

THE IMPACT OF AGE DISTINCTIONS IN LAW AND POLICY ON TRANSITIONS TO RETIREMENT

by

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EXECUTIVE SUMMARY

The impact on the transitions to retirement of various age distinctions in law and policy are examined in a number of areas: age discrimination and human rights legislation; the Charter of Rights and Freedoms; Supreme Court and other court decisions on mandatory retirement; bone fide occupational requirements; employer-sponsored pension plans; public pension plans; private registered retirement savings plans; personal income taxes; disability pensions; income tax credits and supports for disabilities; employment insurance sickness benefits; and social assistance. Mandatory retirement is then singled out for special attention since it best highlights the age distinction in law and policy, as well as the difficult trade-offs and misunderstandings that are involved in this controversial area. Particular attention is paid to the key policy triggers or design and implementation details of the different policy initiatives that can affect the transitions to retirement. The paper concludes with a policy discussion emphasising possible changes to key features of laws and policies that are barriers to flexible transitions to and from retirement and how they and other policies could be altered to facilitate flexible transitions. As well, the policy discussion outlines key policy trade-offs that are involved in such changes and how any adverse effects could perhaps be mitigated. Key recommendations for reform are advanced.