

**MANDATORY RETIREMENT AND NEGOTIATION
OUTCOMES IN BRITISH COLUMBIA UNIVERSITIES**

by

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Abstract

This study examines mandatory retirement policy in British Columbia's universities. It draws on institutional data and elite interviews to identify the lessons that can be learned from other jurisdictions that have abolished mandatory retirement. Elite interviews are conducted with faculty association and university representatives from five institutions (UBC, SFU, UVIC, UNBC, and U of T). The purpose of the research is to examine why some universities in jurisdictions where mandatory retirement is permitted have been able to abolish mandatory retirement and others have not. The study finds that the primary barriers preventing the abolition of mandatory retirement in BC universities are faculty salary costs, pension and benefit costs, human resource planning, and performance evaluations. The results demonstrate that BC universities could facilitate agreements to abolish mandatory retirement if they did so in conjunction with phased retirement options and small changes to pension and benefit structures.

Keywords: mandatory; retirement; policy; barriers

Subject Terms: Introduction; background; methodology; results; policy analysis; recommendations

Executive Summary

This study examines mandatory retirement policy in BC universities. The data are drawn from Statistics Canada, the Canadian Association of University Teachers (CAUT) Almanac, and university fact books as well as elite interviews. The interviews were conducted with faculty association and university administrator representatives from five institutions: University of British Columbia (UBC), Simon Fraser University (SFU), University of Victoria (UVIC), University of Northern British Columbia (UNBC) and University of Toronto (U of T). The interviews from U of T are included because the institution abolished mandatory retirement in a similar climate to that currently found in BC with imminent provincial legislation. The interviews from UNBC are included to provide insights into how an institution within BC was able to abolish mandatory retirement prior to any clear signal that the province would be acting to abolish it. Based on the analyses, I draw a number of conclusions about mandatory retirement policy in BC universities, including, but not limited to, the following:

- The primary barriers to the abolition of mandatory retirement in universities are:
 - UVIC: costs, faculty renewal and human resource planning;
 - UBC: performance evaluation, costs and human resource planning; and
 - SFU: performance evaluation, human resource planning and costs.
- Both the faculty association and university representatives at all the institutions with mandatory retirement (UBC, SFU and UVIC) believe it is in their best interest to negotiate an agreement prior to provincial legislation.
- The UNBC agreement that abolished mandatory retirement does not provide a good model for the other three institutions, but it has affected the concessions that the university administrators expect to receive from their respective faculty associations.
- The UNBC and U of T agreements indicate that in order for an agreement to be reached by the two parties regardless of provincial legislation, the faculty associations should be willing to help the universities mitigate or eliminate the costs of a change in policy, and the university administrations should be willing to abandon their desire to have a change in policy contingent on new performance evaluation structures.
- It is likely that BC universities will continue to negotiate this policy without much success prior to provincial legislation abolishing mandatory retirement.

- Ultimately the most effective negotiation outcome is for the abolition of mandatory retirement with phased retirement in conjunction with minor pension and benefit structure changes prior to provincial legislation.

*To my parents for their love and support
and my beautiful fiancé
for encouraging me, pushing me, and tolerating me.*

*Without these people in my life,
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1 Introduction

As the baby boom generation approaches retirement age, retirement issues have become of paramount importance to legislators, employers and employees. One hotly debated issue is whether employers should be permitted to have mandatory retirement. This is a complex issue. Several factors such as demographic changes, social changes, legislative changes, and economic demands shape society's views about when older workers should exit the workforce. The policy, though, is typically discussed in terms of its economic utility and the human rights implications for older workers. Further issues affecting mandatory retirement include legislation to regulate employment, negotiated contractual agreements, pension plans and other individually planned retirement programs.

Within Canada, three provinces have human rights codes that terminate their protections/coverage at the age of 65 (Federation of Post-secondary Educators of BC, 2006). These provinces are British Columbia (BC), Saskatchewan and Newfoundland. This allows employers to apply mandatory retirement at the age of 65 since affected individuals will be unable to contest this practice based on the human rights code. Additionally, all provinces permit mandatory retirement where it is a bona fide occupational requirement such as for pilots and police officers.¹

The landmark court decision on mandatory retirement in general was rendered in *McKinney v. the University of Guelph (1990)*. The Supreme Court of Canada ruled that mandatory retirement at age 65 was acceptable discrimination under section 15 of the Charter of Rights and Freedoms². The court considered mandatory retirement justified because it aided in the facilitation of organized labour and served several key functions. These functions included: recruitment, avoiding productivity review and evaluations of older workers and allowing employers and employees financial planning. In spite of this landmark decision, a movement is under way to end mandatory retirement. Two jurisdictions (Manitoba and Quebec) have

¹A bona fide occupational requirement is a skill, aptitude, education component required by the individual that ensures they can perform the essential components of a job in a safe and reliable way.

²It should be noted that the court declared that the Charter protections against age discrimination do not apply to the acts of universities, as the Charter covers only the acts of governments. Hence the courts ruled that universities were sufficiently separate and independent entities from the government.

prohibited mandatory retirement practices since 1982 and 1983, respectively. More recently, the Ontario government passed the *Ending Mandatory Retirement Statute Law Amendment Act (2005)*, eliminating mandatory retirement on December 12, 2006.

The importance of retirement policy in Canada is highlighted by the current demographic shift of the Canadian population. Specifically, the proportion of people over the age of 65 is expected to increase from 12 percent to 25 percent by 2030. This shift has important implications for the number of working age people (defined as anyone between the ages of 15 and 64) in the Canadian economy (Statistics Canada, 2005). These numbers suggest that the Canadian labour force will shrink and the economy will slow if the government does not pursue policy interventions. Eliminating mandatory retirement is one policy alternative that will help to expand the number of eligible working age people in Canada. Hence, existing mandatory retirement policy will constrain the number of eligible workers in the Canadian labour force, which will have a negative effect on the Canadian economy and the government's fiscal capacity.

This study focuses on retirement policy in Canadian, specifically BC, universities. Universities are considered public entities in that they are primarily funded by the government; however, the courts have also ruled that universities are sufficiently separate from the government, so that the Charter protections do not directly apply to their employment practices. This paper will focus on the specific employment practices (mandatory retirement) within these institutions. The insight provided by analysis into mandatory retirement policy within universities informs the effects of existing public policy (that allows for mandatory retirement) on employment practices and implications of a change in policy on these practices in other institutions, including private-sector enterprises. The imminent change in public policy will restrict the actions of university administrations in that it will eliminate the current employment practice of mandatory retirement.

Retirement policy is an area of public policy with important implications for the public interest. Generally, the public has an interest in the health and stability of the Canadian economy. The twenty first century can be characterized by an increase in globalization and a shift from manufacturing intensive to knowledge intensive industries. The most valuable economic resource in today's economy is human capital. Canada's ability to perform economically will become increasingly reliant on its ability to manage and foster human capital. It is through human capital that research and development and innovation will be created and harnessed for economic utility. One sector that plays an important role in developing this function is post-secondary education. Universities provide teaching and research functions that are of primary importance in creating

research and development and innovation. Hence, mandatory retirement policy in universities has important implications for human capital (the labour force) and, as a result, the Canadian economy.

Numerous studies (see Gillin et al., 2005) have examined the arguments for and against mandatory retirement policy. Proponents suggest that it serves three primary functions. The first is the promotion of labour force renewal, which occurs through the exit of older workers and the entry of new younger workers. It is argued that without the exit of older workers there will be fewer positions available for younger workers. The second function is to allow universities to engage in resource management and plan for the future. The third is the preservation of tenure and the assurance of retirement with dignity. Proponents argue that this policy allows university administrators to avoid evaluating older staff and is an effective means of eliminating the poor performers. Opponents of mandatory retirement claim that demographic trends portend growing labour shortages, suggesting that the elimination of mandatory retirement will help meet labour market demands. Opponents further claim the functions noted by the proponents are not served by this policy, and further it is economically inefficient and a violation of human rights. Historically, these debates have primarily been undertaken within the field of academic employment. The reasons for this are several: the relatively high pay, intrinsic interest, and status of academic work; the low physical demands of the work; and perhaps the self-obsession or self-interest of academic researchers and advocates. Moreover, unlike most private-sector employment that is regulated solely by provincial human rights codes, there has been some uncertainty over whether Charter protections apply to university employees.

Currently in BC, the three largest Universities—the University of British Columbia, Simon Fraser University, and The University of Victoria (UBC, SFU and UVIC)—have mandatory retirement at the age of 65. The University of Northern British Columbia (UNBC) does not. However, the recent release (December 1, 2006) of a government commissioned report from the Premier’s Council on Aging and Seniors’ Issues (2006), entitled *Aging Well in British Columbia*, recommends that the BC Human Rights Code be changed immediately to prevent age discrimination in employment practices. If such a change does occur, mandatory retirement will become illegal in BC. In response to this report, Premier Gordon Campbell has vowed to pass legislation in the spring of 2007 that will abolish mandatory retirement (Gram and Kane, 2006). Mr. Campbell describes the aging population as a “silver tsunami” and the report is a “pathway” to develop policies for allowing the province to ride the “tsunami” and make it constructive and beneficial for society.

