



# University of Prince Edward Island FACULTY ASSOCIATION

2008-09 Officers & Staff

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PRESS RELEASE

For immediate release.

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## **Six complaints now filed against UPEI's mandatory retirement policy.**

Five faculty members and one staff member at UPEI have filed complaints with the Human Rights Commission alleging that the University's mandatory retirement policy discriminated against them when they were forced to retire at age 65.

The first complaints from faculty were filed in the late fall of 2005 by Professors Thomy Nilsson and Richard Wills. These were followed by a complaint from Professor Barry Bartmann. Most recently, Professors Ron Collins and Robert O'Rourke, both of the School of Business, filed complaints in late June 2008. After almost three years since the first complaints, the Commission has still not scheduled a hearing to deal with any of these cases.

"The UPEI Faculty Association continues to support these retired faculty members in their fight to regain their employment status with the University and to see its mandatory retirement policy eliminated", says the Union's media spokesperson, Wayne Peters. "The Union's position is simple. The policy is discriminatory and should be eliminated". The Union also filed grievances with the University on behalf of each of the faculty who were forced to retire.

The Union takes this position despite the fact that it signed a collective agreement with the Employer in 2006 which continued the mandatory retirement provision. Peters notes that the Union did so at the time with the University's agreement that the provision would be eliminated should the Human Rights Commission rule it to be discriminatory.

"We were trying to end a strike", Peters says. "Mandatory retirement was one of a number of outstanding issues. To get back to work and salvage the semester for the students, we chose to rely on the Commission to deal with the policy knowing that, should it be ruled discriminatory, it would be declared null and void under the agreement's savings clause", Peters says. "We never expected to still be waiting for a hearing after all this time", he added.

Professor Nilsson's complaint was originally dismissed by Greg Howard, the Executive Director of the Human Rights Commission at the time, because the mandatory retirement policy was deemed to be part of the University's retirement and pension plan. "Mr. Howard's decision to dismiss this complaint stated that the University's policy did discriminate on the basis of age contrary to Section 6 of the Human Rights Act but that such discrimination was allowed under an exception provided by Section 11", says Peters. On appeal, the Commission Chair, Richard Montigny, ruled in November 2006 that the complaint should not have been dismissed by the Executive Director and that there was sufficient evidence of discrimination to warrant a public enquiry.

"So, we wait for a hearing", says Peters. "We're hopeful it will be scheduled soon and confident that a ruling of discrimination will eventually be handed out to end the University's discriminatory policy. Until then, look for new complaints and grievances to be filed every six months when more members are forced to retire".

- 30 -

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