

**QUFA Submission on Mandatory Retirement**  
**Wednesday, September 17, 2004**  
**Kingston, Ontario**

**Introduction**

The Queen's University Faculty Association (QUFA) is the exclusive bargaining agent for faculty, librarians, and archivists at Queen's University. QUFA's mandate is to represent the collective view of our members to the University and to promote the following: the interests of academic staff; equity in recruitment, hiring, and employment of our members; and academic interests within our city, our province, and our country. In addition, QUFA undertakes to communicate the collective view of our Association to parliamentarians and to appointed bodies concerned with the development of policy on issues affecting post-secondary education.

We appreciate the opportunity to address the Ministry of Labour, and participate in the changing of mandatory retirement policy in Ontario.

We wish to use our time today to lobby against any exemption for universities from proposed changes to the Ontario Human Rights Code and other provincial legislation, and to detail the reasons behind our position.

Firstly, QUFA believes it is vital to give our members the same freedom of choice of when to retire as enjoyed by members of other professions in Ontario, and entire working populations in other provinces in Canada. This freedom is especially important to those faculty members who have had a late start, or interruptions, to their careers. The average age of faculty members entering tenure track positions is higher today than it has been in recent decades: many new hires are over 30 years of age and will not attain tenure until they are close to 40. Our women faculty and those immigrating to work in Canadian universities are a growing segment of the professoriate. These groups in particular need time to amass adequate pensions so they can afford to retire. The right to work past age 65 should be a fundamental human right and the citizens of this Province should be afforded protection from age discrimination under the Ontario Human Rights Code and other legislation.

**Tenure**

Arguments for mandatory retirement based on a perceived link to tenure in universities are faulty. The existence of the tenure system does not justify forced retirement at age 65, or at any age. Tenure is an essential protection of academic freedom – it is entirely separate from the processes of hiring, academic renewal, discipline and dismissal. The collective agreement between QUFA and Queen's University states that:

“A Tenured appointment is a faculty appointment with academic rank and a full range of academic responsibilities, which can be terminated only by normal retirement, resignation, voluntary early retirement, dismissal for cause, or layoff pursuant to this Agreement.” (25.3.1(a) of FLA CA)

Tenure is achieved after six or seven years in limited term contracts (initial and renewed appointments). It provides necessary protection from reprisals

for pursuing controversial or unpopular avenues of scholarly research. In addition to provisions for review and renewal of appointments and tenure review, our current collective agreement lays out the provisions for evaluation; including an annual performance review of all faculty, librarians and archivists at Queen's. These scheduled reviews, along with the promotion review process, (that is progression from Assistant to Associate to full Professor) provide evidence of faculty members' productivity and development over their careers. As in any other workplace, managers in the university sector have the tools to address under-performance by an employee at any stage of his or her career. Relying on Mandatory Retirement as a means of "quality control" among employees is unnecessary and not sound management practice.

### **Academic Renewal**

Hiring of new faculty is not dependant on Mandatory Retirement. Hiring of new faculty requires planning and adequate funding. Until this year, and for the past 10 years, Queen's University has offered an early retirement incentives program. This program has given the University years of experience in planning around non-mandatory retirement dates. We are facing a critical shortage of faculty in Ontario in the coming years. Including flexible retirement dates into the planning and preparation for this demographic shift could help alleviate some of the negative impact. Much academic renewal today involves recruitment of mid-career and senior level scholars as well as issues of retaining these employees -- it is no longer a case of the old making way for the young.

Experience in jurisdictions where mandatory retirement has been eliminated, particularly the United States and Quebec, indicates that most faculty still choose to retire before age 65. Only a few continue beyond that age. Highly unlikely are the predictions of masses of septuagenarian faculty hanging on to their jobs forever.

### **Conclusion**

The University as a workplace is not fundamentally different from any other workplace in Ontario. Eliminating mandatory retirement will not have a more profound impact or cause more difficulties than anywhere else. University Professors, Librarians and Archivists should share the same rights, obligations and freedoms as other working people in Ontario. Discrimination in employment based on age is no longer viable or defensible. The Government has stated it is committed to ending the practice. We expect Ontario's universities to be included.

QUFA is available to answer any follow-up questions or concerns:

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