Given the recent provincial developments, this paper examines why some universities in jurisdictions where mandatory retirement is permitted have been able to abolish mandatory retirement and others have not. This information provides insight into the negotiation process and negotiation outcomes by determining the barriers³ preventing the abolition of mandatory retirement and how these barriers can be overcome at other BC universities that still practice it. The negotiation outcomes, in turn, highlight the key issues that must be resolved in order for BC universities to function when a new policy is implemented (i.e. change in provincial legislation eliminating mandatory retirement) and the implications for how the public policy should be implemented. This paper conducts a comparative analysis examining institution-specific characteristics and contexts within universities that were able to abolish mandatory retirement (UNBC and U of T) and universities in BC that have been unable to take that step. Through elite interviews with members of the faculty association and university administration at five institutions, my analysis determines the barriers preventing the abolition of mandatory retirement within the three largest universities in BC (UBC, SFU, and UVIC), the negotiation outcomes, and how the public policy should be implemented through provincial legislation.

³ A barrier in this context is any issue that the university administration believes would be negatively impacted by the abolition of mandatory retirement and therefore must be addressed prior to their reaching an agreement to change the policy.

2 Background

Mandatory retirement was implemented as a result of labour union efforts to secure labour agreements from their employers. The economy of the nineteenth century was one of hard physical labour, and employees were for the most part unable to work beyond their sixties. Life expectancy during this period was 66 years (currently in Canada it is 82 years) (Chappell et al., 2003). Unions fought to ensure that workers could spend their final years outside the workforce. The struggle to secure sufficient compensation from the Canadian government to support citizens who were no longer part of the workforce took place in conjunction with the fight for mandatory retirement. The first Old Age Pension began in 1925 and was followed by the Old Age Security Act in 1951. This Act provided financial support for people over the age of 70; it was accompanied by the Old Age Assistance Act which provided financial support for Canadians between the ages of 65 and 69. In 1965 the Canadian government introduced the Canadian Pension Plan for all working citizens under the age of 65. As a result of this development, eligibility for the benefits of Old Age Security was lowered to 65 and this became the standard age of retirement in Canada. It is only recently that this standard has been challenged (Whyte and Leifso, 2006).

One of the primary reasons mandatory retirement has come under scrutiny and become such an important public policy issue is the demographics of the Canadian population. It is projected that, for the first time in Canadian history, seniors 65 and over will outnumber children 15 and under by 2015. The implication of this demographic shift is a shrinking workforce that will be responsible for supporting an increasing number of non-working people. By 2031, it is expected that Canada will have between 8.9 and 9.4 million seniors over the age of 65. This demographic shift in the population is attributed to the aging of the baby boom generation and the low fertility rates that followed in subsequent generations. The first baby boom cohort will reach 65 in 2011 and will result in the number of seniors over the age of 65 accounting for 23-25 percent of the Canadian population by 2031. This marks a dramatic increase from the current level of 13 percent (Statistics Canada, 2006).

The aging population has a significant impact on the Canadian labour force. The working age in Canada is defined as any individual between the ages of 15 and 64. Currently, 70

percent of the population is considered working age. By 2030 the proportion of the population of working age is expected to decline to 60 percent. Additionally, it is expected that BC will have one of the highest median ages of any province in Canada (Statistics Canada, 2005 pg 3.). These projections suggest that the Canadian economy will be faced with a shrinking labour force. In the absence of offsetting policy interventions, economic growth will slow. This in turn may have a negative effect on the fiscal capacity of the government, which will simultaneously be burdened by increased use of social programs as a result of the aging population. One option for government is to increase opportunities for older workers to continue in the labour force (Canada, Policy Research Initiative, 2005). The abolition of mandatory retirement is one method of accomplishing this goal.

2.1 Legal Context

Mandatory retirement is a complicated policy in part because its use is not universal. Federal government employees are not required to retire at a predetermined age and are protected under the Charter of Rights and Freedoms. However, forced retirement at the age of 65 is still common in many universities in Canada and in particular in BC because they, like private sector employers, are not covered by the Charter. It should be mentioned that there is no legislative provision that requires retirement at any specific age, but employers and employees are free to enter into mandatory retirement agreements. Rather, private sector employees and employers are subject to provincial human rights codes. Hence, the policy is legal in BC because human rights legislation terminates at age 65, and many employers have written a retirement age into their collective agreements and pension plans. This practice has become known as contractual mandatory retirement (CMR). The specific legal constraints of mandatory retirement will vary depending on the provisions of the provincial human rights codes. If the provincial government proceeds as expected, its legislation would prohibit CMR.

Several legal cases have shaped the debate surrounding mandatory retirement. The first was the *Ontario Human Rights Commission v. Borough of Etobicoke (1982)*, which examined the validity of requiring individuals to retire before the age of 65 as a result of bona fide occupational requirements (BFOR). The court ruled that forced retirement was acceptable for BFOR if it met two conditions. First, the BFOR must be imposed in good faith and under the belief that the limitation is necessary to ensure the adequate performance of the job. Second, the requirement is necessary to ensure the efficient and economical performance of the work (Federation of Post-secondary Educators of BC, 2006).

Perhaps the most influential single legal decision on mandatory retirement in universities was *McKinney v. the University of Guelph, 1990*. The Supreme Court was asked to determine if mandatory retirement violated the Charter of Rights and Freedoms section 15(1). This section states that each individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination, based on age, sex, race, national or ethnic origin, colour, religion, mental or physical disability. Section 1 of the charter “guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”. The Supreme Court ruled that mandatory retirement was in violation of the Charter, but it invoked section one of the Charter stating that this discrimination was within “reasonable limits”. The justification for this ruling was based on the socio-economic argument (Korte, 2006) that mandatory retirement policy was part of organized labour and facilitates recruitment, avoids continuous productivity review, and allows both the employer and the employee to plan for the future (Federation of Post- secondary Educators, 2006).

Within the academic context, universities are within their legal right to have mandatory retirement if the provincial human rights legislation ends at age 65. In the early 1980s Alberta was one of the first provinces to modify their human rights legislation to prohibit age discrimination beyond the age of 65. In spite of this modification, mandatory retirement was still permitted in contracts between universities and their faculties. The legislation was further weakened by a reasonable justification clause that allowed for the contravention of the human rights act. This issue came to a head in the *Dickason v. University of Alberta 1992* case, where the Supreme Court was asked to determine whether mandatory retirement within an academic setting violated the Human Rights Act. The court upheld its *McKinney* decision, ruling that mandatory retirement was reasonable and justified based on socio-economic arguments (University of Alberta Task Force, 2006).

Manitoba was the first to abolish mandatory retirement for civil service employees. In June 1974, the provincial government passed its own Human Rights Act. The act prohibited age discrimination but did not include an upper age limit. In 1980, McIntire filed a case against mandatory retirement. She believed the university’s mandatory retirement policy violated the 1974 provincial Human Rights Act. The courts agreed because the legislation did not include an upper age limit to the Act and stated that no employer may terminate an employee based solely on their age. Consequently in 1996, following a bitter faculty strike, the provincial government amended its legislation governing universities to allow them to include mandatory retirement

under the rationale that age is a bona fide occupational requirement for academics (Munro, 2004). The current contractual agreement at the University of Manitoba requires full or partial retirement at the age of 69.

Currently in BC the human rights legislation does not include individuals over the age of 65. As a result, private sector employers are within their legal right to establish mandatory retirement at the age of 65 or above and any other forms of employment discrimination, such as promotion provisions. This issue is more complex for public sector employees who may be subject to the Canadian Charter of Rights and Freedoms. In the *Harrison v. University of British Columbia* (1990) case the Supreme Court of Canada determined whether the universities were part of the private sector or the public sector. The Supreme Court ruled that the university was a private sector employee and as a result, not governed by the Charter. The same result was observed in *McKinney v. the University of Guelph* (1990) mentioned earlier. This result also occurred in the *Douglas College v. Douglas/Kwantlen Faculty Association* (1990) case, where the faculty association tried to have mandatory retirement abolished on the grounds of age discrimination (Federation of Post-secondary Educators, 2006).

2.2 Recent events in Mandatory Retirement

Although the legal history of the battle over mandatory retirement in Canada seems to have favoured this policy, several recent events suggest that its demise is approaching. In 2005, Ontario amended its human rights legislation to include the prohibition of age discrimination for people over age 65 and did not allow for the violation of this legislation under reasonable and justifiable conditions. As of 2006, mandatory retirement is only legal under BFORs in Ontario. As a result, Ontario universities are no longer permitted to have mandatory retirement (University of Alberta Task Force, 2006). In April, 2006, in the BC legislature, Minister Ida Chong stated that she believes there will be a change made to mandatory retirement policy in BC. Additionally, the Newfoundland House of Assembly passed an act (Bill 25) to amend their Human Rights Code, which will abolish mandatory retirement in 2007 (Sheppard, 2006).

On June 29, 2006, the University of Northern British Columbia reached an agreement with its faculty association to abolish mandatory retirement. The agreement included some small changes to salary/benefit structures for faculty who work past the age of 65. However, the faculty association did make some important concessions to reach an agreement, the key items being: the cancellation of long term disability for persons working beyond 65 years of age; the reduction, by 50 percent, in basic life and accidental death dismemberment at age 70 and termination at age 75;

the continuation of extended health coverage until retirement with a \$10,000 a year maximum; and the termination of out-of-country medical coverage. In return the university offered phased retirement options and the continuation of pension contributions until age 69 (Canadian tax law requires termination at this age). Lastly, the faculty association renegotiated a new performance evaluation whereby faculty are evaluated on teaching, research, and service every two years. Each faculty member receives a rank ranging from excellent to unsatisfactory in each area. In the case of an unsatisfactory rating for tenured faculty a remediation plan is established; if the faculty member fails to meet the new performance targets, dismissal activities may begin. The university heralded the agreement as a “win-win,” citing an expected future shortage of faculty and suggesting it was wasteful to require the university’s most productive researchers and teachers to retire at the height of their careers (University of Northern British Columbia, 2006).

