred to below as the aging), and those over age 65 (referred to below as the elderly).

For the purposes of this study, discrimination is taken to refer to deliberate behaviour originating from prejudice, negative stereotyping, or bigotry, and involving consequences detrimental to people merely because of their membership in particular groups. The committee is aware of recent decisions by the Courts which would broaden this definition of discrimination to include practices or behaviour which unintentionally subject members of particular groups to adverse effects. Problems which can be addressed under this broadened definition can, however, also be addressed as human rights concerns. The committee has taken this latter approach so that the traditional focus of the idea of discrimination, on attitudes, can be retained.

The idea of discrimination has increasingly made its way into the thinking and conversation of ordinary Canadians. We believe that this is a positive development, but are concerned at a growing tendency to equate discrimination with virtually any form of unfair treatment. Discrimination, we would stress, is a particularly vicious form of unfairness. It denies fundamental human equality, which underlies all moral behaviour, and

inflates incidental human differences into a basis for the inequitable treatment of victim groups.

Discrimination is deeply unjust to individuals, who suffer it irrespective of their personal qualities and abilities. It also has a corrosive effect on the community as whole, denying it the benefits of the full and effective participation of all groups. We have therefore decided to adopt a definition of discrimination which highlights its distinctiveness — its dependence on the mentality of intolerance. We recognize, however, that the issue of defining discrimination is a complex one which will warrant continuing attention as the committee proceeds with future work.

C) Findings: An Overview

As the results set out on the following pages show, older Canadians perceive age discrimination, and other human rights inadequacies, across a disturbingly extensive range of current practices.

Older worker unemployment (particularly that of the growing minority who experience protracted unemployment) may reflect discriminatory treatment by employment counsellors and potential employers, and may be a product of inadequate access to suitable training and skills development.

Early retirement is, too often, precipitated by workplace pressures based on age. Mandatory retirement, although now prohibited in some jurisdictions and subject to legal challenge where it persists, remains a form of institutionalized age discrimination in which age, rather than competence, dictates the fate of employees.

The Committee heard, from representatives of the elderly, stories of appalling treatment in nursing homes, inadequate services in hospitals not designed to meet the needs of elderly chronic care patients, and the premature loss of independence because of the insufficiency of home care and other social support services.

Representatives of Canada's elderly also provided the Committee with accounts of lost mobility resulting from public transport systems not adapted to the special needs of the infirm; and of premature institutionalization resulting from the unavailability of affordable and appropriately designed housing. They informed the Committee, as well, of the financial privation

suffered by many elderly Canadians (particularly women, whose pension entitlements may be minimal) and of age-based inequities in the provision of financial services.

The evidence supplied by witnesses leaves little room for doubt that age discrimination and other age-based abridgements of human rights are familiar realities for older Canadians. This is true despite the existence of federal and provincial human rights legislation specifically proscribing age discrimination, human rights commissions administering that legislation, and, more recently, constitutional guarantees of equal treatment for Canadians regardless of age.

Broader age-related human rights deficiencies are so extensive that they cannot be viewed merely as the random result of benign inattention. That is why the Committee has been led to confront the problem of ageism, and the central assumption that aging is automatically associated with declining capacities and productivity, frailty and helplessness. This assumption, we have been advised repeatedly, is refuted by contemporary research. It is, nevertheless, widely apparent on Canadian television screens, in advertisements, and in other media where attitudes are expressed and reinforced. It is also, sadly, apparent in our behaviour.

The Committee does not pretend to be able to offer solutions for all of the problems placed before it in the course of its investigation of aging and human rights. It submits this report in the hope that its representation of the concerns of Canada's aging and elderly will encourage the increased governmental and public attention which is, in many cases, a precondition for effective solutions.

Such attention will carry forward a process of inquiry and discussion which has already benefited from such notable parliamentary contributions as *Retirement Without Tears* (the landmark 1979 Senate study of retirement issues), the 1983 Report of the House of Commons Special Committee on Pension Reform, and the inquiry into the effectiveness of the Canadian Jobs Strategy (including its effectiveness for older workers) released by the House of Commons Standing Committee on Labour, Employment and Immigration earlier this year. The Committee plans, itself, to contribute to this process in future reports which will focus on individual issues identified in the course of the present study, but which could not be addressed in detail because of their number and the press of events.

It is the Committee's strong belief that the elimination of age discrimination ought now to become a priority for Canadians. Two decades ago statutes solely directed to the proscription of age discrimination were in effect within several provinces, and the federal Department of Manpower and Immigration maintained a Section dedicated to the problems of the older worker, including the prevalence of misinformed attitudes about aging and productivity. The Committee does not recommend a reversion to earlier legislative and administrative arrangements, but it would like to see a revival of the priorities which these arrangements suggest.

The realities experienced by the aging and elderly in Canada pose human rights challenges that Canadians can no longer afford to ignore. As part of our contribution to meeting these challenges, we offer the recommendations listed immediately below. While these recommendations reflect the major focus of this study on employment issues, we wish to emphasize that the human rights challenge posed by our treatment of the aging has implications for all sectors of government. The changes to employment programs recommended below should therefore be seen as illustrative of broader changes which are now needed.

TABLE OF RECOMMENDATIONS

1. That Canada assume a leadership role at the United Nations in the development of a specific human rights instrument on age and age discrimination. (See page 17.)
2. That those provinces which have not already done so be encouraged to remove age discriminatory definitions of age from their human rights statutes. (See page 17.)
3. That the Canadian Human Rights Commission investigate and act in respect to age discrimination, including that experienced by employed as well as unemployed older workers, with vigour. (See page 28.)
4. That Employment and Immigration Canada designate older workers (especially those older worker groups prone to long-term unemployment, if such groups can be identified) as a target group for the purposes of the Canadian Jobs Strategy. (See page 29.)
5. That Employment and Immigration Canada undertake an immediate and thorough review of options available for providing special

- assistance to unemployed older workers through Canada Employment Centres, and for overcoming prejudice on the part of some employers against the hiring of older workers. (See page 29.)
6. That the Government of Canada create an interdepartmental task force to explore the multiple impacts of corporate rationalization, plant closures and corporate takeovers on older workers, and seek the cooperation of provincial governments, as needed, in developing relevant measures including a comprehensive safety net including the protection of pensions, adequate notice and severance pay, and special retraining and job-search assistance. (See page 31.)
 7. That Employment and Immigration Canada immediately launch a national advertising campaign focussed on discouraged workers, and directed to fostering their use of departmental counselling, training and placement programs. (See page 31.)
 8. That Employment and Immigration Canada actively encourage the development of community-based employment services targeted to the needs of unemployed older workers, with a view to increasing the share of project funding received by such groups to at least 10% of total Outreach project funding by fiscal year 1990-1991. (See page 32.)
 9. That, before 30 March 1989, Employment and Immigration Canada assess the employment needs of early retirees, review the adequacy of workforce re-entry programs, such as the Job Entry component of the Canadian Jobs Strategy, and develop measures as necessary to ensure that the option of a return to work accompanies the option of early retirement. (See page 32.)
 10. That the Canadian Human Rights Commission, in conjunction with Employment and Immigration Canada, explore the possible effectiveness of an amendment to federal employment equity legislation which would require the reporting of employment data by age, in order to enable the protection of older members of minority groups from the compounding, by age discrimination, of other forms of discrimination from which they suffer; and that the results of this inquiry be made public by 30 December 1988. (See page 33.)
 11. 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 abolition of mandatory retirement, with the sole exception of a limited class of occupations directly involving the public safety. (See page 37.)

12. That the federal government seek the cooperation of the provinces in ensuring that the adaptation of the health care system to the needs of an aging population receives on-going attention in federal-provincial discussions on health care funding. (See page 39.)
13. That a concerted attempt be made, by appropriate federal departments and agencies, to explore the scope of possible federal involvement in such areas as the provision of low-cost housing adapted to the elderly, and the extension and/or adaptation of existing public transport systems to those among the elderly who are disabled or infirm. (See page 41.)
14. That the federal government seek provincial cooperation, on the basis of an explicit recognition that the elderly are entitled to adequate social services as a matter of human right, in a comprehensive review of the adequacy of such services, followed by systematic reform. (See page 44.)
15. That the federal government seek the cooperation of provincial governments in fostering increased participation by older Canadians in education and retraining programs, through both the adaptation of these programs and the enhancement of financial assistance available to older participants. (See page 50.)
16. That a national campaign against ageist attitudes, possibly coordinated at the federal level by the new Ministry of State for Senior Citizens, be launched immediately, and that it include:
 - A. A public information campaign, which would enhance the awareness of Canadians with respect to the standards of treatment and conditions of life to which all Canadians, including the aging and elderly, are entitled; the current conditions of life and dominant concerns of this group; and the realities of aging, as portrayed in current research.
 - B. An attempt to foster return by provincial governments of the secondary and post-secondary education curricula to install human rights education as a mandatory component, thereby enhancing specialized knowledge of this area; and to enhance the study of aging

and the aged, both among the student population at large and, in a more intensive way, among the various occupational groups which routinely deal with the aged and the elderly.

C. Increased support for non-governmental associations of older Canadians, which have already developed impressive resources of information to share with other Canadians, and which can claim significant achievements in educating older Canadians about themselves and giving them an articulate public voice.

D. The greater use of governmental research and other funding to foster the carrying out of primary research on aging and the current circumstances of Canada's aging and elderly. (See page 50.)

17. That future studies specifically address:

- impacts of age discrimination on young Canadians;
- the evolving concept of discrimination, and its implications;
- the adaptation of the workplace to the requirements of elderly workers, including the pro-rating of benefits for part-time work and the development of measures to foster its availability;
- the adequacy and fairness of financial services for the elderly; and
- the adequacy of pension levels, the security of private sector pensions, and the possible existence of age-based inequities in pension regulations. (See page 52.)

II. THE DEMOGRAPHIC ENVIRONMENT

Canadian society is an aging society, and during the remainder of this century and beyond will be a rapidly aging society.¹ After ranging between 4.7% and 5.6% during the first three decades of this century, the proportion of the population aged 65 or more had grown to 7.7% by 1956, 8.7% by 1976, and approximately 10.5% by 1986. A Statistics Canada study projects that, on the assumption of continuing low birth rates and relatively low immigration rates, by the year 2006 approximately 15% of the population will be over 65, a proportion that will have grown to 27% by the year 2031. Under the same assumptions, the proportion of the population aged 45-64 will grow from 19% in 1986 to 28% in 2006.

Rising numbers of the aging and elderly present only one element of the demographic transition faced by an aging Canadian society. The 18-24 age group, which provides the most entrants into the labour market, peaked at 13.5% of the population in 1981, and its numbers are now projected to diminish steadily during the time-frame in which projections are available, to 9.4% of the population by 2006, and to 7% by 2031. While increased birth rates could produce a more gradual decline, a continuation of the present low birth rates will result in a pronounced shrinkage in the proportion of the population aged 0-17 years. This group will diminish, on current projections, from about 25% of the population today to 18.7% by 2006 and to 14.9% by 2031.

The combined effect of increasing numbers of the aging and elderly, and declining numbers of the young, will be a substantial increase in the median age of Canadians. If low birth, death and net immigration rates continue, the median age of Canada's population will increase from about 30 years today to 41 years by 2006 and to 48 years by 2031.

Statistical trends and projections provide only a general indicator of the net effect various more specific developments will bring about. Progress in health care, for example, will foreseeably increase the proportion of the aging and elderly who remain vigorous as well as merely increasing longevity.² As one witness noted in support of arguments for expanded opportunities for those aging Canadians who wish to continue to perform productive roles in the workplace: "More Canadians are living longer, healthier, more active lives."³

The magnitude of the demographic transition facing Canada was a recurring theme among witnesses who provided evidence to the Committee, serving as a backdrop both for comments on age discrimination and older workers, and for comments on age discrimination and the elderly. In the words of Dr. Neena L. Chappell, of the Centre on Aging at the University of Manitoba:

“The demographic changes we are facing in our society are new. The proportions of elderly that societies are facing are new. It is going to be the first time in history [that societies face such a transition] ... So looking to the past is not going to help us.” (18:35)

Members of the Committee share with witnesses the recognition that Canada faces a demographic transition of unprecedented magnitude and direction. This transition will require major adjustments — some of which are already underway — in our institutions, practices and our view of ourselves and other Canadians. The importance of the need for the latter component — changed attitudes towards the aging and elderly — cannot, indeed, be emphasized too much. Unless Canadians change their attitudes towards these groups, changes in institutions and practices are likely to occur only on a piecemeal basis, in response to crises which have already developed, and thus at substantial social and human cost. Unless Canadians change their attitudes, they are in danger of failing to meet the challenge posed by the coming transition in demography.

Many of the current attitudes and practices to which witnesses have drawn the Committee's attention would appear to fall short of human rights standards to which Canada has committed itself — standards which, by their nature, apply to the aging and elderly as much as to other groups. To the extent that demographic change may increase the number of Canadians who experience an erosion of fundamental rights as their age advances, an investigation of Canada's human rights practices concerning the aging and elderly is now particularly timely. The presentations of witnesses before the Committee suggest, however, that present realities by themselves amply justify such an investigation.

