

NEWSBLAST

December 12, 2006

As 2006 draws to a close, two important developments on the legislative front in Ontario – both affecting human rights - merit close attention:

Mandatory Retirement Ends in Ontario

As of today, December 12, 2006, an amendment of the Ontario *Human Rights Code* ("*Code*") enacted one year ago comes into force, extending protection to all persons aged 18 and over against discrimination in employment on the basis of age.

Generally speaking, this means that employers who are subject to Ontario's labour and employment laws cannot make decisions about hiring, promotion, training opportunities, or termination on the basis of an employee's age. However, an employer may be able to defend a mandatory retirement policy on the basis that retirement at a given age is a *bona fide* occupational requirement.

The provision of medical, dental, disability and insurance benefits to employees aged 65 and older will remain at the discretion the employer. As well, exemptions in the *Code* and the *Employment Standards Act* and Regulations mean that differential provision of benefits to employees aged 65 and older will not offend the *Code*. Similarly, age-based distinctions under the *Workplace Safety and Insurance Act* will not offend the *Code*.

For more information, please contact any member of the Sherrard Kuzz LLP Team.

The Human Rights Code Amendment Act, 2006

Bill 107 received Third Reading and was passed by the Ontario Legislature on December 5, 2006. It has not yet received Royal Assent, and is not yet in force.

The Bill has been the subject of criticism and controversy not only because of significant changes it will produce for the Province's human rights machinery, but because the Liberal Government recently, abruptly closed debate on the Bill.

When the *Human Rights Code Amendment Act, 2006* takes effect, a new human rights complaints process will be implemented in Ontario, involving such elements as a new Human Rights Tribunal to which complainants will directly file complaints, a Human Rights Commission with a revised focus on addressing discrimination through proactive measures, and a publicly-funded Human Rights Legal Support Centre.

We will continue to track developments in this area and advise in due course. In the interim, if you have questions regarding Bill 107, please contact any of our lawyers.

416.420.0738 24 Hour www.sherrardkuzz.com