3 Literature Review

Few studies have empirically examined the effects of mandatory retirement policy on employee retirement behaviour in Canada (Shannon and Grierson, 2004) and even fewer studies have examined the effects within universities (Sluys, 2005). The lack of Canadian empirical literature is due in large part to common misconceptions about the economic benefits of mandatory retirement policy.

The first analysts to argue the benefits of CMR were economists Edward Lazear in the US and James Pesando in Canada, both in 1979 (Kesselman, 2004b). CMR was described by these two researchers as a system of deferred compensation whereby the employer provides a system of monetary compensation in conjunction with pension benefits that underpays its employees in the beginning of their careers and over compensates them during their older years. The authors argued that this system provides incentives for employee loyalty and productivity and allows employers to invest in training while reducing the costs of turnover. It is argued that a ceiling is necessary to limit the amount of overpayments and ensure the agreement will be economically efficient. It is further argued that CMR provides a mechanism for terminating employees whose productivity is declining. Proponents also consider CMRs efficient because they allow the employer to engage in human resource planning and labour force renewal. Lastly, because CMR is a voluntary agreement that is entered into willingly by both employers and employees each party is considered better off (Gunderson and Pesando 1988 in Kesselman 2004b). The rationale is that if each party is not better off they would not enter into the agreement voluntarily. Proponents of CMR believe it serves labour force needs and is in the best interest of society.

The economic arguments in favour of CMR are refuted by Kesselman (2004a). He argues that jurisdictions that have banned CMR (such as Quebec and Manitoba) have not observed any adverse economic consequences. Kesselman cites several empirical studies supporting this claim. One study by Reid (1988) examined Canadian data, but did not focus on the university sector. It finds the difference in labour force participation rates of employees over the age of 65 in Quebec and Manitoba before and after the elimination of CMR to be statistically insignificant. Sterns et al. (1996) also examined mandatory retirement outside the university

sector. They report there is no evidence to support the claim that employee productivity declines with age (with the exception of some positions that are highly reliant on physical or sensory abilities). Kesselman further argues that CMR provisions are not voluntary because they represent collective agreements, not individual agreements between the employer and each employee. Hence, these agreements are only representative of the wishes of the majority of workers at a workplace. Some groups such as women and recent immigrants, whose shorter work tenure with the employer means that they will have accrued less pension entitlements by age 65, may be constrained illegitimately by majority-based CMR agreements.

Shannon and Grierson (2004) is another Canadian study that examines mandatory retirement within the general labour market. The authors used the provincial variation in retirement policy to determine if there are cross-provincial differences in retirement rates that may be attributable to mandatory retirement. The authors examined Canadian census data from 1981 to 1996 in conjunction with Labour Force Survey data from 1976 to 2001. They found the abolition of mandatory retirement policy in Quebec and Manitoba had an insignificant effect on the number of employees who chose to work beyond the age of 65. They concluded that the abolition of mandatory retirement policy throughout all of Canada will have a minimal effect on the overall size of the workforce over the age of 65. This study suggested that the majority of workers will choose to retire around or before age 65 regardless of the presence or absence of mandatory retirement policy. However, it is unclear if these findings are generalizable to more specific sub-samples of the population, such as the university professoriate. It is conceivable that university professors have unique characteristics that facilitate or impede retirement at age 65. For example, tenure and high salaries may influence professors to work longer than more traditional blue collar workers. On the other hand it may be that university professors will have larger retirement nest eggs saved and will be more likely to retire earlier.

Few studies have examined the effects of mandatory retirement policy on universities and university professors in Canada. However, some studies have examined the impact of policy changes in the United States. Mandatory retirement in U.S. universities was limited to age 70 in 1982 and banned outright in 1994. Ashenfelter and Card (2002) conducted an empirical examination of the effects that this had on retirement rates of university professors. They compiled a database of payroll records of a random sample of 104 colleges and universities with pension records, titled the Faculty Retirement Survey. The sample included all regular faculty from the sample institutions who were 50 years and older. These individuals were followed for nine to eleven years, yielding data on retirement patterns during mandatory retirement and after

the abolition of this policy. The results revealed the retirement decisions of faculty under the age of 70 were not affected by the abolition of mandatory retirement. The study did find that the retirement rates of professors aged 70 and 71 were significantly reduced, although this sub sample comprised only four percent of the overall sample. This study provides evidence that the elimination of mandatory retirement will have an upward impact on the average age of retirement, but the absolute numbers will be small.

One Canadian study examined the impact of mandatory retirement policy on university faculty retirement behaviour. Worswick (2005) assessed its effect on university faculty decisions to continue employment and/or move to another university that does not have mandatory retirement. The study used data of university full-time teaching staff from 1983 to 2001. The data contained information regarding each professor's age and institution. Results of econometric analysis indicated a higher proportion of professors over the age of 65 at universities that did not have mandatory retirement and, that, over time, more are likely to delay retirement. Second, faculty age 64 and 65 had exit rates that were 30 to 35 percent lower than those from universities with mandatory retirement. A significant fraction of professors chose to work past the age of 65, but few professors were likely to stay many years past the traditional retirement age of 65. Although, these findings seem to suggest that more faculty will choose to delay retirement if provided the option, other research suggests that the most productive faculty members are the most likely to delay retirement (Ashenfelter and Card, 2002).

This examination of the literature on the effects of mandatory retirement policy on retirement patterns suggests that, in general, employees will work longer in jurisdictions that allow them to, but this effect is minimal. The evidence also seems to suggest that university professors are more likely to work past the traditional retirement age than other types of employees; however, the small number of studies makes it difficult to accept this conclusion unreservedly. Although it would appear that university professors tend to work longer than the traditional retirement age of 65, this effect is likely small and there is some research to suggest that it is the more productive faculty who are more likely to stay on (Ashenfelter and Card, 2002). Hence, the costs associated with allowing faculty at peak salaries to stay on longer may be at least partially offset by higher productivity.

This section has examined some of the economic arguments for mandatory retirement policy, the counter arguments, and the potential impact that the abolition of this policy will have on the retirement behaviours of Canadian university professors. The present study examines university administration and faculty association representatives' perspectives on the benefits and

drawbacks of mandatory retirement, the effect a change in policy will have on retirement behaviour, and the barriers to the abolition of mandatory retirement. Their perspectives are used to determine policy alternatives to overcome these barriers and facilitate an agreement between the two parties that will end mandatory retirement.

4 Methodology

There are two main data sources for this project. The first is secondary data sources from: Statistic Canada, the Canadian Association of University Teachers (CAUT) Almanac, and UNBC, UBC, SFU, UVIC and U of T fact books. Data from statistics Canada and CAUT are used in the literature review section to demonstrate some of the demographic and economic shifts over the last decade in order to highlight the importance of retirement policy in the 21st century. Data from university fact books indicates the number and proportion of professors who are approaching retirement age over the next five to 10 years. Information regarding how many professors chose early retirement and how many have stayed on past 65 in institutions that have abolished mandatory retirement is also gathered. The Statistics Canada data, the CAUT data, and the university fact books (2004, 2005, and 2006) are publicly available and accessible via the internet. The university data are verified using interview data from the university faculty association representatives (see below). This information determines similarities and differences between universities that may affect an institutions ability to reach an agreement to abolish mandatory retirement and/or their position on the issue.

The second source of data is elite interviews with individuals from UNBC, SFU, UBC, UVIC and U of T. Interviews were conducted with a faculty association official and an appropriate administrator from each of the five universities. The interviews were conducted over the telephone. Research comparing the validity of telephone interviews versus face-to-face interviews has demonstrated that telephone interviews are just as reliable and yield similar results (Rohde et al. 1997). Those with UNBC inform how an agreement was reached to abolish mandatory retirement, the barriers that existed, how these barriers were overcome, the factors that facilitated the agreement, and the extent to which the parties are satisfied with the agreement. The interviews from U of T are included because the institution abolished mandatory retirement in a similar climate to that currently found in BC with imminent provincial legislation. The interviews with the other three institutions focused on the existing barriers that prevent the abolition of mandatory retirement at these institutions and methods of overcoming them. The questions were formulated to provide information on institution-specific characteristics, the context and history of negotiations on this policy, the barriers preventing a change in policy, possible solutions to the barriers, and the impact of recent provincial announcements on the

negotiations. The interviews were each approximately 45 minutes and took place at a time that was most convenient for the participants. All of the participants who were contacted either agreed to participate or offered referrals to someone who was in a better position to comment on this issue. These referrals were to either the head negotiator for the university administration or the faculty association or former presidents (at the time of data collection) of the faculty association who had been active at the time an agreement was reached. All the interviews were conducted by the author. For a complete list of the interview questions see the Appendix.

The research design is analytical comparative, which can be described as an examination of institution specific characteristics and contexts within and between five case studies. The secondary data, in conjunction with relevant literature, frames the economic and social issues surrounding mandatory retirement and helps determine similarities and differences between UNBC and the other three institutions. Data from elite interviews assess the barriers preventing the abolition of mandatory retirement at the three largest BC universities as well as factors that might facilitate changes. This information also allows for the analytical deconstruction of the barriers that facilitate the development of policy alternatives. These policy alternatives are evaluated based on relevant criteria (elaborated below) in an effort to establish the best approach to overcome the barriers to the abolition of mandatory retirement.