III. THE HUMAN RIGHTS CHALLENGE

Before examining in detail concerns presented to the committee by witnesses, it is appropriate briefly to review Canada's major international commitments, and constitutional and legislative provisions relevant to the circumstances of the aging and elderly. These commitments provide an appropriate set of standards in relation to which Canada's performance may be viewed. They represent obligations voluntarily undertaken and they articulate, in specific terms relevant to older Canadians, the practical meaning of a commitment to their human rights.

A) International Commitments

1. The Universal Declaration of Human Rights

The *Universal Declaration* was adopted by the U.N. General Assembly on 10 December 1948 as an overarching statement of human rights principles. Canada both supported its adoption and played an important role in its development.

The *Declaration* begins, in Article 1, with an affirmation of the fundamental human equality implicit in the concept of human rights itself: "All human being are born free and equal in dignity and rights". Article 2 further affirms that "Everyone is entitled to all the rights and freedoms set forth in this *Declaration*, without distinction of any kind." Age is not included, however, among the distinctions specifically proscribed.

Among the specific rights which the *Declaration* sets out are: freedom from arbitrary deprivation of property; the right to social security; the right to freely chosen employment, and to "protection against unemployment"; and the right to a standard of living adequate for health and well-being.

2. International Covenants and Agreements

The *International Covenant on Civil and Political Rights* (C.P.) and the companion *International Covenant on Economic, Social and Cultural Rights* (E.S.C.) elaborate upon the broad rights set out in the *Declaration*. They were subject to signature and ratification by individual countries, and are thus potentially enforceable.

The Covenants follow the *Declaration* in affirming fundamental human equality, and in proscribing discrimination on a variety of grounds. Although they do not explicitly proscribe discrimination on grounds of age, they do set forth a series of rights which are clearly relevant to concerns of the aged. Among these are: freedom from "cruel, inhuman or degrading treatment or punishment" (Article 7, C.P.); liberty of movement and free choice of residence, (Article 12.1, C.P.); and freedom from "arbitrary or unlawful interference with ... privacy, family, home or correspondence" (Article 17.1, C.P.).

Of special relevance, also, are the right to gain a living by freely chosen work, which involves access to technical and vocational guidance and training programmes (Article 6.1 and 6.2, E.S.C.); and the right to just and favorable conditions of work, including fair and equal pay for work of equal value, safe and healthy working conditions, and equal opportunities for promotion subject only to considerations of seniority and competence (Article 7(a)(b)(c), E.S.C.). Clearly relevant as well, are the right to social security and an adequate standard of living, including adequate food, clothing and housing (Articles 9 and 11.1, E.S.C.); the right to "enjoyment of the highest attainable standard of physical and mental health" (Article 12.1, E.S.C.); and the right to take part in cultural life (Article 15.1(a), E.S.C.).

The International Labour Organization, a specialized agency of the United Nations since 1946, has adopted with Canada's support a number of instruments particularly relevant to the aging and elderly. While the I.L.O.'s 1958 *Discrimination (Employment and Occupation) Convention*, ratified by Canada in 1964, did not include age among the proscribed grounds of discrimination, Recommendation 162, passed by the I.L.O. in 1980, provided (Part II, Section 3) that:

Each Member state should, within the framework of a national policy to promote equality of opportunity and treatment for workers, whatever their age, and of laws and regulations and of practice on the subject, take measures for the prevention of discrimination in employment and occupation with regard to older workers.

Canada has subscribed to all of the international instruments just reviewed, thus affirming before the world at large the human rights standards they contain.

B) Domestic Commitments

1. The Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms*, which came into effect in 1982, begins by setting out a series of fundamental civil and political rights possessed by "everyone", and guaranteed "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (S.1). Section 15, which came into effect later, on 17 April 1985, grants every individual equality "before and under the law, and the right to equal protection and benefit of the law, ... without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." S.15(2) allows exceptions to be made for ameliorative laws and programs applying to groups defined by the above criteria.

2. The Canadian Human Rights Act

The *Canadian Human Rights Act* came fully into effect on 1 March 1978. It begins (S.2) with an explicit statement of purpose: to give effect to equality of opportunity by preventing discrimination in all matters coming under the jurisdiction of Parliament. Section 3(1) enumerates the proscribed grounds of discrimination:

For the purposes of this Act, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted are prohibited grounds of discrimination.

The remainder of the first Part of the Act sets out a series of definitions of prohibited discriminatory practices. A number of these are of special importance to the aged and elderly. Section 5 makes it discriminatory on any of the proscribed grounds to deny anyone goods, services, facilities or accommodation normally available to the general public. Section 7 defines as discriminatory a refusal to employ any individual, or to differentiate between individuals to the detriment of either, on a proscribed ground. Section 8 makes it discriminatory, in employment applications or advertisements, to imply or express any limitation or preference based on a proscribed ground of discrimination. Section 10, more pointedly, makes it discriminatory for an employer to deprive an individual or group of employment opportunities on a prohibited ground, as a result of policies or practices relating to recruitment, promotion, training or other personnel

matters. Section 12 makes it a discriminatory practice to make public any symbol, notice, sign or other representation implying discrimination, as defined elsewhere in the Act, or inciting it.

Canada has thus established domestically a legislative and institutional framework to enable fulfillment of the obligations it has assumed internationally. In so doing, Canada has affirmed the view, not clearly expressed in several international instruments, that discrimination based on age is unwarranted and unacceptable.

C) Overview and Discussion

A full review of international instruments and Canadian legislation protective, directly or indirectly, of human rights would be vastly more extensive than the selective summary provided above. It would include, among other matters, an examination of provincial human rights legislation. A number of provinces proscribe discrimination on the basis of age while incorporating an upper limit of 65 years within their definitions of age, thus proscribing age discrimination in relation to the aging (up to 65) but not to the elderly. A full review would also include an examination of a vast range of substantive legislation, at both the federal and provincial levels, which directly or indirectly bears on the realization of human rights in Canada.

The purpose of the present overview is not, however, to examine critically and in detail international human rights instruments and Canada's human rights legislation. It is rather to portray Canada's major acknowledged human rights commitments, before examining some of the realities experienced by Canada's aging and elderly. In advance of this examination, however, the Committee would like to express some observations and concerns relating to the basic components of the human rights framework just surveyed.

The *Universal Declaration* and *Covenants* are of paramount importance to human rights not only because of the practical significance of the force of world opinion they help bring to bear on violators, but because they give authoritative expression to a global consensus about what our human rights are. Indeed, their educative significance is potentially of greater importance than their immediate practical significance.

The *Declaration* and *Covenants* imply a proscription of discrimination on grounds of age, if age is taken to be one of the unspecified "other

statuses" which cannot limit what are purported to be universal human rights. It is of some concern to the Committee, however, that age is not explicitly set out as a proscribed ground of discrimination in any of these instruments. Its explicit inclusion is clearly required if these instruments are to perform the educative function which is essential to their effectiveness in fostering the suasive application of world opinion against age discrimination.

The Committee would therefore like to add its voice to that of one witness — Dr. Noel Kinsella, Chairman of the New Brunswick Human Rights Commission — in recommending that Canada assume a leadership role at the United Nations in the development of a specific human rights instrument on age and age discrimination (Recommendation 1). Such an instrument might perform functions parallel to those of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It would, as that Convention does with respect to race discrimination, emphatically place age discrimination on the global human rights agenda.

The Committee also shares the concerns of several witnesses who have drawn attention to an apparent anomaly in the human rights legislation of some provinces, where proscriptions of age discrimination do not protect those over age 65. Whether such matters lie within the federal jurisdiction or not, legislative provisions in any jurisdiction which appear to legitimize an age-based differentiation between the rights of some Canadians and the rights of others undermine the educational effectiveness of Canadian human rights legislation considered collectively. They thus impact directly on central issues addressed in this report. Furthermore, such provisions are *prima facie* discriminatory and would appear to be in potential conflict with *The Canadian Charter of Rights and Freedoms*, Section 15. The Committee therefore recommends that those provinces which have not already done so be encouraged to remove age discriminatory definitions of age from their human rights statutes (Recommendation 2).

Notwithstanding the qualifications just reviewed, there can be little doubt about the underlying commitments of Canada in the area of human rights as they apply to the aged and elderly. Canada is committed to the view that all human beings share certain fundamental needs of such central importance that the failure to meet them constitutes an assault on the value and dignity of the human being itself, and that the meeting of these needs constitutes for all human beings a right. Among such rights, possessed by all human beings irrespective of any of the distinctions of status (including

distinctions of age) which give us individuality, are those rights enumerated in the international agreements and Canadian legislation reviewed above.

Canadians have also expressed in legislation the recognition that the aged and elderly, along with the young, are among those groups sufficiently vulnerable to discrimination that specific protections are required. This recognition, it will be seen, is confirmed to a disturbing degree by the evidence which has been made available to this committee. It is also confirmed by the use which Canadians make of the recourse given them by Canadian human rights legislation. At the federal level, in 1987, the Canadian Human Rights Commission accepted 469 complaints, of which 63 (or 13.4%) were complaints of age discrimination. The proportion of complaints accepted which involve age discrimination has varied between 11% and 17% in recent years. Age discrimination complaints thus constitute a significant portion of the Commission's workload.⁴

In addition to handling age discrimination complaints, the Commission has called for the amendment of the *Canadian Human Rights Act* to remove provisions restricting its effectiveness against mandatory retirement. Sections 9(2) and 14(c) permit the exclusion from membership in an employee organization and termination of employment of individuals who have reached the normal age of retirement for people in similar jobs. The Commission has called repeatedly for the removal of these provisions. The Government of Canada, we note, has already agreed in principle with this view in its response to *Equality For All*, the report of the Parliamentary Committee on Equality Rights (1985).

IV. OLDER CANADIANS: EMPLOYMENT ISSUES

In the course of the hearings conducted by this committee, it rapidly became apparent that an age-based erosion of human rights is experienced by two distinct groups: the aging, whose primary concerns relate to the area of employment, and the elderly, whose concerns relate to virtually the full array of contemporary social services. This chapter focusses on the former group, while in the following chapter concerns of the elderly are addressed.

Much of the available data on the employment experience of the aging deals with persons aged 45-64. For the purposes of this examination, therefore, the category of the aging, or older workers, will be defined in terms of this age range. The Committee is aware, however, that within particular vocations and in individual cases, discrimination or other age-based erosions of human rights can be experienced at an age well below 45. The Committee has also been made aware that the experience of Canadians aged 45-64 is not uniform, being differentiated by, among other factors, age, gender, occupation and education. Notwithstanding such differences, the evidence with which the Committee has been provided makes it abundantly clear that the various sub-groups of older workers share experiences reflecting their vulnerability to age-based human rights abuses, and thus warrant treatment together.

A) Labour Force Trends and Implications

Witnesses appearing before the Committee showed widespread awareness that the general demographic trends outlined in Part I are already having, and will continue to have, direct implications for the labour market. The entry of the baby boom generation into the labour market during the 1970's and early 1980's resulted in a decline in the proportion of older workers in the labour force, despite numerical growth of this group. Thus while the proportion of older workers in the labour force stood at 26.5% in 1977, it declined to 23.9% in 1986 even though the number of older workers grew by about 315,000.⁷ Declining labour force participation rates for older male workers (from 84% in 1977 to 81% in 1986), while more than offset by the increasing participation of female older workers (from 41% to 47%), moderated rates of increase for the older worker group.

Early retirement trends are expected to result in a continuing decline in participation rates for older male workers, particularly those over age 55, while rates of labour force participation for female older workers continue to

increase. The underlying demographic transition resulting from the aging of the baby boom generation will, overall, cause the proportion of the labour force over age 45 to begin to increase, despite projected levels of withdrawal from the labour force by older men. Officials from Employment and Immigration Canada anticipate that the proportion of older workers in the labour force will grow from just under 25% today to 30% by 1995. It should be noted, as well, that rates of early departure from the labour force by older men, especially those in the age 55 and over category where departures have traditionally been concentrated, have shown recent signs of moderating. If recent increases in rates of early retirement prove to be a reflection of cyclical labour market conditions, rather than a long-term trend, then the greying of the labour force will occur more rapidly than current projections may indicate. But even if its precise timing and extent remain uncertain, there can be no uncertainty about the aging of the labour force itself. The older worker is destined to become, in both numerical and proportional terms, a progressively more important part of the Canadian workforce.

These demographic and labour force trends make it critically important that Canada succeed in achieving the productive involvement of older Canadians in the workforce. Failure to do so, first of all, threatens the right to an opportunity to work, and where discrimination on the basis of age is involved represents an additional departure from the human rights standards to which Canada is committed. It must be recognized that in what the philosopher Hannah Arendt has described as the "society of jobholders", where the identity of individuals as well their connections to the community hinge centrally on occupational status and income, employment has become, as never before, a human rights issue.

A failure fully to accommodate the older worker could also have serious implications for Canada's future economic health, as the supply of workers in other categories shrinks and national productivity becomes directly dependant on our productive use of older workers.

If today's policies exacerbate future labour shortages they may also create conditions which will lead to new human rights problems. The option of retiring while still capable of productive work, for example, could become subject to serious pressure under conditions where a shrinking labour force must support increasing numbers of the dependent elderly.

B) Unemployment Trends

According to the evidence, both statistical and personal, which witnesses supplied to the Committee, labour market difficulties of older workers raise serious concerns about Canada's success in living up to the anti-discrimination commitments and other human rights standards which it has already affirmed repeatedly in principle.

