



University of
Prince Edward Island
FACULTY ASSOCIATION

PRESS RELEASE

For immediate release.

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Human Rights Commission deems UPEI's mandatory retirement policy discriminatory.

After more than four years, the PEI Human Rights Commission has ruled that UPEI's mandatory retirement policy is discriminatory on the basis of age under the Province's Human Rights Act. This ruling upholds the complaints filed by two former UPEI faculty members, Professors Thomy Nilsson and Richard Wills, and a third former University employee, Yogi Fell. The Commission's decision, dated February 18, 2010, will also apply to three other former members of the University's faculty, Professors Robert O'Rourke, Ron Collins and Barry Bartmann, who also filed complaints challenging the University's policy.

The Commission's decision was significant in another regard in that it found that the Faculty Association, which represents academic staff at UPEI, did not act in any way to cause or to contribute to the discrimination against the complainants. The University had argued that the Association should share in any liability in regards to the complainants since its collective agreement with the University contained the policy. The Commission, however, found that the policy was never negotiated by the parties; it was imposed by the University, leaving the University fully responsible for the discrimination and fully liable for damages being sought by the complainants.

"From the start, the Faculty Association has maintained that the University's policy is discriminatory", says President David Seeler, "so we are extremely pleased with this outcome both for the complainants and our entire membership. It means that the policy will be eliminated at the University and struck from both of our collective agreements". The Association's collective agreements contain a clause which declares null and void any article which is found to be in conflict with any provincial statute. Despite the potential to share in any liability, the Faculty Association supported the complainants and worked to see the policy abolished. Today, it congratulates the complainants and commends them for their perseverance in fighting this battle.

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