An analytical comparative design is best suited to investigate the barriers preventing the abolition of mandatory retirement. If time and money were no object it would be ideal to conduct a longitudinal study that followed each university from the time it began to investigate mandatory retirement policy until several years after its abolition. This type of study would be able to track labour market changes and demands at post-secondary institutions to assess whether mandatory retirement or its abolition is an effective policy. Unfortunately this type of study is not possible. As a result, the best alternative method is to conduct elite interviews with those individuals who are closest to the situation. In the absence of appropriate longitudinal data, the next best strategy is to collect data from those most likely to have first-hand knowledge about the pros and cons of mandatory retirement in BC.

This information, together with secondary data, provides a more effective method of investigating the public policy question than utilizing a single strategy alone. Use of existing secondary data by itself would not allow an understanding of the complexities of university administration and faculty association perceptions of this situation. These perceptions are part of the climate within which any change of current policies and practices have to be negotiated. Overcoming perceived barriers can be as important as objective barriers; elite interviews provide

insight into both. However, using the interview data alone without the use of secondary data would not allow an understanding of the similarities and differences between the institutions. In addition, the secondary data ground the elite interviews within labour market needs and trends.

The analytical comparative approach, like any research design, also faces some challenges. The largest threats to the validity and reliability of this study are the possible lack of insight and honesty in the responses from the faculty association representatives and university administrator representatives who are interviewed. These individuals may have biases that affect their responses during the interviews. Several institutions, such as SFU, are currently involved in negotiations on mandatory retirement, and the representatives may be unwilling to speak candidly for fear that the information will be disclosed to the other side. The majority of the interview participants did speak openly and honestly about their experiences and impressions of the policy issues and obstacles. In some instances, participants were unable to answer a specific question so the question was rephrased. For example, a faculty association representative was asked: In your view what are the major obstacles preventing the abolition of mandatory retirement at this institution? The respondent said that she could not answer this question because the two sides were involved in negotiations at this time. The question was rephrased: What do you think the university's biggest concerns are with a change in policy? The respondent subsequently responded that she felt the largest issues were performance evaluations, planning and cost. In all cases suitable information was obtained on the obstacles preventing a change in policy. Some insight was also gained from the questions that the participants were unable to answer (elaborated in the results section).

4.1 Procedure

All participants from UBC and SFU were initially contacted by email, and an in-person interview requested. The respondents from UNBC, UVIC, and U of T were contacted via email and a telephone interview was requested. Due to travel and resource limitations it was not possible for in-person interviews to be conducted with persons from these institutions. If no response was received within a week's time, they were informed that they would be contacted by phone to schedule an interview. All the participants preferred a telephone interview due to time constraints in their busy schedules. The conversations appeared to be candid and honest. The identities of the interview participants are not divulged in this paper. To ensure honest responses the participants were assured that their identities would not be divulged. Those selected as interviewees were in positions that were intimately involved in previous or current negotiations

on this policy. The participants included: vice president academics, head negotiators, presidents or chairs of faculty associations, and former presidents of faculty associations.

Handwritten notes were taken during the interviews and transcribed into a Word document shortly after. The participants were all informed of the confidentiality of the results, but that the thesis would be made public in April 2007 and others informed in the subject area may be able to discern the source of the information. They were also assured that this information would not be shared with any other parties at their institutions (unless they read this paper after it becomes available in April, 2007). All of the participants agreed to participate (verbal consent) in this study.

5 Institutional Background and Data

To analyze the policy question addressed here it is important to examine some of the institutional factors at each university. This includes, for example, the number of faculty, the number of students, the age distribution of the faculty, and the primary focus of the university. This section also outlines the history of negotiations on mandatory retirement within each institution using data from the interviews with representatives from both the faculty association and university administration. This information is used to identify similarities and differences among the institutions. A summary of the institutional data can be found in Table 1.

Table 1: Institutional Data

	UNBC	UBC	SFU	UVIC	U of T
Number of full time students 2003-2004	2,122	34,295	15,846	14,127	62,000
Number of full time faculty	141	1,851	657	651	2,500
Student faculty ratio	15.0	18.5	24.1	21.7	25
University research income, \$, 2004	6,786,000	363,337,000	57,758,000	58,940,000	325,000,000
Number of faculty 55-59 years of age 04/2005	28	310	125	101	Unavailable
Number of faculty 60 years of age and older 04/2005	9	312	96	113	Unavailable
Average age of faculty 2004/2005	47.2	48.4	47.6	48.9	50.0

5.1 University of British Columbia

The University of British Columbia is the largest university in BC. In 2004 it had approximately 34,000 students; this number rose to 44,000 in 2006. The University has close to 2,000 full time faculty members and a student-teacher ratio of 18:1. These statistics make UBC the largest employer of university faculty in the province. The university has 310 faculty

members between the ages of 55 and 59 and another 312 faculty members are 60 years and older. The average age of their faculty is 48.4 years (Canadian Association of University Teachers 2006, The University Presidents' Council, 2005). Between December 2006 and December 2007 UBC has 113 regular faculty members who will reach 65 and be forced to retire (Interview data, 2006). The university also has a large medical program. Just over \$363 million in research revenue was brought in by UBC researchers in 2004/2005. As a result, UBC is considered one of the top research universities in Canada.

In 2004, a total of 12,393 secondary students applied for university in BC; UBC received 44 percent of the applications and admitted 46 percent of the total accepted registered students in the province (Simon Fraser University Analytical Studies, 2004). These figures suggest that UBC plays the largest role in educating post-secondary students of any university in the province and also has the largest number of university faculty members approaching traditional retirement age. Hence, mandatory retirement policy at UBC will have important implications for the careers of numerous faculty members and for the post-secondary education of students in BC.

Mandatory retirement policy has become an issue of discussion between the faculty association and the university administration in the past two years. Prior to this, the university administration suggested to the faculty association that mandatory retirement was not part of their mandate; they were unwilling to discuss this issue. The current collective bargaining agreement is in place from 2006 until 2010. Within this agreement, both parties state they will engage in discussions on mandatory retirement policy until the end of 2006. At this point, if they are unable to reach an agreement, they will move to nonbinding mediated negotiations. These discussions will involve the vice president provost and the associate vice president of human resources (chief negotiator) representing the university and the president. The executive director of the faculty association will negotiate on behalf of that association. As of the end of December, 2006, both sides expressed disappointment with their ability to communicate with one another and agreed to commence mediated negotiations early in 2007 (Interview data, 2006). It is to be noted that the university agreed to discuss mandatory retirement policy with the faculty association prior to the December 1, 2006 announcement from the Premier's Council on Aging and Seniors' Issues.

5.2 Simon Fraser University

Simon Fraser University had 15,846 students in 2004 and has seen this number grow to over 17,000 in 2006. In 2004, the university had 657 full time tenured faculty members; this number has increased to 700 in 2006. The university has a student-teacher ratio of 24:1. SFU is

similar to UBC in that they pride themselves on both teaching and research functions. In 2004, SFU generated close to \$58 million in research revenue. In 2005, the average age of the SFU faculty was 47.6 years. The institution has 125 faculty members between the ages of 55 and 59 and another 96 faculty members who are 60 and older (Canadian Association of University Teachers 2006, The University Presidents' Council, 2005). Between 2006 and 2007, 29 faculty members will reach 65 years and will be forced to retire. If mandatory retirement policy is not changed, SFU will have 200 faculty members reach traditional retirement age between 2008 and 2015 (Simon Fraser University, 2006).

The representatives of the university administration and the faculty association who were interviewed both agreed on when mandatory retirement discussions began. They stated that discussions had been ongoing for the last year or so and began at the end of 2004 or beginning of 2005. The discussions were initiated by the faculty association as a result of a survey of its membership whereby approximately 73 percent wanted to have the policy abolished. The university administration told the faculty association that they were "happy" with the current agreement and were uninterested in exploring a change in policy. The two parties are currently in discussions about this issue (Interview data, 2006).

5.3 University of Victoria

The University of Victoria is known for its research, teaching and co-operative education. In 2006, the university had approximately 14,500 full time students and approximately 651 to 750 faculty members depending on whether or not librarians are included. They have a student-teacher ratio of 21.5:1. The institution brings in close to \$59 million in research income, second in the province, but considerably less than UBC. In 2005, the university had 101 faculty members between the ages of 55 and 59 and 113 faculty members 60 years of age and older (Canadian Association of University Teachers 2006, The University Presidents' Council 2005). Between 2006 and the end of 2007, 41 faculty members will reach traditional retirement age and be forced to retire. Between 2008 and 2015, this number will grow to 195 faculty members who will be forced to retire if the mandatory retirement policy is not changed (University of Victoria, 2005).

The last time the university administration and the faculty association had formal negotiations was in 2004 when a general framework agreement was reached. At that time no discussions took place regarding mandatory retirement policy. The university administration representative stated that since that time some comments had been made in passing between the

university and the faculty association suggesting that the two sides needed to discuss mandatory retirement policy, but no formal discussions have taken place. The faculty association representative suggested that negotiations were going to take place between the two parties regarding this issue in mid to late December of 2006. The faculty association representative also suggested that they had tried to discuss this issue with the university administration at an earlier date, but the university administration was unwilling to discuss it (Interview data, 2006).

5.4 University of Northern British Columbia

The University of Northern British Columbia is a small university located in Prince George and is the youngest university included in this study. In 2004 they had approximately 2,000 students; this number has grown to 3,612 in 2006. The university has 141 full time faculty members and a student faculty ratio of 15:1 in 2004. It is primarily a teaching institution; they bring in only \$6.78 million in research revenue. The average age of their faculty is 47.2 years, the youngest average faculty of the four BC universities in this study. In 2004, UNBC had 28 faculty members between the ages of 55 and 59 and only 9 faculty members 60 years and over. These numbers are by far the lowest of any of the five institutions included in this study (Canadian Association of University Teachers 2006, The University Presidents' Council 2005). Between 2006 and 2010 only six faculty members at UNBC will reach the age of 65 (Interview data, 2006).

