

# CUASA COMMUNIQUÉ

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## **Where has fall term been going, going ...? Almost gone...!**

I bet you have all noticed that CUASA is not in negotiations this year! It is turning out to be a year of consolidation as well as trying out a few new things in our organization. CUASA Steering Committee held a retreat last February and in the next couple of months, we will follow up on some of the ideas that came out of that meeting.

In the meantime, various projects have kept us busy:

- a seminar on preparing for retirement
- workshops on teaching and teaching evaluations for new faculty
- a series of general orientations to CUASA in collaboration with the Educational Development Centre (EDC)
- a tenure and promotion workshop as part of EDC's day long new faculty orientation

CUASA has also been active in representing the interests of members to various bodies dealing with issues of concern to faculty. CUASA members have made representations and attended meetings at national and provincial levels:

- CAUT New President's Workshop (Fran Cherry)
- CAUT Defence Fund Committee meeting (Fran Cherry and Mark Langer)
- Senior Grievance Workshop (Gerald de Montigny)
- OCUFA Council (Fran Cherry and Mark Langer)
- The Ontario Ministry of Labour's mandatory retirement hearings (Deborah Gorham, Kantah Marwah, Fran Cherry and Pat Finn). See Deborah Gorham's report below.
- Rae Commission Post-Secondary Education Roundtables (Manfred Bienefeld, François Brouard, Thomas Kunz)
- OCUFA Collective Bargaining Committee Meeting (Pascale Champagne)

CUASA's Executive-Director, Pat Finn, is on sabbatical at the University of Ghana (Accra). Alistair Tilson is filling in for her until April.

The biggest challenge for us throughout the summer and fall months has been to move forward on the backlog of outstanding grievances. Our representatives at the Salary Adjustment Commission have returned. Decisions taken by the Commission had challenged our rights as a union but we were able to assert our authority to represent members. While outstanding grievances remain a concern, steady and satisfactory, albeit somewhat slow, progress is being made.

We have welcomed some new members to Council — it is good to see new faculty becoming active members. I encourage you to see if your unit is fully represented on CUASA Council. If not, contact Sonya Lipsett-Rivera, our Elections Officer (ext. 8161), and come participate.

*Fran Cherry*

*President*

### **Abolition of Mandatory Retirement at Ministry of Labour Consultation**

Ontario's Liberal provincial government is taking action on mandatory retirement. To that end the Ministry of Labour conducted public hearings throughout the province, offering groups and individuals an opportunity to respond to the Ministry of Labour's August 2004 document, "Providing Choice: A Consultation Paper on Ending Mandatory Retirement".

CUASA was one of the groups presenting a brief at the consultations in Ottawa on September 23, 2004. We spoke in favour of the Ontario government's proposal to end mandatory retirement and in opposition to efforts by Ontario's university administrators to secure an exemption from the legislation. (Carleton's administrators, led by Vice President Alan Harrison, presented a brief at the consultation, asking for such an exemption.) We were represented at the table by Fran Cherry, CUASA President; Pat Finn, Executive Director; Kanta Marwah and Deborah Gorham. Deborah Gorham read the CUASA statement, which she had prepared with assistance from Pat Finn.

Here are some highlights from the CUASA Statement:

First, CUASA emphasized that mandatory retirement is a form of age discrimination and that it has been recognized as such by the Ontario Human Rights Commission and in many other jurisdictions in Canada and elsewhere:

"We are delighted that Ontario's Liberal government intends to carry through on Premier Dalton McGuinty's election promise to treat Ontario's older citizens with respect and dignity. The abolition of forced retirement and the protection of Ontarians over 65 from discrimination on the basis of age is one important step in fulfilling this commitment.

As you know, for several years the Ontario Human Rights Commission undertook an extensive study of discrimination and age: The OHRC produced "Time For Action: Advancing Human Rights for Older Ontarians," in June 2001. In "Time For Action" the Human Rights Commission cogently argues that forced retirement is part of a general pattern of age discrimination and calls for its abolition through the amendment of Section 5 (1) of the Ontario Human Rights Code. This would bring Ontario into line with other jurisdictions in Canada, the United States, and other parts of the world.

We believe that mandatory retirement is first of all a violation of an individual's human rights. Forcing people to retire at 65 is indeed a form of age discrimination. Moreover it doesn't make sense from the point of view of social justice and social and economic policy. Canadians today are living longer and are healthier than ever before. A competent worker does not become incompetent simply because she or he reaches the age of 65. It may be convenient for management in business and the public service sector to establish an arbitrary date for forced retirement, but it is unfair to the older worker. For many workers whose paid labour force participation has been shorter than average, it can bring severe economic hardship. As research has demonstrated, this can be especially true for women and for immigrants to Canada"

Second, we stressed our support for an individual's right to retire at 65, if he or she so chooses: "While calling for the abolition of forced retirement, we emphasize that CUASA at the same time supports the hard won pension and benefit entitlements that workers have achieved"

Finally, we argued against any exemption from the legislation for universities, or any delay in implementation: "University administrators in Ontario like mandatory retirement: they would like to see our occupation exempted from the proposed legislation and if they can't achieve that, they would like to delay its implementation for several years. Please don't agree to their requests. Universities have had more than adequate time to adjust to the elimination of mandatory retirement."

We concluded as follows: "The assumption is often made, in universities as in other work places, that older workers are less competent and less open to new ideas than younger workers. Research demonstrates that this is not the case. Moreover, concerning the practical issue of renewal, the assumption that the abolition of forced retirement would be extremely costly to universities is false, as is the contrary assumption that its elimination would do much to solve the crisis of faculty shortage. Studies done in the United States and in Canada in jurisdictions where mandatory retirement has been eliminated demonstrate that the vast majority of professors continue to retire before the age of 65, even when they no longer have to do so.

For universities, then, forced retirement is primarily a human rights issue. If they are to remain humane institutions, our Ontario universities need to avoid policies that foster prejudice and discrimination. Mandatory retirement at 65 subtly supports the notion that older workers are less creative, less flexible and less competent than younger workers. As studies on aging have demonstrated, these are myths, not realities."

CUASA was not the only Academic Staff Association to appear before these hearings arguing for the removal of mandatory retirement. Our colleagues at Queen's (the Queen's Faculty Association) presented a similar brief in at the consultations in Kingston on September 17.

The full text of the CUASA brief, "Carleton University Academic Staff Association Presentation for Ministry of Labour Consultations on "Providing Choice" Ottawa, September 23, 2004", is posted on the CUASA website.

*Deborah Gorham*