The problem of older worker unemployment has emerged with particular clarity in the years following the 1982 recession, during which the special vulnerability of older workers to the effects of economic restructuring, technological change, corporate rationalization and plant closure was apparent in unemployment data.

Unemployment among workers aged 45-64 rose, between 1981 and 1984, from 4.5% to 7.9% before declining to 6.8% in 1986, and to 6.6% in March 1988.⁸ While the worsening of unemployment during the recession indicated by this data is no worse than that for other groups, the data conceal some substantial variations among the differing groups of older workers. In 1986, for example, unemployment for workers aged 55-64 stood at 7.3%, an increase from the 6.9% who were unemployed in the depths of the recession in 1982.⁹ This situation contrasts with the employment pattern of those in the labour force aged 25-54, for whom unemployment rates fell from 8.8% to 8.2% between 1982 and 1986. Officials from Labour Canada, commenting on the Statistics Canada study from which these data are drawn, noted that while unemployment rates remain relatively low for older workers, their relative advantage vis-à-vis the rest of the labour force had diminished, by 1986, to about half the size of the 50% differential applying in 1982.

Unemployment figures, although they suggest that many older workers may not be participating in the benefits which economic recovery has conferred upon other Canadians, tell only one part of the story. A dynamic labour market, for example, may yield relatively high unemployment rates during any given period, as workers leave positions and search for more desirable positions. Long-term unemployment, in contrast, is much less likely to be voluntary and is much more likely to reflect serious privation on the part of the unemployed.

In March of 1985, older female workers remained unemployed for an average of 23.4 weeks, 2.1 weeks longer than the average for all unemployed women. Older male workers remained unemployed for an average of 31.8 weeks, fully 7.8 weeks longer than the average for all unemployed males.¹⁰ Just over two years later, despite the general improvement in labour market conditions, the average duration of unemployment for males over 45 was 36.7% greater than for all unemployed males, and the average duration of unemployment for females over 45 was 18.1% greater than for all unemployed females.¹¹ These figures indicate that older workers, once unemployed, encounter considerably greater difficulty in finding new employment than their younger peers, and that unemployed older workers are more likely than the younger unemployed to sustain serious long-term unemployment.

This conclusion is confirmed in Statistics Canada data for the year 1985, which reveal that 18.1% of those over age 45 and unemployed at some point during the year were unemployed for 1-4 weeks, while 17.2% in the same age category were unemployed for forty or more weeks.¹² For those aged 25-44, comparable figures are 21.6% and 12.3%, indicating a higher incidence of unemployment but a relative shift away from long-term unemployment for the younger group. Particularly vulnerable to long-term unemployment were men aged 45 and above, 16.7% of whom sustained short-term (1-4 week) unemployment while fully 19% were unemployed for more than forty weeks.

A final element in the older worker unemployment picture is the relatively high rate of departure from the labour force of unemployed older workers, which is widely acknowledged to result in a disproportionate under-estimation of their unemployment rates in normal unemployment statistics. A 1983 Statistics Canada study concluded, on the basis of surveys of those desiring work but not actively seeking it (and therefore, technically, outside the labour force), that 1983 official unemployment rates for men over 45 of 9.2% concealed real unemployment rates on the order of 10.5%.¹³ A 1985 report prepared for the Social Planning Council of Metropolitan Toronto estimated that, once discouraged workers and involuntary early retirees were allowed for, the level of unemployed older workers — long-term and otherwise — would be more than double that suggested by official employment statistics. As one of the Committee's witnesses observed: "It is clear that older workers have been hardest-hit by long-term unemployment, and that the consequences for them are

exceedingly harsh. Many of them are aware that at this stage of their lives, it is unlikely they will ever recover financially.”¹⁴

In view of the near unanimity among witnesses about the seriousness of the problem of unemployment among older workers, the Committee heard, with particular interest, testimony from officials of Employment and Immigration Canada late in the hearings. Evidence provided by the department, based on comparisons between 1977 and 1986 data, confirmed the conclusion based on more immediate comparisons that while older workers tend to experience somewhat lower overall rates of unemployment than workers of other ages, certain older worker groups, particularly the age 55-59 group, have experienced significant increases. Attention was drawn, with respect to older workers and long-term unemployment, to what was described as a significant polarization among older workers. While the majority did not seem to be negatively affected by the recession, a minority — estimated at between 25,000 and 35,000 older workers — has proven to be highly vulnerable to long-term unemployment, that is, of a year or more. Departmental officials indicated that efforts are currently underway to more precisely identify characteristics of this group, with a view to exploring the possibility of targeted programs.

C) Unemployment and Age — Two Approaches

A major question facing the Committee, when looking at the labour market problems of the older worker, was to determine to what extent their origin lies in discrimination, on the part of employers or others, on the grounds of advancing age. Evidence presented by witnesses points to two seemingly different answers to this question.

1. The Age Discrimination Emphasis

Numerous witnesses, typically those directly representing the aging and elderly, or including members of these groups, advised the Committee that discrimination based on advancing age is a recurring element in the experience of older workers. The Committee was told that age discrimination is encountered by older workers in the workplace, where it often takes the form of limitations of promotional opportunities and promotion-related training, as well as of skills maintenance or upgrading opportunities which may be necessary even to retain employment in our era of technological change. The Committee was also told that, while seniority provisions in contracts provide lay-off protection to many older workers, they often face

strong social pressure within the workplace, sometimes originating from management, to retire early — to “make way for the young”. In cases where contractual protection is not available, furthermore, older workers are vulnerable to replacement by younger workers, hired at entry-level salaries, to do the same or similar work.

The implications of the data on long-term unemployment would appear to be confirmed by what the Committee heard, repeatedly, about the experiences of unemployed older workers. These workers, the Committee was informed, encounter pervasive biases against the aging on the part of employers, sometimes frankly expressed and sometimes clearly implicit in remarks not directly alluding to age. Furthermore, when unemployed older workers turn to Canada Employment Centres for assistance, they may encounter attitudes, or more tangible responses, not markedly different from those in evidence among employers.

According to officials of the National Advisory Council on Aging, negative age-based stereotyping currently influences a significant proportion of hiring, job assignment, training and promotion in Canada (11:24). Requirements of a specified number of years of experience can serve as a pretext for avoiding the hiring of older, more experienced workers; training programs are often geared to the requirements and abilities of younger workers; and younger workers in entry-level positions are often viewed as the only group in which managers can be developed, leading employers to channel investments in training and promotion away from the aging. “The longer-term effects”, the Committee was told, “are demoralization, career slippage and possible termination of work.”¹⁵

A British Columbia group — The 45 Plus Committee for Mid-Life Work Options — provided evidence from one of its component associations, directly involved in seeking employment for older workers, which strongly confirms the general observation of the National Council on Aging. Experience with 3,600 older worker clients in a range of occupations is reflected in their statement that:

For most, it is an astounding thing that because of their age, employers are not seriously considering them for employment. These job-seekers (average age 53 years) become aware that the value of the knowledge, skills and experience brought to the workplace by middle-aged workers is being underrated. It is devastating for them...¹⁶

The underlying substance of the view held by groups alleging age discrimination was neatly summed up by a representative of the Society for the Retired and Semi-Retired in Edmonton: "Older workers are finding their chances of keeping a job and, after unemployment, of finding a job, are greatly diminished because of age discrimination. 'You are too old' is the sentence they hear most, and I use that word 'sentence' in its judicial sense"(17:50). According to a number of academics who informed the Committee of relevant research findings, this statement of direct experience is widely supported by research on employer attitudes and behaviour.

2. The Labour Market Competitiveness Emphasis

A somewhat different approach to employment problems of the older worker was taken by witnesses who viewed the problem from the perspective of labour market economics. Such witnesses, without exception, affirmed that direct discrimination against older workers on the basis of age is a pervasive phenomenon. They placed relatively greater emphasis, however, on certain characteristics, ascribed at least to those older workers encountering severe labour market difficulties, which may by themselves provide an immediate explanation of special difficulties encountered by individuals. These characteristics, which reduce the labour market competitiveness of certain categories of older workers, include relatively low levels of formal education, obsolescent skills, wage expectations which may have risen during years of antecedent employment or which may be assumed by employers to be higher than those of younger workers, potentially higher benefit costs, relatively low levels of geographical mobility, or the presence of health-related problems or conditions. While no witness associated these characteristics with all, or even many, older workers, and all stressed that appropriate governmental and private-sector initiatives can provide effective remedies, a number of witnesses focussed on labour market uncompetitiveness as the immediate cause of special employment difficulties encountered by many older workers.

Reflective of the labour market economics focus was the testimony of representatives of the Social Planning Council of Metropolitan Toronto, who argued that in that city continuing high unemployment for those over 45 reflects the persistence of a skill mismatch between labour supply and labour demand, particularly severe in the case of older workers. Technological change and corporate restructuring in some industries, they claimed, tends to produce shifts in labour demand from some occupational areas to others, opening up disproportionate numbers of entry-level positions sometimes in

new geographical locations. These shifts, in combination with the perception that older workers are a poor investment for adjustment and retraining initiatives, they argued, stack the odds against the older worker. Studies of displaced automotive and steel workers, showing high levels of permanent job loss combined with wage falls among those finding new employment, were mentioned as illustrating broader trends. The witnesses also noted current developments in the Toronto garment industry, where older full-time workers are being displaced by younger workers paid on a piece-work basis, many of them recent immigrants for whom language and other limitations combine to make them receptive to low wage levels and poor working conditions. The overall conclusion offered by the Council's representatives was:

It appears that even during periods of economic health and expansion, market forces tend to squander our most important natural resource — the abilities and skills of the most experienced members of our work force.¹⁷

Not surprisingly, given the mandate of their departments, officials of Labour Canada and Employment and Immigration Canada focussed primary attention on these and other problems of labour market competitiveness.

Officials of the latter department outlined a range of program initiatives, under the Canadian Jobs Strategy.¹⁸ Older worker participation rates in these programs would not be expected to reflect overall proportions of the unemployed consisting of older workers. It is nevertheless useful, in reviewing jobs program older worker participation rates, to recall that in 1987, an average of 18.7% of the unemployed were aged 45 or over.¹⁹

The Skill Investment program assists employers in retraining (with a view to subsequently retaining) workers whose jobs are threatened by technological change. In fiscal 1986-1987, 16% of all participants were aged 45 or more — a proportion which, according to officials, continues to prevail. The Skill Shortages program assists employers in training current or new employees in skills which are in short supply. In 1986-1987, 3.9% of participants in this program were older workers. The Job Development program combines training and subsidized jobs to assist the long-term unemployed. In 1986-87, 8.3% of participants in this initiative were aged 45 or more, and it is estimated this proportion prevails in 1987-88. The Job Entry program is targeted to assist youths and older workers (primarily women who have been occupied in homemaking) with entry to the labour force, and in 1986-87 served a clientele 8.1% of which was aged over 45. The Community Futures program assists communities facing economic decline and chronic unemployment. In 1986-87 the older worker participation rate

was 2.8%. The Innovations program supports new labour market approaches rather than providing direct assistance, and officials noted that initiatives focussing on entrepreneurial training for older workers have shown promise.

It is noteworthy that, according to figures provided by Employment and Immigration Canada, older Job Strategy participants benefit just as much from participation as do other groups. In 1986-87, 63.1% of former CJS participants aged 45 or more were either employed or in further training three months after program completion. The comparable figure for all participants is 64.9%. These figures suggest that, with appropriate assistance, older workers can overcome labour market barriers posed by discrimination based on generalized negative stereotypes.

As for Labour Canada, its officials, while affirming that one of the most basic current issues is the need to ensure that everyone in the labour market is treated equally, irrespective of sex, race or age, focussed their presentation to the Committee on labour market characteristics of departmental clienteles. The Committee was informed that the number of assistance recipients under the Labour Adjustment Benefits Program, which provides assistance of last resort to laid-off workers aged 54-65 in designated industries, has grown ten-fold over the last five years. The average claimant was described as 60 years old, with only seven years of formal education, employed in the same industry for twenty-nine years and employed by the same firm for twenty-four years, and without entitlement to a pension before age 65. "LAB claimants," the Committee was told, "like many other displaced older workers, face severe adjustment difficulties" (27:15-16). On a substantially broadened basis, the Program For Older Worker Adjustment announced in the February 1986 budget will provide assistance akin to that of the LAB Program.

D) Observations and Recommendations

The Committee would like to offer two general observations on the relative importance of direct age discrimination and of labour market uncompetitiveness in explaining the employment difficulties encountered by older workers.

First of all, it is important to recognize that these explanations are not mutually inconsistent and that the phenomena upon which each focusses may indeed be mutually reinforcing. Some older workers, it would appear, face a double disadvantage consisting of generalized age discrimination on the

one hand, and on the other, specific competitiveness problems, both in the workplace and on unemployment rolls. While further study is needed to determine the precise roles each of these factors play with respect to the various groups within the "older worker" category, so that precisely targeted responses can be developed, the Committee believes it is a reasonable assumption that initiatives are needed to deal with both general problems.