Mandatory retirement was first written into a collective bargaining agreement at UNBC in 1998; the previous agreement had no mention of the policy. In 2001 the faculty association tried to discuss the issue with the university administration, but the administration was unwilling to. In 2004, the faculty association raised the issue again, and the university made some gestures to try to appease the faculty association but made no movement on mandatory retirement policy. In 2005 the faculty association president (now the former president) and a colleague, a particularly productive faculty member who was nearing retirement age, approached the board in an effort to have the policy changed. The board was unwilling to make any arrangements for this particular faculty member but agreed to discuss the issue with the faculty association. In 2005 the board also had a chair who the faculty association perceived to be in favour of the abolition of mandatory retirement. They believed this contributed to the university's willingness to talk about the issue. Formal talks began in January of 2006 (Interview data, 2006). The university does not currently have mandatory retirement as they agreed to abolish the policy on June 29, 2006.

5.5 University of Toronto

The University of Toronto is Canada's largest university with just over 62,000 students in 2007. They have approximately 2,500 faculty members and a student-faculty ratio of 25:1. The university brought in approximately \$325 million in research revenue and has numerous medical hospitals affiliated with it (University of Toronto, 2004). The university faculty has an average age of close to 50. As of 2006, they will have approximately 65 faculty members retire each year. The university does not currently have mandatory retirement as they agreed to abolish it in 2005, prior to the enactment of Ontario legislation in 2006 (Interview data, 2006).

The University of Toronto was part of the original unsuccessful Supreme Court challenge to mandatory retirement in 1990. Around 2000, numerous U of T faculty members were very active at organizing retirees and meeting in forums on this issue. At that time, Concordia University did not have mandatory retirement; both administrators and faculty association members were meeting at these forums to discuss mandatory retirement. U of T had a president (Robert Birgeneau) from the U.S who was against mandatory retirement. The university was very concerned that they were losing many of their best faculty members to other jurisdictions that did not have mandatory retirement. As a result, the university was having difficulty recruiting senior faculty members. An interim president was then elected for a year (Mr. Iacobucci) who was a former Supreme Court judge, over 65 and against mandatory retirement. Given this context, it became clear that both the university and the faculty association wanted to discuss and abolish mandatory retirement. The vote passed through three councils and the agreement was supported unanimously by all parties in 2005 (Interview data, 2006).

6 Results from Interview Data

This section reports findings from the interviews conducted with representatives from the university administrations and faculty associations from the five universities under examination. I report and discuss, first, the results from the three institutions that still have mandatory retirement policy (UVIC, SFU, and UBC), and second, the results from the institutions that have abolished mandatory retirement (UNBC and U of T). The questions posed to the interviewees were designed to obtain information in three areas: the obstacles preventing the abolition of mandatory retirement, each side's perspective on the UNBC agreement, and the extent to which the recent provincial announcements have affected the negotiations. The analysis section will discuss the policy issues that arise from these interviews, the negotiation outcome alternatives, and the implications for implementing provincial legislation. For each institution the responses from the faculty association and the university administration are compared.

6.1 University of British Columbia

The UBC faculty association representative stated that their association was in favour of the abolition of mandatory retirement. They believe it is a human rights issue and that this policy represents discrimination based on age. The faculty representative was reluctant to state what the main obstacles preventing a change in policy at UBC were. She said that the association had not had in-depth discussions with the university and that the university had not communicated their main concerns to them. She expected the university had planning and human resource concerns, cost concerns, and likely would try to tie performance evaluations to a change in policy.

The university administration representative said that the previous president was not in favour of the abolition of mandatory retirement but that the new president is in favour if implemented in a structured and meaningful way. The university is prepared to move forward with a change in policy, but the faculty association must be willing to work with the university to create a structured agreement that will work in the long term. She went on to say that the university is prepared to keep the policy if both sides cannot resolve some of the issues that arise from a change in policy. She agreed that this policy represented a major issue with respect to

equity and choice for faculty. However, a change in policy has important implications for the university's ability to plan and manage its human resources.

She noted that a change in policy would be costly for benefit and pension plans. The university did and still has a defined contribution plan that is ready for a change in policy, but there would be costs associated with having faculty stay on longer and at peak salaries. The university contributes ten percent of a faculty member's full salary to their pension and has not budgeted for the increase in this type of payment to faculty who delay retirement. Also, the university's insurance premiums would increase and the cost of providing benefits would increase due to increased incidence of illness and hospital accommodation, as well as the long term costs of providing pharmaceuticals. She mentioned some other issues as well, including the costs of bridging faculty⁴, possible space issues that could arise, and the need to plan for faculty hiring to replace retiring faculty. She stated that it was not in the budget for the university to pay the salaries of new faculty as well as remaining faculty who they expected to retire, but chose not to. Lastly, in her opinion, the single largest issue a change in policy would present for the university is performance evaluation of faculty. The university did not have the culture in place to assess or manage the performance of their staff. Often mandatory retirement had been used as a method of weeding out poor performing faculty members. The university needs a consistent performance evaluation system. She would like to see a system in place that is specific to each department and involves a social contract based on the social norms of that department.

Each representative was also questioned about the agreement that abolished mandatory retirement at UNBC. The faculty association representative believed that the UNBC agreement tying the abolition of mandatory retirement to the amendment of their performance evaluation would be completely unacceptable at UBC. The faculty association did not think the UNBC agreement was a good model; she cited other jurisdictions such as Manitoba and Quebec that abolished mandatory retirement over 20 years ago and noted that their benefit structures were working fine. She did not expect that mandatory retirement discussions should be a complicated issue involving major changes to current benefit structures or performance evaluation systems. The university representative felt that the UNBC agreement was good for them, but would not work at UBC. Each institution has unique challenges and UBC needs to find its own solution. She did not like what she described as the pages and pages of process that are in the UNBC performance evaluation procedure. She thought that mandatory retirement was a small issue for

⁴A bridging appointment is the hiring of a new faculty member to replace one who is expected to retire in the near future.

UNBC because they had very few faculty members approaching retirement age and that it was a much bigger issue for UBC. UBC has different concerns and a far greater financial risk than UNBC. These responses indicate that neither side was interested in using the UNBC agreement as a template for an agreement at UBC.

Neither side was surprised by the recent provincial announcements, and both expected that the provincial government would pass legislation in the spring of 2007 with implementation in 2008 (along a similar timeline as in Ontario). The university respondent said the recent announcement had no effect on the university's bargaining position, but the university respondent was interested in the specifics of the legislation. The faculty association representative felt that the announcements had strengthened the faculty's position at the bargaining table by helping to focus discussions on this issue. She did not think that it was necessary for the government to provide a year for universities to prepare, that universities knew this was coming and should be well prepared. She also stated that it was in the faculty association's best interest to reach an agreement before legislation was passed so as to spare those individuals who will be forced to retire before legislation is enacted and put into effect.

Mandatory retirement policy is an issue at UBC, one that has greater financial implications affecting more faculty members than it does at any other institution in BC. The faculty association has and is pushing for a moratorium on all retirements until legislation is passed. The faculty association interviewee stated several times throughout the course of the interview that they view this as a simple issue, while the university representative clearly views the issue as complex with important implications for the university. The two sides seem to view the issues surrounding mandatory retirement policy very differently, although both expect that a change in policy is imminent.

6.2 Simon Fraser University

SFU faculty representative indicated that the faculty association was in favour of the abolition of mandatory retirement for three reasons. First, they believe it is a human rights issue; each faculty member has a right to work beyond the age of 65 if he or she is able to and so chooses. Second, many of their faculty would like to continue their research beyond the age of 65. Third, some of their faculty entered academia late and do not believe they are in a financial position to retire. When questioned about the major obstacles preventing the abolition of mandatory retirement, the respondent was unable to comment because negotiations were ongoing between the two sides. The continuation of negotiations was a surprise to her as she expected the

two sides were going to break off negotiations. The question was rephrased (what do you think the university's biggest concerns are with a change in policy) and the respondent provided information concerning her views of the university's largest issues with a change in policy. The largest concern is performance evaluations; the university seems unwilling to accept a change in policy without a change in this respect. The other two issues for the university administration are planning and cost issues. The university wants faculty to give notice in advance so they know when faculty plan to retire and they want an agreement that will see both sides share in the cost associated with a change in policy.

The university administration interviewee stated that the university was neither opposed to nor in favour of the abolition of mandatory retirement. He spoke about both pros and cons of the current policy. Mandatory retirement policy allowed for faculty renewal and the renewal of ideas, which he felt was important in an academic setting with tenured faculty. Mandatory retirement also allowed for human resource planning and the orderly management of turnover. It might be noted that the justifications for mandatory retirement were similar to those in the *Dickason* case. He also conceded that mandatory retirement was a human rights issue and understood that the compatibility of this policy with human rights legislation had come under some scrutiny. However, he asserted that the policy was justified under the reasonable and justifiable clause of the Charter of Rights and Freedoms.

The university had several concerns that would need to be addressed if a change in policy were to occur. A primary concern lay with the benefit structures and related costs associated with a change in policy. This included a significant increase in benefit costs such as supplemental medical, dental, and disability. The loss of savings from hiring more junior faculty and having more faculty stay on at peak salaries was also a concern as well as the duration that faculty stayed on after retirement. He expected faculty at SFU would stay on longer than in other jurisdictions because SFU is a research intensive university, has large social science and humanities programs, and is on the west coast. He thought data suggested that faculty in these types of environments/institutions were more likely to stay on longer. He anticipated the permanent costs of a change in policy to be far greater than the short term costs. Lastly, the university had concerns with the evaluation of faculty; a new performance evaluation system would be necessary to move forward in a setting without mandatory retirement.

