

# Mandatory retirement 'reasonable and justified'

By Stephen Bindman

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A 72-year-old world-renowned Métis historian has lost her seven-year fight against forced retirement from the University of Alberta.

The Supreme Court of Canada divided along sex lines and ruled Thursday the university's policy of mandatory retirement at age 65 is a "reasonable and justified" form of age discrimination.

The 4-3 ruling means Olive Dickason, a former journalist who has written several books on aboriginal history, will soon have to leave her post at the Edmonton university where she has taught since 1975.

Six other professors, who have been allowed to stay on the job pending Thursday's ruling, will also be forced to quit.

Mr. Justice Peter Cory said forced retirement allows universities to renew their faculty by introducing younger professors and supports the system of tenure which enhances academic independence.

"No obvious alternative policy exists which would achieve the same results without restricting the individual rights of faculty mem-

bers," Cory wrote for the majority.

"The fact that the practice is the result of a fair and freely negotiated collective agreement supports the conclusion that the practice is reasonable and justifiable."

But the two women on the court — Justices Claire L'Heureux-Dubé and Beverley McLachlin — delivered a stinging critique of the justifications for forced retirement.

They said the policy has "devastating" effects on older workers.

"One of the most persistent prejudices in our society is that old people are uniformly senile and physically incapacitated," wrote L'Heureux-Dubé.

"It is obvious that the blanket policy of firing people when they become old has nothing to do with assessing their contribution or their overall competence but rather relies on a stereotype of declining abilities with age."

Forced retirement, they wrote, has a particularly harsh impact on women.

When she was forced to retire in 1985, Dickason challenged the policy, which was included in the university's collective agreement, as a violation of the province's Individual Rights Protection Act.