Second, in the view of the Committee, it is vitally important that Canadians recognize that many of the problems of labour market competitiveness alluded to above would appear, themselves, to be products of age discrimination. Witnesses have alleged that some employers are reluctant to invest in training and skills upgrading for older employees because they believe that the costs of such investments will not be recovered before older workers retire. We have also been told that some employers are sceptical about the ability of older employees to benefit from training. We have been told, as well, that such attitudes can still be encountered in Canada Employment Centres, although we were gratified to hear from departmental officials that the problem has been recognized, and that recently instituted internal training programs contain components designed to better attune counsellors to the needs and capacities of older workers.

While we cannot comment on the extensiveness of age-based restrictions of training and retraining opportunities, we wish to emphasize that the attitudes alleged by witnesses reflect the kind of thinking on which discrimination thrives. Such attitudes substitute age-based generalizations for considerations based on individual merit, and express negative stereotypes which, it will be seen in a subsequent section, are substantially refuted by contemporary research.

With these concerns prominently in mind, the Committee wishes to offer the following recommendation:

We recommend that the Canadian Human Rights Commission investigate and act in respect to age discrimination, including that experienced by employed as well as unemployed older workers, with vigour (Recommendation 3).

Keeping in mind the universal right to an opportunity to work, and to access to work-related educational programs, we believe that the special needs and circumstances of the older worker justify a series of proactive

measures, in addition to strengthened efforts against age discrimination. We therefore offer the following further observations and recommendations:

The Committee will review with interest the forthcoming formal governmental response to a recent recommendation of the Standing Committee on Labour, Employment and Immigration, that Employment and Immigration Canada designate older workers as a target group for the purposes of the Canadian Jobs Strategy.

The Committee recognizes as legitimate concerns that action on this recommendation, itself reflecting a recommendation made by the Canada Employment and Immigration Advisory Council to the Minister of Employment and Immigration in 1985, could lead to a dilution of efforts on behalf of existing priority groups. To avoid that result, it may be necessary to formulate an age designation which would target those for whom age is combined with other disadvantaging characteristics, including those already designated for attention in existing programs. Any selection of priority groups, where it is not purely symbolic, implies a relative disadvantage both for groups previously selected and for those which remain excluded. It is the committee's view, however, that the severity of employment difficulties experienced by certain categories of older workers fully justifies the precise identification and designation of at least these groups for targeted support. **The Committee therefore recommends that Employment and Immigration Canada designate older workers (especially those older workers prone to long-term unemployment, if such groups can be identified) as a target group for the purposes of the Canadian Jobs Strategy (Recommendation 4).**

The Committee is mindful that the success of targeted employment programs and affirmative action strategies relies upon the resolution of some highly complex problems. For example, as research on measures taken in some European countries suggests, poorly conceived measures may ghettoize older workers and subtly reinforce the negative images of this group that prevail among some employers. Specific protections may also be associated with undesirable and wholly unintended consequences, as has been argued to be the case with measures in France to protect older workers who already had jobs. These measures were followed by an increased aversion on the part of employers to hiring older workers in the first place.

Nevertheless the Committee wishes to recommend that Employment and Immigration Canada undertake an immediate and thorough review of options available for providing special assistance to unemployed older

workers through Canada Employment Centres, and for overcoming prejudice on the part of some employers against the hiring of older workers (Recommendation 5). Thousands of unemployed older workers across Canada continue to face bleak prospects of re-employment, while those around them enjoy the new levels of affluence produced by five years of economic recovery. These people deserve no less than the very best efforts of which public institutions are capable in seeking to develop effective remedies.

The demographic and labour market trends reviewed in previous chapters, combined with the probability that international competition will continue to propel economic restructuring, suggest that the older worker problem is not going to go away on its own. Its persistence during five years of general economic recovery, and its demonstrable tenacity even in regions where supply shortages affect many occupational sectors, suggest on the contrary that an immediate and concerted effort is necessary.

Corporate takeovers, rationalization and plant closures will remain particularly significant sources of the predicament of older workers. Troubled industries reduce their intake of younger workers, and eliminate proportionally greater numbers of younger workers during early incremental lay-offs, thus creating seniority-protected populations of older workers who suffer mass lay-offs upon major rationalization or bankruptcy. An era of intensified global competition and major economic dislocation is thus likely to involve older worker unemployment problems of special severity.

It is the view of the committee that, while the enhanced employment programs recommended above are urgently needed, they are unlikely to be sufficient, by themselves, to remedy the special predicament of the laid-off older worker. In the absence of mandatory closure notification, closures can happen overnight, preventing workers from making long-term arrangements to move or acquire different skills. The absence of notification can also prevent workers from making financial arrangements, which may be critically important if severance pay is inadequate. Takeovers can have the same effects and, as recent cases have shown, can also involve the absorption of pension funds, thus depriving individuals of their pensions. The impact of this on older workers, who may have been employed by the same company for many years and be dependent on a single pension fund, can be devastating.

There may, furthermore, be ways of reducing the incidence of plant closures, without impeding longer-term corporate adjustment. The use of

Investment Canada in minimizing any adverse employment impacts of foreign takeovers, and the targeting of regional development spending to assist the growth of new businesses in areas hit by major closures, are possible approaches.

We therefore recommend that the Government of Canada create an interdepartmental task force to explore the multiple impacts of corporate rationalization, plant closures and corporate takeovers on older workers, and seek the cooperation of provincial governments, as needed, in developing relevant measures including a comprehensive safety net including the protection of pensions, adequate notice and severance pay, and special retraining and job-search assistance (Recommendation 6).

The Committee has special concerns, as well, about another older worker group whose distinctiveness has been recognized, but whose special needs have not to our knowledge been specifically addressed. Proportions of unemployed people who have become so discouraged that they no longer seek work, and therefore are not even recognized in official unemployment statistics, have been estimated to be particularly large among the higher age groups. We recognize that discouraged workers pose a special problem for employment organizations, which by their nature can only respond to assistance requests from the unemployed. We believe, however, that the existence of discouraged workers is a reflection of failure elsewhere in our employment services net, and that every possible effort should now be made to reach out to these people.

The Committee was favorably impressed with advertising, directed to older workers generally, which was shown to us by officials of Employment and Immigration Canada. We believe that an advertising campaign directed specifically to discouraged workers would provide at least a useful starting-point in meeting the needs of this group. **We therefore recommend that Employment and Immigration Canada immediately launch a national advertising campaign focussed on discouraged workers, and directed to fostering their use of departmental counselling, training and placement programs (Recommendation 7).**

The Committee received with interest several accounts of the success achieved by small, community-based employment services targeted to the needs of older workers, and providing counselling and self-help groups as well as direct job search assistance. The Committee applauds Employment and Immigration Canada's Outreach program, under which a number of

community-based employment services receive financial assistance. We have been told, however, that financial difficulties are prevalent among these services, and that only \$568,655 (or less than 2.5% of total project funding) was devoted to the eight projects targeted to older workers in 1987-1988. **The Committee therefore recommends that Employment and Immigration Canada actively encourage the development of community based employment services targeted to the needs of unemployed older workers, with a view to increasing the share of project funding received by such groups to at least 10% of total project funding by fiscal year 1990-1991 (Recommendation 8).**

The Committee shares concerns expressed by Mr. John Harker, of the International Labour Organization, that early retirement programs may be storing up trouble in the long term in order to achieve short-term improvements in unemployment statistics. Citing an ILO study entitled *Employment Promotion and Social Security* (1987), Mr. Harker argued that early retirement programs involve a loss of productive potential and waste of experience, place early retirees in a social limbo which may foster premature aging, and will involve significant long-term public expenditures. While the Committee supports the provision of options, including that of early retirement, to older workers, it wishes to stress that the option of returning to employment must accompany the option of early retirement. **We therefore recommend that, before 30 March 1989, Employment and Immigration Canada assess the employment needs of retirees, review the adequacy of workforce re-entry programs such as the Job Entry component of the Jobs Strategy, and develop measures as necessary to ensure that the option of a return to work accompanies the option of early retirement (Recommendation 9).**

A number of witnesses supported the views of representatives of the Legal Education and Action Fund, who spoke to the Committee of the "double-barrelled assault on (older) womens' dignity" created by the combined effect of sex discrimination and age discrimination (12:30). This problem, as witnesses pointed out, is widely reflected in the circumstances of older women; in, for example, the disproportionate poverty of retired women as well as in the ghettoization of women (older and otherwise) in low-income occupations. The Committee is optimistic that current initiatives of the Canadian Human Rights Commission in implementing federal employment equity legislation will bring positive results in the area of occupational representation within the federal jurisdiction. The Committee would suggest, however, that employment equity legislation should also be directed against the age discrimination from which older women (along with older members of other designated groups) may suffer. While we express

concern elsewhere in this report about the current ubiquity of requirements for the disclosure of age, we believe that disclosure for purposes specifically related to the prevention of age discriminatory practices constitutes a special case. **The Committee therefore recommends that the Canadian Human Rights Commission, in conjunction with Employment and Immigration Canada, explore the possible effectiveness of an amendment to federal employment equity legislation which would require the reporting of employment data by age, in order to enable the protection of older members of minority groups from the compounding, by age discrimination, of other forms of discrimination from which they suffer; and make public the results of this inquiry by 30 December 1988 (Recommendation 10).**

The Committee wishes to make a number of general observations and recommendations, directed to concerns shared by the aged and the elderly, in conjunction with those directed specifically to older workers. These will be treated in a concluding part, drawing on both the present part and the next, which addresses the human rights concerns of the elderly.

In view of the breadth of the concerns raised and on behalf of the elderly, and the constraints on the Committee in its investigation of these, this chapter will be devoted primarily to a review of concerns related to the development of age-related stereotypes and the impact of these on the ability of the elderly to contribute to the economy and to society. The Committee has no intention of making recommendations in many cases, but it can do better than to ignore the quality of submissions received from a variety of organizations of the elderly, by itself, a striking refutation of negative stereotypes of members of this group.

A) Retirement and Employment Issues

1. Mandatory Retirement

Concerns about mandatory retirement were repeatedly expressed before the Committee during its hearings. Mandatory retirement was widely condemned as an obvious instance of age discrimination, as a waste of potentially productive labour and as a denial of the capacities for judgement developed during long experience in the workforce. As well, it was condemned as psychologically destructive, and in some cases financially destructive, of those still capable of and interested in work.

V. ELDERLY CANADIANS: RETIREMENT, POST-RETIREMENT AND SOCIAL SUPPORT ISSUES

As the hearings of the Committee progressed, it became apparent that many elderly Canadians perceive negative assumptions about the aged as a pervasive feature of contemporary culture, capable of hampering virtually all of their interactions with other Canadians. Concerns about discrimination in the area of employment do not disappear merely because a person has turned 65 and may have retired from full-time employment. In the case of the elderly, however, such concerns do not provide the intensive focus for testimony that was apparent in submissions relating to those aged 45-64. Elderly Canadians, rather, told the Committee of experiencing an erosion of rights in a whole range of areas, extending from employment and retirement to health services and institutional care, housing and transportation, pensions and financial services, and even relating (as was seen in Chapter 2) to anti-discrimination legislation itself, in some provinces.

In view of the breadth of the concerns raised by and on behalf of the elderly, and time constraints faced by the Committee in its investigation of these, this chapter will be devoted primarily to a review of concerns raised, and the development of some global observations and recommendations. Elderly Canadians coming before the Committee have shown themselves impressively able to supply both specific information on and analysis of problems, and to make perceptive recommendations. In many cases, the Committee can do no better than to draw attention to these, noting that the quality of submissions received from a variety of organizations of the elderly is, by itself, a striking refutation of negative stereotypes of members of this group.

A) Retirement and Employment Issues

1. Mandatory Retirement

Concerns about mandatory retirement were repeatedly expressed before the Committee during its hearings. Mandatory retirement was widely condemned as an obvious instance of age discrimination, as wasteful of potentially productive labour and, more pointedly, as wasteful of capacities for judgement developed during long experience in the workforce. As well, it was condemned as psychologically destructive, and in some cases financially destructive, of those still capable of and needful of work.

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.

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

abolition of mandatory retirement, with the sole exception of a limited class of occupations directly involving the public safety (Recommendation 11).

2. Employment Issues

Several witnesses who addressed the issue of mandatory retirement also devoted specific attention to other employment issues related to the elderly. Illustrative of this tendency were the comments of representatives of the Senior Citizens' Forum (Montreal) who, after calling for the complete elimination of mandatory retirement, also called for the wider availability of a series of measures to increase workplace flexibility and multiply options for the elderly.²⁰ Among those mentioned were phased-in retirement arrangements and the option of progressive reductions in workload, both before and after the age of 65. One witness noted, for the Committee's attention, that life-cycle theories of economic behaviour, as well as surveys of older people, show that many in this group wish to remain in the workforce, but working only part-time. This tendency is resisted by employers who associate such measures with higher labour costs. The same witness, noting that demographic trends suggest that the number of elderly persons desiring some form of involvement in the workplace is destined to substantially increase, declared: "The elderly should not be used as they have historically been used, really as a pool of cheap labour" (11:28).

The task of better adapting the conditions of work to the needs of elderly workers has multiple dimensions and, in the view of the Committee, ranks high on the list of issues warranting further study. Among the matters which need to be addressed are the costs and feasibility of pro-rating benefits for part-time workers, and the possibility of enhancing the availability of part-time work for the elderly.