Each participant was also asked about the UNBC agreement and if their institution would be willing to accept a similar agreement at their institution. The faculty association representative was unwilling to speak about the UNBC agreement other than stating that there are parts of the

agreement which the faculty association would be concerned about. She also said there were parts of the agreement that they would accept. When rephrased to ask about the performance evaluation system at UNBC, she said it was best to not ask questions about the performance evaluation system. This left the impression that the faculty association and the university administration are discussing the implementation of a new type of faculty performance system. The university administration respondent said the university would need to have similar concerns addressed as those that were addressed in the UNBC agreement if a change in policy were to occur. He thought the performance evaluation system at UNBC was positive and a similar agreement with a formal performance evaluation at SFU would be positive.

The faculty association was not surprised by the recent provincial announcements and expects the provincial government will pass legislation in the spring of 2007 with implementation following in 2008. The recent provincial announcements have made the faculty association think twice about negotiating an agreement with the university; they are unsure what they will be gaining by reaching an agreement beforehand. However, she also said the announcement had not changed what the faculty association would accept from the university and did not think it had strengthened their position. She did say that the university had suggested that they would receive a better deal if they negotiated an agreement prior to legislation. The university administration representative also said he was not surprised by the provincial announcements and that the university had anticipated them. He did not have an expectation of timeline for legislation and did not expect provincial support to help offset the costs of a change in policy.

6.3 University of Victoria

The faculty association representative summarized their group's position as adamantly opposed to mandatory retirement. Two rationales were provided: first, this is a discriminatory policy that creates barriers to employment based solely on age; second, since the 1980s the university has engaged in an aggressive hiring of female faculty members. As a result, many faculty members entered their academic careers late and are not in a financial position to retire at age 65. This respondent stated that the university had communicated several issues or obstacles that need resolution for a change in policy to occur. All of these issues were related to the costs associated with a change in policy; the short term costs of a change in policy would be between 2.5 and 4 million dollars (approximate total budget of UVIC is 200 million); they would be unable to engage in human resource planning, resulting in increased costs associated with hiring new people to replace expected retirees who are no longer going to retire; the cost of bridging

appointments (the differential of the salary of a new entry level professor vs. the peak salary of a senior professor); and faculty are more likely to delay retirement, if given the option, on the west coast because of the favourable climate. The faculty association representative was unsure of the validity of the claims that faculty are more likely to stay on longer at UVIC. He did agree that the university would incur the remaining costs noted from a change in policy, and that the university has known a change is coming and could have anticipated it.

The university administration representative noted there were both pros and cons to having mandatory retirement at their institution. The university has been trying not to take a stance for or against mandatory retirement policy and stated that they had no official position on it. The representative suggested that mandatory retirement has resulted in the university losing some “terrific and productive” faculty to retirement and that it is possible that they also lost some faculty to other jurisdictions who do not have this policy. She also stated that mandatory retirement had some benefits as well: it allowed for faculty renewal, human resource planning, and the ability to deal with unproductive faculty members. The university representative suggested that a change in policy would be costly for the institution for several reasons: the university would not know how many employees it needed to hire from year to year, more people will stay on at peak salaries, and there will be increased strains on benefits structures from having an older workforce. It seemed clear from the interview that the university was not in favour of a change in policy. This was evident by the concerns that the university would need to have addressed before they could agree to a change in policy. The costs outweighed any benefits for the university, which is why they had not pursued a change in policy.

The university representative also stated that UVIC had a strong performance evaluation system in place, but that a change in policy may raise cause for concern in this area. She echoed many of the sentiments that the faculty association said were the major obstacles. This suggests that the faculty association has a good understanding of the university’s perspective and that there is good communication between the two sides.

Each representative was also questioned about the agreement that abolished mandatory retirement at UNBC. The faculty association representative said they would not be willing to accept a similar agreement at UVIC. He felt that UNBC had a younger faculty base, reducing their costs of implementation, that their faculty association was not well informed and that they made too many concessions to the university. He stated that the UVIC faculty association would be unwilling to make any similar benefits concessions and that they would have difficulty implementing a performance evaluation system like that at UNBC. The university representative

was less willing to comment on the UNBC agreement but said that she thought the UNBC performance evaluation system was good and not terribly different from UVIC's. The two primary differences between the two evaluation systems were: UVIC does not have remediation committees or the ability to dismiss faculty. She also thought that UNBC would have a "tough time" implementing their agreement but that formal channels within a performance agreement were a good component to have.

Neither interviewee believed that the UNBC agreement would work at UVIC. Both sides were not surprised by the recent provincial announcements; both expected the provincial government to pass legislation in the near future with implementation following a similar timeline as in Ontario. Both sides also stated that the recent announcement did not have any effect on their bargaining position.

The other two institutions included in this study were UNBC and U of T; neither one has a mandatory retirement policy. Both abolished mandatory retirement in the past year. The interview questions for these two institutions were primarily designed to determine what obstacles these institutions faced and how they were overcome to abolish mandatory retirement. For UNBC, the questions were designed to determine if anything could be learned from their agreement and applied to the other BC universities to facilitate agreements there. The U of T case was added because it was an institution that abolished mandatory retirement as changes to human rights legislation loomed in Ontario as they currently do in BC.

6.4 University of Northern British Columbia

The faculty association representative was very pleased that the two sides were able to reach an agreement and abolish mandatory retirement. He was most pleased with the phased retirement system that the faculty association negotiated. Mandatory retirement was an important issue to their membership that they felt very strongly about. The benefits of the agreement included a change in policy and a phased retirement plan for its membership. He conceded that the "stickiest issue" of the agreement was the performance evaluation component but did not view it as a negative aspect. When asked about the other changes to benefits structures within the agreement such as long term disability, basic life, and out-of-country medical coverage, he did not see these as big issues because they did not expect that most people would continue to work past the age of 70.

In the view of the faculty association representative, several challenges had to be overcome to reach an agreement. The largest was convincing the administration that a change in

policy would be either cost-neutral or create monetary benefits. The second obstacle was resolving the performance evaluation issue. The administration wanted to have a performance evaluation system in place that would allow them to dismiss tenured faculty. The university also had some other issues such as retention and recruitment and planning issues, but these issues were not as significant. The faculty representative also shared how he felt these obstacles were overcome. Through financial analysis they were able to convince the administration that there would be no costs associated with a change in policy. This was due largely to the demographic characteristics of their membership. The faculty association agreed that at age 64 faculty would have to inform the university if they were going to stay on and for how long. The performance evaluation was tricky. They felt that it already existed in principle as it stated in the previous agreement that if a faculty member's performance was unsatisfactory they could be terminated. The two parties in the end agreed on a more formal arrangement of what the faculty association viewed as already in place. The result was a clearer, more structured process of performance evaluation. The respondent said that some days he felt the performance evaluation was positive and other days he felt it was negative.

The university administration believed the abolition of mandatory retirement was imminent and that it was in their best interest to negotiate a contract prior to legislation. This would allow them to capitalize on an issue that was important to the faculty association and to obtain some concessions. A financial analysis of a change in policy determined that the costs would be minimal. This was due primarily to the demographics of their faculty as discussed earlier. UNBC also had other characteristics that made the change in policy less costly. The UNBC pension structure is a defined contribution plan, but several characteristics reduced the costs associated with the abolition of mandatory retirement. The benefits provider that UNBC used already had policies in place that allowed contributions to be paid until 70 years of age. The costs associated with increased pension contributions were minimal because of the demographic makeup of their faculty. The university was very pleased with the agreement and did not believe there were any drawbacks. The representative stated that the performance evaluation system had a large benefit for the overall quality of the university. It provided a clear structure to ensure a high standard of work from faculty. This standard will be judged by other faculty members and also provides them with a clear understanding of the expectations and potential consequences of poor performance.

The university administration did not think there were any major obstacles preventing them from abolishing mandatory retirement. They saw it as an opportunity to obtain some

important concessions from the faculty association that would better the university as a whole. The university was prepared to maintain the status quo if the faculty association did not make any concessions (the main one being the performance evaluations). However, the university representative felt very fortunate to have reached an agreement on this policy prior to any provincial legislation. The agreement at UNBC was mutually beneficial for the university and the faculty association. He did not envy the position of his colleagues. He conceded that the obstacles were much greater at other institutions and felt fortunate that his institution had the characteristics that it did.

Both sides were also questioned about the provincial announcements and if they would have changed anything in their current agreement as a result. Both sides said no and seemed pleased with the agreement. Both sides believed they were empowered by negotiating early and would have been forced to accept whatever the government mandated if they had waited. It is clear from these interviews that UNBC had specific institutional characteristics that facilitated agreement on this issue. The demographics of the faculty association had the largest impact on the negotiations and the benefits structure (the presence of a defined contribution plan as opposed to a defined benefits plan) also served to facilitate an agreement. The costs of a change in policy were considerably smaller at UNBC than at SFU, UVIC, or UBC. As a result, the issues are more complex at these other institutions. It does seem that negotiations at the other institutions have been influenced by the UNBC agreement as the university administrators of UBC and SFU seem adamant that reformed performance evaluations be part of any agreement to abolish mandatory retirement.

