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By E-mail: 1 page plus attachment

Government Moves to Eliminate Mandatory Retirement

On Wednesday, April 25, 2007, the provincial government introduced Bill 31, *Human Rights Code (Mandatory Retirement Elimination) Amendment Act, 2007*. The proposed legislation will eliminate mandatory retirement by revising the provincial *Human Rights Code* (the "Code"). Currently, "age" is defined in the *Code* as "an age of 19 years or more and less than 65 years." Bill 31 will change that definition to "an age of 19 years or more." If the legislation is enacted, the change will extend protection from age discrimination to those 65 and over. Employees will therefore have the choice of whether to continue working past age 65.

The amendments to the Code will take effect January 1, 2008. The proposed legislation will not be retroactive and, consequently, employers will not be required to re-employ staff who retire before the legislation comes into force.

Bona fide retirement, superannuation or pension plans will continue to be able to make distinctions on the basis of age, as they do now, such as specifying early and normal retirement ages. The legislation will also continue to permit age-based distinctions under bona fide group or employee insurance plans, including those that are self-funded by employers or provided by a third party.

The proposed legislation will allow distinctions on the basis of age if that distinction is permitted or required by any Act or regulation. Therefore, statutorily mandated retirement schemes are allowed to continue without contravening the Code.

The current exemption in the Code for bona fide occupational requirements will remain.

Attached is the provincial government's backgrounder on Bill 31, which includes the government's answers to the top 10 questions regarding the proposed legislation. The bill is currently in first reading.

Questions

Please direct any questions on the proposed legislation to:

Jennifer Jamieson, Legal Counsel and Coordinator, Legal Services
Tel: 604.730.4505 E-mail: jenniferj@bcpsea.bc.ca

Attachment: Provincial Government Backgrounder