B) The Adequacy and Fairness of Services

1. Health and Social Services

The Committee heard a great deal of evidence concerning the treatment of the elderly in hospitals and nursing homes, and the premature placement of elderly Canadians into these relatively high-cost forms of institutional care which results from what was portrayed as a continuing underemphasis, within the Canadian geriatric care system, on preserving the independence of elderly clients and enabling them to continue to function, with appropriate assistance, in the home environment.

Virtually without exception, witnesses dealing with geriatric care issues presented disturbing accounts of the treatment of the elderly in institutions, mentioning arbitrary restrictions, loneliness, over-medication, and impersonal and patronizing care-givers. According to witnesses representing Creative Retirement Manitoba, for example, the rights of an individual frequently undergo major restrictions upon his or her entry into a nursing home.²¹ Residents commonly must comply with rigid schedules and if, for example, they get up at night for a glass of milk, they may be labelled as "wanderers" and given medication which may further erode the capacity to be self-sufficient. The regime of the nursing home, in too many instances, deprives people of their individuality and leads to a decline into passivity, and related physical and mental declines. The problem of over-medication was frequently mentioned by other witnesses, who noted that currently-used drugs have side-effects ranging from withdrawal to irritability, and often create a vicious circle of what amounts, in practice, to institutionally created senility.

At least as distressing as what the Committee heard about conditions frequently occurring in nursing homes, however, was evidence about the consequences of shortages of nursing home places. Waiting lists of up to one year for nursing homes or auxiliary hospitals, according to representatives of the Alberta Civil Liberties Research Centre, propel people into general hospitals where facilities are inappropriate, and can have strongly negative effects on an elderly person's health, longevity and quality of life.²² Representatives of the NDG Senior Citizens' Council (Montreal) concluded that, in the health care area, there is a "systematic bias against the elderly, resulting from the reluctant admission to regular hospitals of the chronically ill, where the care they receive reflects the staff's preference that they not be there."²³

Noting that about 80% of the elderly do not use the formal health care system, relying instead on the immediate family for assistance, Dr. Neena Chappell of the University of Manitoba Centre on Aging called for the creation of a range of health care alternatives, including assistance to family members who provide care and the expansion of home care and home support services.²⁴ In addition, many of the remaining 20%, who do rely on the formal system, do so primarily because alternatives are not available. **The Committee wishes, in view of these considerations, to recommend that the federal government seek the cooperation of the provinces in ensuring that the adaptation of the health care system to the needs of an aging population receives on-going attention in federal-provincial discussions on**

health and funding (Recommendation 12). A concerted attempt, by both levels of government acting cooperatively, would contribute to the elimination of a range of practices which are in dismal contrast to the human rights standards Canada has unequivocally affirmed. It would also enable the more efficient use of existing health care resources, by substituting relatively low-cost forms of care for institutional care which, in addition to its other shortcomings, is extremely expensive.

2. Housing and Transportation Services

Housing issues brought before the Committee were chiefly raised in the context of comments affirming the need for alternatives to institutional care, and related to the availability of affordable and appropriate housing. The widespread absence of public transport adapted to meet the special requirements of significant numbers of elderly users was also seen as an instance of the age-based erosion of rights, and the deficiency of transportation suitable for the mobility-impaired was specifically criticized.

With respect to housing, the Committee was advised that almost one-half of those single senior citizens whose incomes are below the poverty line set by Statistics Canada rent housing, and 37% of low-income families headed by a person over age 65 also rent. Such renters must allocate crippling large portions of their total income merely to the paying of rent. Indeed, 77% of those over age 65 who rent devote 30% of their income or more solely to the meeting of housing costs.²⁵ It is not surprising, in view of these statistics, that the need for an adequate supply of affordable housing tops the list of concerns brought to the Committee by witnesses who addressed housing issues. The inadequacy of supplies, furthermore, was seen to be directly a product of attitudes of indifference, if not hostility, to the elderly. Builders, the Committee was told, concentrate on the building of luxury housing, while established residents protest against the construction of seniors' housing complexes on the grounds that property values may fall.

Regarding the design of housing, the Committee was told that often simple and inexpensive details can make a critical difference. The presence of a flat entrance to an apartment balcony, rather than a ledge or step, can combine with other features to make the difference between housing viable for the elderly and housing which precipitates the journey into institutional care.

The evidence of witnesses choosing to address transportation issues provided broad support for the position succinctly stated by a representative of the Senior Citizens Action Now Association Inc. (Saskatchewan): "The fact that older people with some of the handicaps of age are not able to use the public transportation system [does not seem to be] considered important."²⁶ An elderly witness commented: "The main thing I want to say about public transportation is that it is for the swift of foot. Anybody whose mobility is compromised temporarily or permanently in any way is going to have an awfully hard time using the bus or the Metro" (20:8).

The Committee was informed that adapted transport, where it exists at all, is designed for the handicapped rather than those among the elderly who are infirm, and that lack of transport leads directly to isolation and declines in health. Research made available by one witness, concerning a major urban area, supported this contention with a finding that 40% of medical and medically-related appointments for the elderly are routinely cancelled because of lack of transportation.²⁷

In hearing testimony on housing and transportation issues, it became apparent to the Committee that many elderly Canadians, while aware that jurisdictional problems can impede the ability of the federal government (or, for that matter, provincial governments) to act on specific problems, nevertheless share the conviction that ways can be found to expedite action when a sufficiently high priority is attached to it. There is a clear probability that perceived inaction by the federal government on the priority issues of the elderly in areas such as housing and transportation will be seen as a sign of indifference, even where jurisdictional considerations impede action. Indifference, as the comment at the outset of this section suggests, is in turn seen by many as a sign of negative attitudes towards the elderly. **The Committee therefore recommends that a concerted attempt be made, by appropriate federal departments and agencies, to explore the scope of possible federal involvement in such areas as the provision of low-cost housing adapted to the elderly, and the extension and/or appropriate adaptation of existing public transport systems to those among the elderly who are disabled or infirm (Recommendation 13).** Elderly Canadians view these as priority issues. They seek either action or a convincing explanation of its absence.

3. Pensions and Financial Services

Witnesses addressing pension issues primarily stressed the vital importance, to many elderly Canadians, that pension levels sustain an

adequate standard of living. Some argued, as well, that regulations concerning C.P.P. credits are potentially age discriminatory. As for financial services, witnesses informed the Committee that the elderly face a diversity of age-based barriers affecting, for example, the availability of credit and of insurance for mortgages and business purposes.

Representatives of Creative Retirement Manitoba recognized a necessary linkage, which the Committee affirms and which Canada has also clearly affirmed, between sufficiency of pension levels and human rights — particularly the right to an adequate standard of living: “We really feel that it is a very strong basic right, and it forms the ... bedrock for the foundation of a lot of other rights to be built on” (18:12). The adequacy of pensions, it should be noted, requires their security. In the case of private sector pensions, this includes their protection from the effects of corporate take-overs, bankruptcies or other events which may involve incursions upon pension funds.

The Committee was also advised that regulations governing C.P.P. credits operate in a manner which appears to be age-discriminatory. Representatives of the Manitoba Society of Seniors Inc. testified that while young mothers can opt out of the workforce for child-rearing purposes without losing C.P.P. entitlements, older women who leave the workforce to care for spouses or relatives subsequently receive a smaller pension than those who have retained uninterrupted employment.²⁸

With respect to financial services the Committee was advised that, while loans and mortgages can be obtained by the elderly, related facilities such as mortgage/loan insurance are not available. Lack of such insurance represents not only a disadvantage to the holders of loans, but to their spouses in the event of their death. Another witness asserted that loans and mortgages have been refused on age-related grounds and, in addition, that sharply increased small business insurance costs, where an elderly employee works on the premises, represent a barrier both to employment and to entrepreneurial activity for the elderly.

A further point was made relating to credit cards. The Committee was told that computerized credit card systems do not acknowledge spouses (except in the case of joint accounts). When a husband dies, a wife may find herself in the position of being without credit, even though she may have been responsible for the credit cards for years. Cases were alleged where

70-year-old women have had severe difficulties in attempting to re-establish credit following the invalidation of cards in the name of deceased husbands.

While the areas of pensions and financial services are areas of great technical complexity, making it appropriate to defer specific recommendations in the context of the present general survey of issues, one basic conclusion follows clearly from what elderly Canadians have already told this Committee. Many elderly Canadians believe that they have encountered age-based barriers in their dealings with financial institutions, and plainly have received no explanation of how they have been treated sufficient to resolve their concerns. Furthermore, their treatment has, in a number of cases, involved tangible financial disadvantages. The Committee hopes, in view of these facts, that financial services and the elderly will receive specific investigatory attention in the near future. The Committee also wishes it to be noted that pension benefit levels remain a priority concern of the elderly, and that their adequacy and, in the case of private sector pensions, their security also warrant ongoing and specific attention. As well, pension regulations would appear to warrant scrutiny concerning their possible incorporation of age-based inequities.

C) General Observations and Conclusions

As noted at the outset of this chapter, the range of concerns raised before the Committee by witnesses representing elderly Canadians was extremely wide. The Committee has chosen therefore to refrain from making detailed recommendations while nevertheless noting, and affirming in some cases, those made by witnesses. The Committee invites appropriate departments to respond to these recommendations, and to the experiences of elderly Canadians which they reflect.

Two general themes are apparent in the comments elderly Canadians and their representatives have shared with the committee. The first is that, in experience of many individuals in this group, negative stereotypes of the elderly continue to abound, and to find expression in discriminatory behaviour on the part of many Canadians.

With respect to age discrimination within the federal jurisdiction, the Canadian Human Rights Commission remains the agency of first resort. It also refers those whose problems lie outside the federal jurisdiction to appropriate provincial authorities. We believe that vigorous action by the Commission, in line with the recommendation to this effect we have made in

Part IV of this report, can be an effective means for the resolution of instances of age discrimination experienced by individuals.

The second theme apparent to the committee in the comments of witnesses is that overtly discriminatory behaviour is only one dimension of a broader predicament experienced by elderly Canadians. Witnesses widely expressed concerns about the general inadequacy of services provided to those among the elderly having special needs, and in some cases to the elderly in general, by public sector and private sector institutions. Allegations of inadequacy were made with respect to the areas of health care, social services, habitation (particularly nursing homes), public transport and financial services.

Allegations about the inadequacy of services, and the frequently disturbing accounts of individual situations which supported these allegations, are of immediate concern to the committee, given its mandate in the area of human rights. Human necessities, such as the opportunity to engage in freely chosen and reasonably remunerated work, an adequate standard of living, freedom from inhuman or degrading treatment, and adequate health care and housing are not bounded by age. They are felt by all of us, as we have recognized in our national and international human rights commitments. There is no valid reason why a country as affluent as Canada should fall short of minimally acceptable standards in the provision of these necessities to any person. Still less can there be any valid reason for an age-based erosion of these rights which relegates many elderly Canadians to the status of second class citizens.

It is the view of the committee that the employment concerns which provide a focus for specific recommendations in this report should be seen as one item on the broad agenda of human rights issues related to age and aging. Demographic trends are steadily increasing the salience of this agenda, and the social and human costs of ignoring it.

We therefore recommend that the federal government seek provincial cooperation, on the basis of an explicit recognition that the elderly are entitled to adequate social services as a matter of human right, in a comprehensive review of the adequacy of such services, followed by systematic reform (Recommendation 14).

The committee suggests that the recently created Ministry of State for Senior Citizens, whose creation we applaud, might appropriately undertake

the coordination of efforts at the federal level. The experience of the Committee indicates clearly that, in many cases, needed investigatory work has already been done, by elderly Canadians themselves, and that government should now avail itself of their expertise.

A recurring theme in the comments of witnesses was that negative images of aging and the elderly abound in our culture, and are pervasively reflected in the behaviour of individuals with whom the elderly interact. Some witnesses spoke not so much of age discrimination as of "ageism", a prevailing acceptance of negative stereotypes of the aging and elderly. The pervasiveness of ageist attitudes in Canada was a constantly-invoked frame of reference for witnesses presenting evidence on the diverse forms of age discrimination. The Committee would add that the prevalence of negative stereotypes in the media and elsewhere is only one dimension of the problem, which is also apparent more covertly in our easy tolerance of requirements for the disclosure of age in a vast array of governmental and other information forms, suggesting public acceptance of a correspondingly wide reliance on the use of age criteria in decision-making.

The Committee was struck by the contrast between the underlying values of Western industrial societies, where a focus on the production and consumption of material goods and the pursuit of wealth appear to define the central human quest, and the values of traditional societies, which stress the spiritual and moral dimensions of human existence. As a supplementary submission of one group of witnesses stated: "We are as a people too materialistic; we might look to our elderly for wisdom and insight. We might consider them a resource, not a liability, and invest economic attention in the world rather than in the home. We should also be more averse to ageism. As Canadians, who so justifiably take pride in their collective human rights record, we should be aware that every human being has the right to be treated as an individual, not as a member of some group. It is essential that we apply these values to our elderly." The Committee would add that a commitment to human rights, which so justifiably takes pride in their collective human rights record, is a commitment to the dignity of every individual, and that every human being has the right to be treated as an individual, not as a member of some group. It is essential that we apply these values to our elderly.