6.5 University of Toronto

The university administration representative explained that the university was in agreement with the faculty association that mandatory retirement did not meet their needs. The university was losing senior academics to early retirement because they could move to the U.S and other jurisdictions that did not have this policy. The university was also having difficulty recruiting senior academics because of this policy and did not believe that faculty productivity ceased when they turned 65. The university believed they needed a new agreement that would meet their academic requirements and they did not want the government dictating the specifics of an agreement because they believed they were in the best position to ensure their needs were met. The university also thought the courts were likely to re-examine mandatory retirement and

change their ruling. The faculty association echoed this sentiment and also wanted a change in policy.

Both sides were asked to identify the obstacles that had to be overcome and how these obstacles were overcome. The faculty association representative did not perceive very many obstacles because the university wanted a change in policy as well. The university's main issue was with the effect that a change in policy would have on planning and human resource management. The university was concerned that, if more faculty stayed on past 65, this would limit positions for young faculty members. The faculty association viewed the costs of a change in policy to be minimal because other jurisdictions (Quebec and Manitoba) had been managing the costs of voluntary retirement for some time, but some small concessions were made such as the cancellation of long term disability for those over the age of 65. The university also mentioned concerns with performance evaluations, but the faculty association was unwilling to discuss this issue because they already had numerous performance mechanisms in place: a three year review, ten year, and yearly activity reports. The obstacles were overcome by negotiating a comprehensive package that included phased retirement (allowing the university to plan), incentives for faculty to retire early (involving actuarial credits which were paid for), and a centre for retired faculty. Phased retirement was an important issue for both sides that allowed the university to achieve some planning and control, while providing some incentives for faculty.

According to the university administration representative their largest issue was the planning/timing to ensure that the university could cope with the financial implications of the agreement. The university needed to ensure they could plan for faculty replacement not just beyond age 65, but for faculty 55 years of age and older. Lastly, the university needed some pension and benefits provisions to lessen the financial burden of a change in policy. These obstacles were overcome by several steps. First, both the university and faculty association engaged in joint data collection to find best practices. The university conducted an assessment to determine the optimal timing to eliminate mandatory retirement. The university identified a time when the short term financial costs would be minimized and negotiated with this date in mind. The two parties agreed that faculty would be required to provide one year's notice of their intent to retire and that the university was no longer going to provide incentives for early retirement prior to age 60 (previously provided as early as age 55). A 3 year phased retirement option that is available to faculty between the ages of 57 and 66 and up to age 69 was also implemented; no one is entitled to draw both pension and salary. The benefits costs did not increase as a result of the elimination of mandatory retirement because U of T retirees receive the same health and dental

benefits as active faculty members. The benefit costs were low because U of T has a defined benefit pension plan as opposed to a defined contribution plan. The defined benefit plan pools the resources of all the faculty members into one pot and is paid out at a fixed annual rate, which is a function of the number of years of employment and the employee's salary level. This provides a disincentive to continue working because working longer means that the employee foregoes pension benefits for those years. Lastly, long term disability was cancelled for faculty over the age of 65.

Both parties thought it was beneficial to act prior to provincial legislation and both parties seemed proud of the phased retirement portion of their agreement.

7 Policy Analysis

The interview results have yielded insightful information regarding the key issues affecting the negotiation outcomes and the implications for public policy that would result in the abolition of mandatory retirement. Although each institution may place different levels of importance on the issues, the barriers are very similar across the institutions sampled. Each identified barrier represents an important policy dimension. The barriers are important factors that will be affected differently depending on the specifics of the legislation passed by the provincial government and in turn will affect the negotiation outcome that is achievable between the faculty association and the university administration. The issues embedded in the barriers are used to determine the policy dimensions. These in turn are used to derive effective negotiation outcome alternatives and the criteria by which these will be measured. This section outlines the main policy dimensions that will be affected by a change in public policy (the abolition of mandatory retirement) and will affect the negotiation process outcomes.

7.1 Policy Dimensions

The first policy dimension refers to the ethical or moral legitimacy of mandatory retirement policy. This is an important dimension because the faculty associations from all the institutions interviewed believe this policy is age discrimination. As a result, the faculty associations object to the policy on principle alone, making the policy unacceptable regardless of its other dimensions. The university counters this argument by presenting evidence from legal cases where the courts upheld the legitimacy of mandatory retirement as reasonable and justifiable infringement on human rights. The rationale for these court decisions is that mandatory retirement policy serves important functions for organized labour (more information on the legal context of mandatory retirement can be found in the background section). Many university representatives recognize the faculty associations' moral objections to this policy; however, they say that principle alone is not sufficient to cause a change in policy without resolving some of the other policy dimensions.

The second policy dimension, also mentioned by all parties, is human resource planning. University administrations argue forcefully that mandatory retirement allows the institution to

plan for employee turnover and hiring practices. Without this policy, the university will be unable to anticipate the number of employees that it needs to replace from year to year. The faculty associations of the various institutions seem to recognize this concern as legitimate and appear willing to make arrangements that will provide the university with notification of anticipated retirement dates on an individual basis.

The third policy dimension relates to human resource planning and faculty renewal. The universities believe it is important to have a renewal of ideas and perspectives and that mandatory retirement is a mechanism that helps to facilitate this renewal. The faculty associations did not explicitly address this policy dimension, suggesting that they do not think an elimination of mandatory retirement policy will have an important effect in this area. The university will continue to hire new faculty and the rate of hiring is likely to remain stable or increase regardless of the practice of mandatory retirement policy. The faculty associations and the university administrations both expect university enrolments to increase; qualified faculty members will be required to cope with increases in demand. Hence, the renewal of ideas and perspectives should remain constant or may increase regardless of mandatory retirement policy.

The fourth and fifth policy dimensions relate to the costs of a change in policy. The first cost-related dimension relates to faculty salaries. The university expects that, if mandatory retirement is abolished, more faculty will stay on longer. The universities refer to research supporting the notion that faculty will stay an average of three years longer, but they expect faculty on the west coast to stay longer. This creates cost concerns because older faculty earn peak salaries and universities will have to pay them longer. Mandatory retirement allows the university to hire junior faculty at lower costs to the institution. The universities also express concerns about the costs of bridging appointments. If universities are unable to anticipate when faculty are going to retire but they hire new faculty as replacements for anticipated retirements and these faculty do not retire, the university is now responsible for paying the salaries of two professors to do the job of one. The faculty associations view bridging appointments as entailing minimal implementation costs, which will not be permanent costs of a change in policy. The faculty associations also suggest that the universities have known a change in policy is imminent and they should have been planning for these costs.

The fifth policy issue and second cost-related dimension is pension and benefit costs. The universities expect that the abolition of mandatory retirement will result in many faculty members choosing to delay retirement. As a result, the universities expect increased payments to pension plans (because for example a percentage payment of each full time faculty member's

salary is contributed by the university to that person's pension on a yearly basis). It should be noted that all of the BC universities included in this analysis have a defined contribution plan. This differs from the defined benefit plan at U of T. In a defined contribution plan the employer has to contribute to the plan each year the employee works and the retiree's annual pension benefit will be higher the longer the faculty member continues to work. This system creates monetary incentives for the employee to continue working beyond traditional retirement age. Conversely, the defined benefit plan is paid out at a fixed annual rate (usually a function of years of service and salary). This creates disincentives for the employee to continue working because working more does not increase the annual pension level and no pension will be received for those years of work. The impact of these two benefit structures will be discussed further in section 7.2. Universities also expect their insurance premiums to increase and faculty members to draw more heavily on their benefits plans. This includes more medical costs from increased incidence of illness, hospital accommodations, and pharmaceuticals. The faculty associations seem well aware that a change in policy has important ramifications for pension and benefit structures. They seem willing to work with administrations to help reduce the costs of providing pension and benefits to older faculty members, although the specific solutions will vary at each institution.

A sixth policy dimension is the evaluation of faculty performance. This dimension seems to be contentious. The universities feel strongly that mandatory retirement policy serves as a mechanism for dismissing or waiting out poor performing faculty members. They are concerned that a climate without mandatory retirement will require structured formal procedures for the evaluation of all faculty members; this is the only way to ensure the productivity of faculty. Faculty associations believe performance evaluations are a separate policy issue that should not be attached to mandatory retirement policy. This policy dimension may prove to have the most impact on the negotiations. The two sides seem unwilling to recognize the other side's position on this issue. A compromise is going to be difficult to achieve.

A seventh policy dimension is the negotiation process itself. Each institution will require negotiations in order to facilitate an agreement. Negotiations are influenced by many factors. The history of the relationship between both parties can have an important effect on the ability of the two sides to negotiate an agreement. Have the two sides developed honest communication? Is there animosity from previous negotiations? The actors can also have an impact on the negotiations. Are there strong personalities that may cause a power struggle or disrupt the negotiations in another way? Another factor that can affect the negotiation process is the

relationship between the principals and the agents. The university administration has negotiators who represent the wishes of the university and the universities' boards of governors, while the faculty association has a president and negotiation team who represent all faculty members within the faculty association. It is important that agent personalities do not serve to further complicate what is already a complex issue.

Lastly, the type of negotiation strategy can also play an important role in the outcome of negotiations and as a result the policy outcome. There are two prominent strategies of negotiation: distributive or positional negotiation and collaborative or interest-based negotiation. In distributive negotiation, fixed resources need to be divided between the parties, and one party gains at the expense of the other. The dominant strategies within this approach include manipulation and withholding information. The second approach is interest-based negotiation, which is characterized by the parties' maximizing joint outcomes and working collaboratively with one another to achieve mutually desirable outcomes (Wertheim, 1996).

