

ENDING MANDATORY RETIREMENT: LEGISLATIVE CHANGES

Ending mandatory retirement would require changes to a number of Ontario statutes. Here are the key amendments.

Ontario Human Rights Code:

- The definition of “age” in subsection 10(1) of the code would be amended to remove the age 65 cap on discrimination in employment.

Employment Standards Act, 2000:

- Currently, the Employment Standards Act, 2000 (ESA) provides that an individual whose employment is terminated at age 65 as a result of a mandatory retirement policy or practice is not entitled to notice of termination or pay in lieu. With the elimination of mandatory retirement, all eligible employees, regardless of age, would be entitled to receive notice of termination or pay in lieu of notice when their employment is ended by the employer. However, employees who continue to be subject to a mandatory retirement policy or practice that is permitted under the Human Rights Code would not be entitled to notice of termination or pay in lieu.

Election Act:

- The provision that the Lieutenant Governor in Council may remove from office any returning officer who is 65 years of age would be repealed.

Health Protection and Promotion Act:

- The provision for the mandatory retirement of medical officers of health and associate medical officers of health at age 65 would be repealed.

Ombudsman Act:

- The requirement for the retirement of the Ombudsman at age 65 would be repealed.

Coroner's Act:

- The requirement for the retirement of coroners at age 70 would be repealed.

Public Service Act:

- The requirement that Ontario government civil servants retire at age 65 would be repealed.

Workplace Safety and Insurance Act, 1997:

- The Workplace Safety and Insurance Act, 1997 and its predecessor, the Workers Compensation Act, and all regulations, policies and decisions made under them would be exempted to allow maintenance of the status quo.

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