It was the view of the Committee that a fundamental challenge for this study is to examine the attitudes of Canadians in respect of their attitudes towards our collective attitudes towards the elderly, as well as towards the role of the aged and elderly in the society, and towards our treatment of these people in particular. It is believed that the need to re-examine our attitudes towards the elderly is a challenge to the younger generation, which has grown up during the post-war period, a time of rapid social and cultural change. Changed attitudes towards the aged are essential if Canada is to better fulfil human rights commitments made to all Canadians.

VI. CONCLUDING REMARKS: AGE DISCRIMINATION HUMAN RIGHTS AND AGEISM

A recurring theme in the comments of witnesses was that negative images of aging and the elderly abound in our culture, and are pervasively reflected in the behaviour of individuals with whom the elderly interact. Some witnesses spoke not so much of age discrimination as of "ageism": a prevailing acceptance of negative stereotypes of the aging and elderly. The pervasiveness of ageist attitudes in Canada was a constantly-invoked frame of reference for witnesses presenting evidence on the diverse forms of age discrimination. The Committee would add that the prevalence of negative stereotypes in the media and elsewhere is only one dimension of the problem, which is also apparent more covertly in our easy tolerance of requirements for the disclosure of age on a vast array of government and other information forms, suggesting public acceptance of a correspondingly wide reliance on the use of age criteria in decision-making.

The Committee was invited to contrast the underlying values of Western industrial societies, where a focus on the production and consumption of material goods and the pursuit of affluence may appear to define the central basis upon which we find value in other human beings, with those of more traditional cultures. As a supplementary submission of one group of witnesses observed: "Were we as a people less materialistic, we might look to our elderly for wisdom and insight. We might consider them a treasure, not a liability; and their economic situation in life would reflect this."²⁹ Comments such as these are a worthwhile reminder to Canadians, who so justifiably take pride in their collective human rights record in many areas, that every culture not only supplies people with values, but directs their attention towards some areas at the expense of others in applying these values.

It is the view of the Committee, and a fundamental *raison d'être* for this study, that the time has come for Canadians to redirect their attention towards our collective assumptions about the process of aging, as well as towards the role of the aged and elderly in this society, and towards our treatment of these people. In particular, it is time for the baby-boom generation, which spawned the rise of a youth-oriented culture in Canada during the post-war period, to come to terms with the reality of aging. Changed attitudes towards the aged are necessary if Canada is to better fulfil human rights commitments made to all Canadians.

The Committee has found it an invaluable experience, in the process of re-examining attitudes towards the aged and elderly, to have an opportunity simply to listen to older Canadians. In addition to their comments on individual issues, they have shared with the Committee general observations such as the following:

"In Canada, we are ambivalent about the value of our elderly, we are ambivalent about seeing the senior years as part of a normal life cycle — about whether our elderly deserve a reasonable quality of life The rate to the caregiver [in government-contracted foster homes], to the proprietor, is presently less than \$1 an hour per resident for 24-hour care, seven days a week. I find this a poignant reminder of what we seem to find our elderly are worth" (20:7-8).

"As old people, we are getting a little tired of being told we are a burden on society, that we are going to continue to be a burden on society, and eventually such a burden that society will not be able to deal with us. I do not think that is true. The great majority of old people are still self-sustaining. They are consumers. They are contributing to the current economy" (18:16).

"A common opening remark from a senior was and still is — I need something inspiring to get up and go to in the morning. Something concrete to do each day" (Senior Citizens Job Bureau, Brief, p. 1).

"Another false assumption is that older workers are incapable of mastering new techniques. That is rubbish, absolute rubbish, speaking as an older person" (17:51).

Witnesses appearing before the Committee, including those with specific expertise in fields relating to aging and the elderly, were unanimous in condemning the view that aging is automatically associated with declining powers and increasing helplessness. Their condemnation, it should be noted, was not based on convictions that such associations provide a rationale for age discrimination, although this was recognized, but was based instead on a growing body of research which demonstrates that such associations are simply incorrect.

Current empirical research findings were succinctly reviewed by Dr. Ellen M. Gee of the Department of Sociology at Simon Fraser University.

According to her submission, four major conclusions emerge from recent research on aging and work performance: "(a) age-related declines in productivity, intelligence and reaction time are small; (b) there is considerable individual variation in age-related losses; (c) of the small losses that do occur, many can be, and are, compensated by experience; and (d) older workers are more satisfied [than younger workers] with their jobs, less likely to quit an organization for another job, and have lower rates of absenteeism and accidents on the job."³⁰

The overview provided by Dr. Gee was supplemented by more specific comments on the part of numerous witnesses. Representatives of the Canadian Mental Health Association, for example, informed the Committee that gerontological research has demonstrated that individuals in their late seventies can be physically, emotionally and intellectually comparable to other individuals in their early forties, and that studies have shown that, although it may sometimes require more time to train an elderly person, the appropriately trained elderly employee is more dependable, just as efficient and just as productive as younger employees in the workforce.³¹

While older Canadians possess the abilities needed for success in retraining, and further education generally, their involvement in these activities remains low. Their community college enrolment illustrates this point. In 1985-1986 people aged 45 to 59 made up only 0.58% of community college full-time career-technical program enrolment, and 0.67% of university transfer program enrolment. Those aged 60 and above represented a miniscule 0.03% of full-time career-technical program enrolment, and 0.58% of university transfer program enrolment.³² While these figures reflect growing involvement, when compared with enrolment levels of the early 1980's, there is plainly much room for improvement.

We believe that there is now a particular need for changed attitudes towards the participation of older Canadians in education and training programs. The retraining of the aging can no longer be viewed as merely an adjunct to the basic role of educational institutions in training the young. As demographic trends reduce the numbers of newly skilled labour market entrants available to meet changing needs in the workplace, the competitiveness of Canada's economy is going to rely increasingly on our success in fostering adaptation by older workers. Economic imperatives, as well as the needs of older Canadians and their demonstrated capacities, thus favour enhanced attention to education and training for older Canadians.

Enhanced attention to education for the aging and elderly will have to involve more than attempts to increase their participation in conventional programs. Significant numbers of older Canadians had limited access to formal education in their youth, or have emigrated to Canada from countries where languages other than English and French are spoken, and thus require assistance in the areas of language and literacy. Programs responding to the special needs of older Canadians are thus required, as well as the enhancement of their participation in conventional programs.

The Committee therefore recommends that the federal government seek the cooperation of provincial governments in fostering increased participation by older Canadians in education and retraining programs, both through the adaptation of these programs and the enhancement of financial assistance available to older participants (Recommendation 15).

Negative age-based stereotypes rest on substantially erroneous information, and ageism remains a root cause, within Canada, of many of the specific problems of the aging and elderly examined in previous parts of this report. An inadequate awareness of human rights contributes here too, although we are pleased to note increased attention to general human rights education in initiatives such as the six human rights primary education modules developed by the Canadian Human Rights Foundation, currently being tested in seven provinces, and already accepted for general use in Manitoba, New Brunswick and Nova Scotia.

There is clearly a need for increased awareness, among Canadians, of human rights and the concepts of the aged. We therefore endorse the call, widely made by witnesses, for a broadly based public information and education campaign designed to attack the problem of age-based discrimination at its source, in the attitudes and assumptions of many Canadians. Such a campaign will require extensive cooperation between the federal and provincial levels of government, given provincial jurisdiction over education.

The Committee recommends that a national campaign against ageist attitudes, possibly coordinated at the federal level by the new Ministry of State for Senior Citizens, be launched immediately, and that it include:

- A. A public information campaign, which would enhance the awareness of Canadians with respect to the standards of treatment and conditions**

of life to which all Canadians, including the aging and elderly, are entitled; the current conditions of life and dominant concerns of this group; and the realities of aging, as portrayed in current research.

- B. An attempt to foster reform by provincial governments of the secondary and post-secondary education curricula to install human rights education as a mandatory component, thereby enhancing general knowledge of this area; and to enhance the study of aging and the aged, both among the student population at large and, in a more intensive way, among the various occupational groups which routinely deal with the aged and the elderly.
- C. Increased support for non-governmental associations of older Canadians, which have already developed impressive resources of information to share with other Canadians, and which can claim significant achievements in educating older Canadians about themselves and giving them an articulate public voice.
- D. The greater use of governmental research and other funding to foster the carrying out of primary research on aging and the current circumstances of Canada's aging and elderly (Recommendation 16).

The Committee is of the opinion that effective governmental action in response to these recommendations would result in significant progress for Canada in remedying the root causes of age discrimination. Perhaps as importantly, it would help to engender the public consciousness-raising which is necessary if public priorities are to be shifted to better accommodate the needs and concerns of older Canadians.

Education is not, however, an adequate substitute for more direct forms of action. That is why the Committee calls on the Government of Canada for action in response to the recommendations developed in earlier sections of this report, as well as for action on education, and hopes that this report will stimulate a general review of government programs and practices.

The Committee looks forward to continuing involvement in the comprehensive review and reorientation of policies, programs and practices which, we believe, is required if human rights commitments are to be met as Canadian society ages. It is therefore primarily as a note to ourselves that we call, here, for the inclusion of a series of issues identified in this report on

Canada's agenda for future study of human rights issues related to age. We recommend that future studies specifically address:

- **impacts of age discrimination on young Canadians;**
- **the evolving concept of discrimination, and its implications;**
- **the adaptation of the workplace to the requirements of elderly workers, including the pro-rating of benefits for part-time work and the development of measures to foster its availability;**
- **the adequacy and fairness of financial services for the elderly;**
- **the adequacy of pension levels, the security of private sector pensions, and the possible existence of age-based inequities in pension regulations (Recommendation 17).**

This inquiry has convinced us that demographic realities, in concert with the current circumstances of older Canadians, pose a human rights challenge for Canada. We believe that action on the recommendations developed in this report will do much to help Canada meet this challenge, thus maintaining a human rights tradition of which all Canadians can be proud.

NOTES

1. The following profile is based on data provided in Frank T. Denton, Christine H. Feaver and Byron G. Spencer, *The Future Population and Labour Force of Canada: Projections to the Years 2051*, study prepared for the Economic Council of Canada, Minister of Supply and Services, Ottawa, 1980 and M.V. George and J. Perreault, *Population Projections for Canada, Provinces and Territories 1984-2006*, Statistics Canada, Cat. 91-520, Minister of Supply and Services, Ottawa, 1985.
2. For a discussion of research on the "compressions of morbidity", see Nina L. Chappell, Laurel A. Strain and Audrey A. Blandford, *Aging and Health Care: A Social Perspective*, Holt, Rinehart and Winston of Canada, Ltd., 1986, p. 36.
3. Forty-Five Plus Committee for Mid-Life Work Options, Victoria, Brief, p. 8.
4. Canadian Human Rights Commission, *1987 Annual Report*, p. 30 (see also reports for 1986, 1985, 1984, 1983 and 1982).
5. For a review and analysis of this development, see Béatrice Vizkelety, *Proving Discrimination in Canada*, Carswell, 1987, pp. 2-5.
6. Cited *ibid.*, p. 3.
7. Employment and Immigration Canada, 33:5.
8. Ernest B. Akyeampong, "Older Workers in the Canadian Labour Market", in Statistics Canada, *The Labour Force*, November 1987, p. 102.
9. Labour Canada, Brief, p. 42.
10. Canada Employment and Immigration Advisory Council, *Older Workers: An Imminent Crisis in the Labour Market*, Ottawa, 1985, p. 8.
11. Society for the Retired and Semi-Retired, Edmonton, Brief, Appendix B.
12. Statistics Canada, *The Labour Force*, March 1986, Cat. 20-001, p. 111.
13. Statistics Canada, *The Labour Force*, March 1983, Cat. 71-001, p. 89.
14. Forty-Five Plus Committee for Mid-Life Work Option, Brief, p. 5.
15. National Advisory Council on Aging, Brief, p. 5.
16. Brief, p. 2.
17. Brief, p. 7.
18. 33:13-14 and Brief, Canadian Jobs Strategy, p. 2.
19. Calculated on the basis of figures provided in Statistics Canada, *The Labour Force*, December 1987, p. 123.
20. Senior Citizens' Forum, Montreal, Brief, pp. 2-4.
21. 18:8-10.

22. 17:35.
23. 20:8.
24. 18:39.
25. 20:8.
26. Ms Frances Petit, Senior Citizens "Action Now" Association Inc., Saskatchewan, Brief, p. 3.
27. N.D.G. Senior Citizens' Council, Montreal, 20:8.
28. 18:25.
29. Rowley, Susannah Worth, "Women, Pensions and Equality", p. 284, excerpted from *Charterwatch: Reflections on Equality* and submitted by the Legal Education and Action Fund, Toronto.
30. Ellen M. Gee, Professor, Department of Sociology, University of British Columbia, Brief. pp. 2-3.
31. Brief, pp. 2-3.
32. Career-technical programs and university transfer programs are the two major community college full-time enrolment program categories. These percentages are calculated on the basis of enrolment data obtained from the Department of Secretary of State.

THE OLDER WORKER - SELECTED READINGS AND FINDINGS

Akyeampong, Ernest B., "Older Workers in the Canadian Labour Market", in Statistics Canada, *The Labour Force*, November 1987.

