

STATEMENT TO THE LEGISLATURE

BY

THE HONOURABLE CHRIS BENTLEY

MINISTER OF LABOUR

REGARDING:

ENDING MANDATORY RETIREMENT

STATUTE LAW AMENDMENT ACT, 2005

QUEEN'S PARK

JUNE 7, 2005

(CHECK AGAINST DELIVERY)

Thank you Mr. Speaker.

Today, the McGuinty government has introduced legislation that would end the practice of mandatory retirement. This legislation recognizes what we all should already know -- that your skills, ability, drive and determination do not stop once you turn 65. It recognizes that those who are 65 and older should enjoy the same right to earn a living, and contribute to society, as those who are younger.

We have presented legislation that would end mandatory retirement while not undermining existing pension, benefit and early retirement rights. Ours is a fair, reasonable and rational approach that will not undermine those benefit, pension and early retirement rights that so many depend on.

People should have the right to choose their life's path to as great an extent as possible. The right to choose should not be restricted only to a few, such as politicians and the self-employed.

Someone who is 64-years, 364-days-old does not become disposable just because a calendar page flips. Sir John A. Macdonald was 76 when he was elected prime minister for the last time in 1891. Long-serving, New Democrat MP Stanley Knowles was last elected at age 71 and Ed Broadbent, the former leader of the federal New Democratic Party, ran successfully in the last federal election at age 67.

When Winston Churchill became Prime Minister of Great Britain, at the height of that country's wartime peril, he was 65. Nelson Mandela became president of South Africa at age 77. Scotty Bowman didn't retire as an NHL coach until he was 69. Lloyd Robertson continues to anchor the CTV national news at the age of 71. And American astronaut John Glenn was orbiting the Earth aboard the space shuttle *Discovery* in 1998 at the age of 77.

Back in 1966, age became a prohibited ground of discrimination in employment. But not for individuals 65-years-of-age or older. While that was considered appropriate in 1966, we don't consider it to be so today.

In June, 2001, the Ontario Human Rights Commission released a paper entitled “Time for Action: Advancing Human Rights for Older Ontarians”. In it, the Commission asserted that mandatory retirement policies undermine the dignity and sense of self-worth of older workers.

The Commission called for a change to the definition of age in the Human Rights Code to end mandatory retirement.

It was a timely paper. When the Human Rights Code was first enacted, the so-called Baby Boomers were still children or teenagers. The demographic situation then was significantly different than the one we have today.

Ontario, like many other jurisdictions, currently has an aging workforce. There are about 1.5 million seniors in Ontario right now.

By 2028, we expect to have about 3.2 million seniors in the province. Think of it. That’s more than double. In just 24 years.

In 2002, 36 per cent of the total working-age population in Canada – those people between age 15 and 64 – fell within near-retirement age of 45 to 59. That share is expected to grow to 39 per cent by 2006.

Mandatory retirement is an outdated concept in the context of a society where we live longer and healthier lives.

A report recently prepared for Statistics Canada stated that, while many Canadians want to retire before they reach 60, many older Canadians choose to -- or need to -- continue to work.

In 2001, 11.8 per cent of the Canadian population aged 65 to 69 was employed. More than 20 per cent of workers aged 45 and up planned to retire after age 65 or not at all. Many people enjoy their jobs and feel that working is the way they can best contribute to society.

A recent international survey by the HSBC international banking group revealed that people around the world overwhelmingly believe they should have the right to work until any age they choose.

Some people simply cannot afford to retire. Roughly one-third of working women feel financially unprepared for retirement, compared to 29 per cent of working men.

Also, people who support and care for other family members may need to continue working.

Our research has shown, Mr. Speaker, that while ending mandatory retirement gives people choice in their lives, it also has no negative consequences for young workers. Other jurisdictions that have ended mandatory retirement have not seen a resulting stagnation in employment opportunities for young people.

In fact, Mr. Speaker, there's a trend over recent years towards earlier retirement. The average retirement age has decreased.

Every worker would have the choice whether to work but not every worker would exercise that choice. Approximately 100,000 people reach 65 every year, some have estimated as many as 4,000 would continue to work.

We recognize that ending mandatory retirement is a significant societal shift. Both in attitude and in practice. It's complex. There are a lot of issues and concerns. A lot of opinions and positions to consider.

And we have considered the issues in a fair, reasonable and prudent way.

Our legislation would, if passed:

- Amend the Ontario Human Rights Code to ensure that people 65 and older could not be forced to retire

- Provide a one-year transition period to allow workplaces to prepare for this change. The legislation would be effective one year after receiving Royal Assent.
- Prohibit collective agreements from including mandatory retirement. Mandatory retirement provisions in existing agreements would no longer be enforceable once the legislation took effect.
- The “*bona fide* occupational requirement” provisions, which are permitted under the Human Rights Code, will continue. By that, we mean employment requirements or qualifications that are necessary for the performance of essential job duties.
- Further, the legislation would not have an impact on pension benefits already earned.
- Not change the age at which individuals could collect from the Canada Pension Plan.
- Not undermine the benefit plans of workers of all ages now receiving benefits.
- Individuals aged 65 and more will continue to be eligible for government benefits such as the Ontario Drug Benefit Plan.
- Entitlements under the Workplace Safety and Insurance Act, 1997, would not change. Injured workers aged 63 or more at the time of injury would continue to be able to receive loss of earning benefits for up to two years. Workers injured at an age less than 63 would continue to receive loss of earning benefits until age 65.

Mr. Speaker, we developed the content of our legislation in a very public way. We released our public discussion paper last August and my parliamentary assistant Kevin Flynn, MPP for Oakville, travelled the province in September, holding public meetings where 100 private individuals, and 50 groups and organizations spoke to us directly. We also held 17 discussion sessions with experts and industry representatives.

We listened, and have incorporated many of your suggestions. This government has worked carefully in writing this legislation. We as a government believe that the legislation placed before the House today, Mr. Speaker, provides comprehensive, fair and equitable ways of meeting the issues and challenges that have been identified.

I ask all members of the House to give this Bill speedy consideration. Let us give those who turn 65 the right to choose whether they will work or not – the same right those not yet 65 take for granted. It's the right thing to do.

Thank you, Mr. Speaker.