

Citation: Charney, Robert E & Matthew Horner, “Defending Age Distinctions in employee Benefits After the Elimination of Mandatory Retirement” (2013) 17:1 CLELJ 255

Abstract: Approaching the issue through their review of several recent court and tribunal decisions, the authors argue that the legislative policy choice in Ontario and other jurisdictions to permit age-based distinctions in the provision of benefits to employees over age 65, notwithstanding the abolition of mandatory retirement, was not only reasonable but necessary. That choice, in their view, represents a fair, and amply justified, balance between the right of individual employees to continue working past 65, and the right of employees as a collectivity to freely negotiate benefit provisions and group insurance plans that are the interests of the group as a whole.