Provides an analysis of 1986 data related to that for previous years concerning workers aged 55-64. Documents a continuing decline in labour force participation; the failure of older worker unemployment rates to be positively affected by the economic recovery of recent years; relative vulnerability of unemployed older workers to long-term unemployment; and a high incidence of discouragement (i.e. suspension of job search) among the 3.9% of those aged 55-64 outside the labour force who reported that they wanted to work. Provides a range of additional information, including data on the occupational distribution of older workers and on their illness and accident rates.

Beach, Charles M. and S.F. Kaliski, *The Impact of Recession on the Distribution of Annual Unemployment*, Reprint Series No. 59, Industrial Relations Centre, Queen's University at Kingston, 1986.

Argues, on the basis of 1978, 1980 and 1982 unemployment data, that recessions involve a cyclical increase in the proportions of unemployed experiencing unemployment for any given longer-term period, but that the distribution of unemployment between the shorter terms and longer terms occurring under recession conditions remains comparable to that under non-recession conditions.

_____, *Structural Unemployment, Demographic Change or Industrial Structure?*, Reprint Series No. 57, Industrial Relations Centre, Queen's University at Kingston, 1986.

Argues, on the basis of data on youth and women's employment in 41 industries, that accelerated change and restructuring within industries cannot supplant demographic developments (the flow into the labour force of women and baby-boomers) in explaining rising average rates of unemployment in Canada during the 1960s and 1970s.

Birren, James E., Pauline K. Robinson, Judy E. Livingstone, eds., *Age, Health and Employment*, Prentice-Hall Inc., Englewood Cliffs, N.J., 1986.

Included articles address, *inter alia*, health and job performance characteristics of older workers; the continuing reluctance of industrial employers to hire and train older workers; rates of change in the labour force and the participation of older workers in occupational change; and historical declines in labour force participation by older men (which predate modern income support programs and are ascribed primarily to industrial restructuring).

Canada Employment and Immigration Advisory Council, *Canada's Single-Industry Communities: A Proud Determination to Survive*, Ottawa, 1987.

Argues that unemployment problems characteristic of older workers are exacerbated, where plants close in single industry towns, by special problems of skills redundancy, low mobility, losses of equity due to falling housing values and declining small business opportunities.

_____, *Charting a Clear Course For a National Older Workers Program*, Ottawa, 1986.

Supplements *An Imminent Crisis* (see below) by noting that circumstances of older workers have not improved, and proposing the modification of existing programs to create an integrated safety net.

_____, *Older Workers: An Imminent Crisis in the Labour Market*, Ottawa, 1985.

Provides statistical documentation of the labour market problems of older workers, supplemented by interview results. Examines causes of older worker unemployment and argues that existing employment programs are poorly targeted and little used. Briefly reviews measures in place in other countries and develops ten major recommendations.

Casey, Bernard and Gert Bruche, *Work or Retirement?*, Gower Publishing, Hants, U.K., 1983.

Reviews older worker programs, both public sector and private sector, in Great Britain, France, the Netherlands, Sweden and the U.S.A. Concludes that retraining programs, wage subsidy and job creation schemes and campaigns to change public and employer attitude to older workers appear to have had very limited success.

Council on Aging of Ottawa-Carleton, *Too Old Yet Too Young: An Account of Women in Limbo*, Ottawa, 1984.

On the basis of a literature review and a survey of unemployed older women, argues that women in the 55-64 age group are severely disadvantaged, compared to other groups, in the areas of income, employment, housing, health care, information access and quality of life.

Denton, Frank T., Christine H. Feaver and Byron G. Spencer, *The Future Population and Labour Force of Canada: Projections to the Year 2051*, Study prepared for the Economic Council of Canada, Minister of Supply and Services, Ottawa, 1980.

On the basis of an extensive historical review of demographic and labour force data, develops population, labour force, age distribution and dependency ratio projections resting on eleven alternative sets of assumptions about fertility, mortality and immigration rates. Projects the proportion of the population over age 64 at between 10.3% and 26.7% (U.S. approximately 10% at present), depending on the assumptions employed.

Doering, Mildred, Susan R. Rhodes and Michael Schuster. *The Aging Worker — Research and Recommendations*, Sage Publications, Beverley Hills, California, 1983.

Provides a comprehensive review of the research literature on psychological characteristics and the workplace behaviour of older workers, as well as personnel practices and the aging worker and compensation, pensions and retirement policies both in the U.S. and other countries. Also provides tables summarizing the methodology and content of available studies.

Dunn, Gladys H., *Older Workers Study*, Employment and Immigration Canada, Special Groups and Affirmative Action, Ottawa, 1985.

Provides a statistical portrait of older worker unemployment, an outline of demographic trends and a review of research which dismisses negative stereotypes of older workers. Provides detailed results of an EIC survey of 616 unemployed older workers who widely perceived themselves to have been affected by negative employer attitudes towards the aged, and to have encountered similar attitudes at Canada Employment Centres.

Employment and Immigration Canada, *Labour Market Development in the 1980's*, Report of the Task Force on Labour Market Development, Minister of Supply and Services, Ottawa, 1981.

Analyzes labour market trends of the 1970s and develops projections for the 1980s in the light of demographic and economic forecasts. A profile of the unemployed is developed in which it is claimed that certain groups (including older male workers) are especially prone to experience long-term unemployment and that, for older workers, unemployment brings special social and economic hardships. Labour adjustment programs (including subsidies to overcome employer resistance, and targeted training programs) are recommended.

Fogarty, Michael P., *Forty to Sixty: How We Waste the Middle Aged*, Centre for Studies in Social Policy, London, U.K., 1975.

Provides a comprehensive portrait of the situation of older workers in Great Britain as of the mid-seventies, including a review of research findings on age, work-related capacities and productivity; an historical review of the older worker employment issue; a discussion of contemporary labour market data and trends; a review of programs available in other countries; and program recommendations.

Gray, Denis, "A Job Club for Older Job Seekers: An Experimental Evaluation," *Journal of Gerontology*, 38, 3, 1983.

Assesses the effectiveness of a self-help oriented job finding club in comparison to normal governmental employment services (U.S.); after 12 weeks 74% of the job club participants had found work versus 22% of a control group relying only upon conventional services.

Hasan, Abrar and Patrice de Broucker, *Unemployment, Employment, and Non-Participation in Canadian Labour Markets*, Study prepared for the

Economic Council of Canada, Minister of Supply and Services, Ottawa, 1985.

Develops an analysis of 1980 data which casts doubt on theories of unemployment ascribing it primarily to widespread short spells of unemployment resulting from voluntary departures and job searches. Highlights the role of long-term unemployment and the importance of discouragement and labour force withdrawal. A supplementary analysis of 1981-82 data suggests that older workers were less severely affected, during the recession, than other groups.

International Labour Organization, *Travailleurs Âgés et Retraités*, Geneva, 1984.

Argues, on the basis of global statistics and other evidence that employment problems of workers over age 45, produced by their concentration in declining industries, their maladaptation to technological change and age discrimination in hiring, promotional training and lay-off decisions, will be exacerbated by global trends towards increased numbers in this group unless appropriate ameliorative programs are established. Also provides information on ameliorative measures in place in various countries and on practices relating to retirement preparation and post-retirement income, health and quality of life.

_____, *Employment Promotion and Social Security*, Geneva, 1987.

Reviews early retirement policies in European countries (with some reference to other areas) and argues that they involve heavy public expenditures, the loss from the labour market of valuable resources, and can result in the social marginalization and premature aging of early retirees.

Lee, Jo Ann and Tanya Clemons, "Factors Affecting Employment Decisions About Older Workers," *Journal of Applied Psychology*, 10, 4, November 1985.

The central finding is that decision-making by a group of under-graduate volunteers displayed biases against older workers when training opportunities had to be assigned to either an older or younger worker and no worker performance information was provided, but

when positive information on the performance of both workers was provided the biases disappeared.

Lindsay, Colin, "The Decline in Employment Among Men Aged 55-64, 1975-1985," *Canadian Social Trends*, Spring 1987.

Reviews Statistics Canada data indicating that the percentage of Canadian men aged 55-64 and not employed grew from 24% in 1975 to 36% in 1985, chiefly as a result of an almost 300% increase in the number who had retired early, an increase from 3.9% to 8.4% in the number of unemployed, and an increase from 14,000 to 48,000 in the number who had left the labour force after losing (or being laid off from) their last job.

Magun, Sunder, *The Unemployment of Older Workers in Canada: 1976-82, Employment and Immigration Canada, Ottawa, 1984.*

On the basis of an analysis which eliminates some cohort differences (e.g. differences in educational levels and occupational concentration) finds significant age-based differences in unemployment. It is found that the length of spells of unemployment generally increases with age, and increases markedly after age 40; that the frequency of spells of unemployment decreases with age, and decreases rapidly after age 44; and that levels of discouragement and labour force withdrawal are higher for workers over 45 than for younger workers, particularly in the case of men. It is argued that, since these differences are directly age-based, they will apply to the younger worker cohort as it ages, and indicate the need for strong initiatives such as targeted training and employment programs.

Méthot, Suzanne, "Employment Patterns of Elderly Canadians," *Canadian Social Trends*, Autumn 1987.

Profiles employment among those age 65 and above, based on Statistics Canada data. Indicates that employment levels for the elderly have declined in recent decades (from nearly 20% in the mid-fifties to 7% in 1986), that the proportion involved in voluntary part-time work has risen, and that elderly workers are disproportionately concentrated in the agricultural and service sectors, and in self-employed work. It is noted that less than 1% of the elderly not already in the labour force reported being available for work and that this, in combination with overall employment trends, suggests that the abolition of mandatory

retirement would likely not result in immediate and significant increases in labour force participation of the elderly.

Morris, Robert and Scott A. Bass, "The Elderly as Surplus People: Is There a Role for Higher Education?," *The Gerontologist*, 26, 1, 1986.

Argues that both demographic and labour market trends are increasing the numbers of able, but not employed, elderly and that neither the primary labour market nor traditional government job creation programs can provide viable roles for these people. Describes a vocationally-oriented gerontology program which has demonstrated the capacity of even the less educated elderly for retraining, and advocates wider emphasis on the involvement of the elderly, through flexible part-time work, in the care of the elderly.

Muszynski, Leon, "Employment and the Older worker," in *Social Infopac*, Published by the Social Planning Council of Metropolitan Toronto, Vol. 4, No. 1, February 1985.

Uses 1979-84 data to argue that declining labour force participation rates of those aged 55-64 (especially men), comparatively high numbers of older workers in the "discouraged worker" category, and proportionally greater numbers of older workers experiencing long-term unemployment testify to the existence of an older worker unemployment problem masked by official unemployment rates, and which has received comparatively little study.

Ontario Human Rights Commission, "The Older Worker in Today's Economy and Community," Report of Proceedings on First Seminar on Age Discrimination and The Age Discrimination Act of Ontario, Toronto, Ontario, 4 June 1970.

The proceedings indicate that in the late 1960s there was substantial awareness of problems of age discrimination and the older worker and that, as of 1970, three provinces had anti-discrimination statutes targeted to the older worker in effect, and the federal Department of Manpower and Immigration maintained an Older Worker Section which, among other activities, distributed information refuting negative images of the older worker.

Ontario, Minister of Labour, *Labour Market Experiences of Workers in Plant Closures: A Survey of 21 Cases*, Toronto, 1984.

Analyzes survey data on 1,936 Ontario workers laid off as a result of plant closures during 1980 and 1981. Finds that relatively high proportions of older workers were affected (reflecting the occupations involved and the probable reduction in numbers of younger workers by plants during the pre-closure period) and that males over age 55 and females over age 25 experienced special problems finding new employment, particularly when they possessed low levels of education. It was also found that perceptions of the unavailability of work were a major precipitator of labour force withdrawal among older workers, leading unemployment statistics to understate the severity of labour market problems for this group.

Pritchard, Richard D., Scott E. Maxwell and W. Carl Jordan, "Interpreting Relationships Between Age and Promotion in Age-Discrimination Cases," *Journal of Applied Psychology*, 69, 2, 1984.

Argues that a negative relationship may be expected between age and rates of promotion within a job level even where age discrimination does not occur, and develops a model to be used in identifying this relationship in order to facilitate valid statistical tests for discrimination.

Reid, Frank, "Economic Aspects of Mandatory Retirement - The Canadian Experience," *Industrial Relations*, 43, 1, 1988.

Outlines the current legal status of mandatory retirement and argues that future judicial decision-making will rely on evidence of the practical consequences of banning mandatory retirement, relating to the validity of its defence as "reasonable in a free and democratic society." On the basis of the effects of a complete ban in Québec and Manitoba, it is argued that the labour market impacts of banning mandatory retirement are minimal and that pension plans, in these two provinces, have proven to be readily adaptable to the elimination of mandatory retirement.

Sampson, Frank, *The Labour Force Position of Older Workers*, Technical Study 31, Prepared for the Task Force on Labor Market Development, Employment and Immigration Canada, Ottawa, 1981.

Analyzes 1970 data on salient characteristics of older workers, their labour force participation (and the preferences of retirees concerning continued participation), unemployment trends and impacts, the recruitment of older workers and disadvantages faced by older workers concerning recruitment. Explores the possibility that projected shortages of certain categories of skilled workers will be exacerbated unless ways can be found to deter older workers possessing needed skills from early retirement.

Scoones, William D., "Unemployment and the Older Worker," paper prepared for the Forty-Five Plus Committee for Mid-Life Work Options, Victoria, B.C., 1987.

Reviews recent literature on older worker unemployment, older workers and the labour market, programs in place in other countries, and programs recommended for Canada. Concludes that older worker unemployment should not be seen as a looming crisis, because long-term increases in demand and other predictable trends will act to lower it, but that older workers currently encounter particularly severe employment problems, and that there are measures which could ameliorate these.

Sparrow, Paul R., "Job Performance Among Older Workers," *Ageing International*, Autumn/Winter, 1986.

Provides an overview of research on ageing and job performance in various occupational categories. Research indicates no significant age-related declines in clerical and sales work, managerial work or technical and professional work (except in cases, such as air traffic control, where success rates in training declined with age). Some research indicates age-related declines in some semi-skilled and skilled labour occupations, but experience counters this tendency in other cases, causing performance to rise with age. Training was, in general, identified as an effective counter to age-related performance declines, where these might otherwise occur.

United States Senate Special Committee on Aging, *Personal Practices For an Aging Workforce: Private-Sector Examples*, Washington, D.C., 1985.

Reviews personnel programs in 38 private-sector companies and concludes that private-sector older worker initiatives occur where

benefits to both the employer and the employee can be anticipated, and occur most frequently in the areas of hiring (full-time or, more commonly, part-time), training (less frequently), transition to retirement arrangements and job redesign. Initiatives tend to focus on occupational categories in short supply, and rarely address the general problem of lay-off and unemployment. Positive comments about older workers by some corporate officials are included.

Wanner, Richard A. and Lynn McDonald, "Ageism in the Labor Market: Estimating Earnings Discrimination Against Older Workers," *Journal of Gerontology*, 38, 6, 1983.

Contains a bibliography of research documenting age discrimination in the labour market (re-hirings, promotions, lay-offs). Provides an analysis of U.S. data showing significant age-related declines in earnings and suggests that general labour market vulnerability (reflected in reduced bargaining power vis-à-vis employers and longer unemployment spells) is the most plausible explanation.

APPENDIX II

The following is a list of the dates of meetings held in the course of this study, together with the number of meeting and of the issue of Minutes of Proceedings and Evidence in which details of each meeting are recorded.

DATE	MEETING NO.	ISSUE NO.
Wednesday, May 20, 1987	15	11
Wednesday, June 3, 1987	16,17	12
Tuesday, October 6, 1987	23	17
Wednesday, October 7, 1987	25	18
Wednesday, October 21, 1987	27	19
Thursday, October 22, 1987	29	20
Tuesday, January 26, 1988	37	27
Wednesday, April 20, 1988	46	32
Tuesday, May 3, 1988	47	33
Tuesday, June 28, 1988	51*	36
Tuesday, July 12, 1988	52,53*	36
Wednesday, July 27, 1988	54*	36

* Denotes *in camera* meeting(s)

APPENDIX III

The following is a list of witnesses who appeared before the Committee in the course of this study. Except as indicated, meetings were held in Ottawa.

Wednesday, May 20, 1987 (Issue No. 11)

From the Public Service Commission:

Trefflé Lacombe, Commissioner;
Peter Lesaux, Commissioner;
Ercel Baker, Executive Director, Staffing Programs.

From the National Advisory Council on Aging:

Francine P. Beauregard, Acting Director;
Richard Deaton, Senior Policy Analyst.

Wednesday, June 3, 1987 (Issue No. 12)

From the Canadian Council of Retirees:

Bill Corns, Executive Secretary.

From the Canadian Mental Health Association:

Dr. Jerry Cooper, Chief of Psychiatry, York Finch General Hospital.

From the Task Force on Abuse of the Elderly:

Eleanor Cooper, Research Coordinator.

From the Legal Education Action Fund:

Lori Sterling, Attorney;
Velma Windus, private citizen.

Wednesday, June 3, 1987 (Issue No. 12)

From the Young Men's Christian Association:

Peter Trollope, Executive Director.

From the Department of Family Studies, University of Guelph:

Professor Joseph Tindale.

Tuesday, October 6, 1987 - In Edmonton (Issue No. 17)

From the Alberta Council on Aging:

Rein Selles, Executive Director.

From the Alberta Civil Liberties Research Centre:

Anne Jayne, Executive Director;

Lynne Hume, Social Sciences Researcher.

From the Society for the Retired and Semi-retired:

Dora McCulloch, Board Member and Chairman;

Dianne Bateman, Co-ordinator, Retirement Registry.

Wednesday, October 7, 1987 - In Winnipeg (Issue No. 18)

From Creative Retirement Manitoba:

Farrell Fleming, Executive Director;

Sybil Shack, Board Member;

Jean Carson, Board Member;

Win Lindsay, Board Member;

Alan Klass, Former Board Member.

Wednesday, October 7, 1987 (Issue No. 18)

From the Manitoba Society of Seniors Inc:

Marguerite Chown, President;
Carol Robertson, Executive Director;
Bea Sharp, 2nd Vice-President.

From the Centre on Aging, University of Manitoba:

Neena Chappell, Director.

From the Senior Citizens "Action Now" Association Inc. (Saskatchewan):

Frances Petit, President.

From the Age and Opportunity Centre: (Winnipeg)

Robert Stewart, Executive Director;
Judith N. Schilling, Assistant Executive Director.

Wednesday, October 21, 1987 - In Toronto (Issue No. 19)

From the Social Planning Council of Metropolitan Toronto:

Jean Woodsworth, Vice-president;
Arminie Yalnizyan, Assistant Program Director;
Jeffrey Patterson, Senior Program Director.

From the Ontario Coalition of Senior Citizens' Organizations:

Stanley Sugarbroad, President;
Harry Fields, Treasurer;
Sheila Purdy, Legal Counsel;
Mark Frank, Membership Co-ordinator.

Thursday, October 22, 1987 - In Montréal (Issue No. 20)

From the NDG Senior Citizens' Council:

Dr. David Woodsworth, Board Member and Immediate Past President;
Catherine Wright, Coordinator;
Eva Woods, Member;
Johanna Fuchs, Member.

From the Senior Citizens' Forum of Montreal:

J.L. Hudon, President, Administrative Council;
Henri Brassard, Chairman, Revenue Committee;
Evelyn McOuat;
Lucette Hornblower, Director General.

Tuesday, January 26, 1988 (Issue No. 27)

From the Department of Labour:

Jennifer McQueen, Deputy Minister;
Greg Traversy, Assistant Deputy Minister, Policy.

From the International Labour Office (ILO):

John Harker, Director.

Wednesday, April 20, 1988 (Issue No. 32)

Individual:

Noël Kinsella, Chairman, New Brunswick Human Rights Commission.

Tuesday, May 3, 1988 (Issue No. 33)

From Employment and Immigration Canada:

John Hunter, Acting Executive Director, Employment Services;

Normand St-Jacques, Director General, Program Development and Policy Branch, Canadian Jobs Strategy;

Gary Fletcher, Acting Director General, Labour Market Outlook, Strategic Policy and Planning.

A copy of the relevant Minutes of Proceedings and Evidence of the Standing Committee on Human Rights (Issues Nos. 11, 12, 17, 18, 19, 20, 27, 33, 34 and 36, which include this Report) is tabled.

REGINALD STACKHOUSE,

Chairman

REQUEST FOR GOVERNMENT RESPONSE

[104]

TUESDAY, JUNE 25, 1986

(31)
In accordance with the provisions of Standing Order 99(2), your Committee requests that the government table a comprehensive response to this report.

A copy of the relevant Minutes of Proceedings and Evidence of the Standing Committee on Human Rights (*Issues Nos. 11, 12, 17, 18, 19, 20, 27, 32, 33 and 36, which includes this Report*) is tabled.

In Attendance: From the Research Branch of the Library of Parliament Jack Sulborn, Research Officer.

The Committee commenced consideration of the report of the House of Commons on its examination of Age Discrimination. Respectfully submitted,

At 11:22 o'clock a.m., the Committee adjourned to the call of the Chair.

TUESDAY, JULY 12, 1986

(32)

REGINALD STACKHOUSE,

Chairman

The Standing Committee on Human Rights met in camera, 307 West Block at 9:48 o'clock a.m. this day, the Chairman, Reginald Stackhouse, presiding.

Members of the Committee present: Ronald de Cornelly, Howard McCurdy, Walter McLean and Reginald Stackhouse.

Acting Members present: Bruce Jeffrey for Michael Tremblay and John Ostrom for Bob Atzved.

In Attendance: From the Research Branch of the Library of Parliament: Jack Sulborn, Research Officer.

The Committee took under consideration the revised draft of its report to the House of Commons on Age Discrimination.

MINUTES OF PROCEEDINGS

[Text]

TUESDAY, JUNE 28, 1988

(51)

The Standing Committee on Human Rights met *in camera*, in Room 307, West Block, at 9:55 o'clock a.m. this day, the Chairman, Reginald Stackhouse, presiding.

Members of the Committee present: Bill Attewell, Roland de Corneille, Walter McLean and Reginald Stackhouse.

In Attendance: From the Research Branch of the Library of Parliament: Jack Stilborn, Research Officer.

The Committee commenced consideration of a draft report to the House of Commons on its examination of Age Discrimination.

At 11:22 o'clock a.m., the Committee adjourned to the call of the Chair.

TUESDAY, JULY 12, 1988

(52)

The Standing Committee on Human Rights met *in camera*, in Room 307 West Block at 9:48 o'clock a.m. this day, the Chairman, Reginald Stackhouse, presiding.

Members of the Committee present: Roland de Corneille, Howard McCurdy, Walter McLean and Reginald Stackhouse.

Acting Members present: Bruce Halliday for Maurice Tremblay and John Oostrom for Bill Attewell.

In Attendance: From the Research Branch of the Library of Parliament: Jack Stilborn, Research Officer.

The Committee took under consideration the revised draft of its report to the House of Commons on Age Discrimination.

At 12:38 o'clock p.m., the Committee adjourned until 3:30 o'clock p.m. this day.

AFTERNOON SITTING

(53)

The Standing Committee on Human Rights met *in camera* in Room 307 West Block at 4:27 o'clock p.m. this day, the Chairman, Reginald Stackhouse, presiding.

Members of the Committee present: Roland de Corneille, Howard McCurdy, Walter McLean and Reginald Stackhouse.

Acting Member present: Alex Kindy for Andrew Witer.

In Attendance: From the Research Branch of the Library of Parliament: Jack Stilborn, Research Officer.

The Committee resumed consideration of the revised draft of its report to the House of Commons on Age Discrimination.

ORDERED,—That this report, once agreed upon, be printed as a Committee issue in an authorized report format with a special cover, and that, in addition to the 550 copies authorized by the Board of Internal Economy, 5,000 copies be printed at the Committee's expense.

At 5:05 o'clock p.m., the Committee adjourned to the call of the Chair.

WEDNESDAY, JULY 27, 1988

(54)

The Standing Committee on Human Rights met *in camera*, in Room 307, West Block, at 3:50 o'clock p.m. this day, the Chairman, Reginald Stackhouse, presiding.

Members of the Committee present: Bill Attewell, Roland de Corneille, Walter McLean, Reginald Stackhouse, Maurice Tremblay and Andrew Witer.

In Attendance: From the Research Branch of the Library of Parliament: Jack Stilborn, Research Officer.

The Committee considered a revised draft of its report to the House on Age Discrimination.

RESOLVED AND ORDERED,—That the revised draft report, as amended, be the report of this Committee to the House of Commons on its examination of Age Discrimination, with the Appendices listed below:

- a) critical survey of literature on this subject;
- b) the meetings held on this subject;
- c) the witnesses heard, with dates and issue numbers.

—That the Chairman be authorized to supervise the final preparation of the report as adopted, with appendices, and present it to the House when it is completed, or, if the House is not sitting, to deposit it with the Clerk of the House.

At 5:05 o'clock p.m., the Committee adjourned to the call of the Chair.

Donald G. Reid
Clerk of the Committee





Parlement Jack Shihorn, attaché de recherche.

Le comité étudia une version modifiée du projet de rapport sur le rapport consacré à l'inégalité de traitement fondée sur l'âge.

Le rapport est arrêté en ordonnance. Les 10 projets de rapport, sous les termes modifiés, sont le rapport du comité de la Chambre des communes document dont se servit cette dernière lors de son étude de la question de l'inégalité de traitement fondée sur l'âge, y compris les annexes.

- a) étude critique des publications liées à cette question;
- b) témoins convoqués à cette question;
- c) témoins entendus dans de leur comparaison et numéros.

—Que le président soit autorisé à surveiller l'élaboration définitive du rapport ainsi adopté y compris les annexes, et à le présenter à la Chambre une fois complété, ou si celle-ci ne s'est pas le rapport, que le rapport de la Chambre.

À 17 h 02, le comité a tenu une nouvelle convention où le président a tenu un discours sur le rapport et les témoins entendus.

Le greffier a déclaré :

Donald D. Reid
1881 JUILLET 12 MARDI

Le Comité permanent des droits de la personne se réunit ce soir à 19 h 15 à la salle de conférence de l'édifice de l'Assemblée législative de la province de Québec, sous la présidence de Reginald Stackhouse, président.

Membres du comité : Bill Atwell, Roland de Corneille, Walter McLeod, Reginald Stackhouse, Maurice Tremblay et Andrew Wilton.