The interview results from the three institutions indicate that each side has and seems likely to continue to take a positional negotiation stance. These types of negotiations are characterized by two parties that try to obtain as many concessions as possible from the other party. In such negotiations, each party seeks to convince the other side of the validity or strength of its position while trying to weaken the validity of the other side's position (Hoffman, 2005). Two examples of positional bargaining are evident at UBC. There the faculty association has characterized the discussions on this policy to be "simple," and they do not accept the legitimacy of many of the university administration's claims. Conversely, the university administration has characterized the policy as "complex" and suggests that a change in policy has important cost and human resource planning implications for the university. Each side seems unwilling to accept the other side's perspective. A second example is the issue of performance evaluations at SFU. The faculty association does not accept the validity of this issue within the context of mandatory retirement, while the university views it as a very important issue, one that is essential to move forward in a climate without mandatory retirement. These scenarios provide examples of each side entrenching a position on a policy dimension and being unwilling to accept the validity of the other party's position.

Several steps can be taken to facilitate interest-based negotiations and move the process away from position-based bargaining. First, each side needs to clarify its expectations and clearly communicate what it hopes to achieve through the negotiation process. Second, each side should explore the issues and understand the causes and symptoms of the problem from the other side's

perspective. Third, both sides should explore the interests of each party because the interests serve as the foundation for building solutions. Fourth, the two sides should jointly develop options to resolve the contentious issues. Fifth, both the faculty and university administration should develop agreed upon criteria to evaluate each of the alternatives. These five steps should help facilitate an agreement between the two sides (Novak and Hall, 2000).

7.2 Lessons From UNBC and U of T

The fact that faculty associations and university administration in other institutions and jurisdictions have been able to agree to abolish mandatory retirement is a significant victory for those who have opposed this policy. These other jurisdictions and institutions provide useful insight into possible negotiation outcome alternatives and implications for the implementation of provincial legislation.

The UNBC case provides evidence that, within BC, it is feasible. However, the interview results illustrate the uniqueness of the UNBC model. There was near unanimous agreement among the other BC university administrators and the faculty association representatives that the UNBC agreement would not work at their institutions. Nonetheless, several lessons can be drawn from the UNBC example. First, institution-specific characteristics have a major effect on the policy issues of mandatory retirement. In particular, the demographic characteristics of the faculty at each university have a tremendous impact on the costs associated with a change in policy. One reason that UNBC was able to abolish mandatory retirement was the low average age of its faculty. This characteristic reduces the costs associated with both pension and benefits packages, as well as the number of faculty who are going to be affected by a change in policy. Other institutional characteristics that are unique to UNBC include: the small size of the university relative to the other universities in this study, the young age of the university (established in 1990) relative to the other universities in this study, and the primary teaching-intensive orientation of the university. The other three institutions that have mandatory retirement policy in BC (UBC, SFU, and UVIC) can be described as research-intensive universities. It was suggested by several university administrators that faculty actively engaged in research are more likely to stay on longer past traditional retirement age than other faculty.

Although the results from the interviews reveal that the UNBC agreement will not work at the other three universities in BC, the agreement has had an effect nonetheless. In particular, the UNBC agreement has helped to shape university administration expectations of the type of concessions they can anticipate from their respective faculty associations. In particular, both

UBC and SFU now expect to negotiate a more formal structured performance evaluation system as part of an agreement on mandatory retirement. It is unclear if UVIC administration expects a new performance evaluation system; their representative did raise this issue, but it did not seem to be as important as some of the other policy dimensions. Hence two out of the three universities expect a change in performance evaluation to be part of mandatory retirement discussions. This is an important implication because, in spite of the universities' recognition of institutional differences from UNBC, they nevertheless expect to have similar concerns or policy dimensions addressed. Conversely, the faculty associations express disappointment with the UNBC agreement, in particular by the performance evaluation component, and for the most part are opposed to attaching faculty performance evaluation systems to mandatory retirement. Thus, it is apparent that UNBC has shaped the climate of the negotiations at the other institutions in BC, regardless of their differences.

The U of T case also has important implications for the negotiation of mandatory retirement in BC universities. In particular, it should be noted that U of T has a defined benefit pension plan and this characteristic helped to reduce the pension and benefit costs for the university. All of the BC universities included in this study have a defined contribution plan. This difference in benefit structure provides significant incentives for U of T faculty and disincentives for faculty at BC universities to retire at the traditional age. The defined contribution structure makes the pension and benefit costs associated with the abolition of mandatory retirement significantly greater at UBC, SFU, and UVIC. Faculty at these three institutions who choose to continue working beyond 65 (if mandatory retirement were abolished) would enjoy continuing contributions to their pension funds from the university. These contributions have a significant impact on the overall costs associated with a change in policy.

The phased retirement component of the U of T agreement, which is based on a three-year model and allows faculty to slowly reduce their workload as they prepare for retirement, is considered desirable by both university administrators and faculty association representatives at all the universities included in this study. UNBC included a similar phased retirement program, modelled after the U of T example. Another implication of the U of T agreement is the expected timeline of the legislation. Most of the people interviewed expected that BC will follow a similar timeline to Ontario when it passes legislation to change the human rights code. The institutions in BC also think that it is in their best interest to reach an agreement with the faculty association prior to the enactment of legislation as this will provide them with more control. This sentiment is similar to the one offered by the U of T administration representative. Based on the interviews,

the U of T model provides a better template for universities in BC than the UNBC model because of its similar institutional characteristics. Many of the costs are likely to be similar. That is, many of the specifics of the U of T agreement are likely to work at UBC and SFU. The UVIC faculty association representative also suggests that a phased retirement option and incentives to retire at the traditional retirement age are desirable at their institution.

A final lesson from the U of T example relates to the negotiation process issue. Their negotiation process was very different from that in BC institutions. At U of T, the two groups pursued interest-based negotiations as opposed to positional negotiations. Interest based negotiations are characterized by separating the people from the problem, developing criteria in partnership with the other side, and engaging in communication regarding each party's interests to reach an agreement that is beneficial for both parties (Hoffman, 2005). Evidence that U of T engaged in interest-based negotiations is provided by the interview with the university administration representative. Both the faculty association and the university administration engaged in joint data collection to find best practices, used a mediator to ensure proper communication, and discussed how the mutual interests of each party could be addressed. All the institutions in BC would be well served to abandon their current traditional position-based negotiations for more interest-based negotiations. Often this can be accomplished by engaging in the mutual development of objective criteria that will help to determine the feasibility and validity of each side's perspectives and objectives.

7.3 Negotiation Outcome Alternatives

This paper seeks to shed light on the key issues of mandatory retirement in BC universities to assist in the implementation of public policy through provincial legislation. Based on the policy issues derived from these interviews, several negotiation outcome alternatives can be developed. The validity of the negotiation outcome alternatives will then be assessed based on relevant criteria. The negotiation outcome alternatives are:

1. Break off negotiations and wait for legislation.
2. Negotiate an agreement to increase the retirement age.
3. Negotiate an agreement to abolish mandatory retirement with phased retirement options and some changes to pension and benefit structures.
4. Same agreement as option 3 with a new performance evaluation system.
5. Status quo, continue negotiation process with other party.

The first negotiation outcome option is for either the faculty association or the university administration to break off negotiations and wait for the provincial government to pass legislation changing the human rights code in BC. This negotiation outcome option involves both sides relinquishing control over the situation and essentially results in each party accepting whatever the provincial government decides or both sides waiting until the specifics of provincial legislation are released prior to negotiating an agreement. This alternative is desirable for the faculty association if they think they will have to make concessions for the university to abolish mandatory retirement, but believe the provincial government will act on their behalf in the near future. This policy option is less desirable for the university administration, unless they anticipate that, regardless of government action, they will still need to negotiate an agreement with the faculty association and will gain more leverage by waiting to negotiate.

The second negotiation outcome alternative is to negotiate an agreement extending the age of mandatory retirement. This policy option could serve as a compromise for both parties and allow each side to satisfactorily appease their constituencies. This alternative could help address some of the planning concerns of the university while expanding the working careers of many faculty who could not afford to or would choose not to retire at age 65. This option is currently in practice at the University of Manitoba, which has mandatory retirement at the age of 69 (at which time professors must either retire or work half time). However, it should be noted that provincial legislation is looming in BC and the specifics of the changes to the Human Rights Code are unknown. As a result, the compatibility of this negotiation outcome alternative with future legislation is also unknown.

The third negotiation outcome alternative is to negotiate an agreement to abolish mandatory retirement with a phased retirement option and some changes to pension and benefit structures. It should be noted that any agreement to this effect would likely include a clause that requires both parties to renegotiate any aspects of the agreement that are inconsistent with provincial legislation. The changes to pension and benefit structures would include reductions in life, medical, and dental insurance after the age of 65 and the cancellation of long term disability or some variant of these concessions. This negotiation option is similar to the U of T agreement and allows the university to maintain some cost control. It provides them with some notice of when employees are going to retire so they can plan for the hiring of new employees. This option also allows the faculty association to accomplish its goal of abolishing mandatory retirement and helps to ease the transition into retirement for their membership.

The fourth negotiation outcome alternative is to negotiate an agreement that abolishes mandatory retirement in conjunction with a phased retirement option, some changes to benefit and pension structures, and a new performance evaluation system. This negotiation option combines some elements of the U of T and UNBC agreements. It allows the university administration to address their main policy concerns: planning, costs, and performance evaluation. It also allows the faculty association to achieve its goal of the abolition of mandatory retirement.

The final negotiation option is the status quo: to continue to negotiate with the other party in hopes of reaching an agreement that will meet each party's needs, but with each party having no intention of making meaningful concessions and reaching an agreement. This option is different from option one because the two parties will continue to negotiate; in option one they end negotiations. The final negotiation option involves each party continuing to pursue their objectives while waiting for provincial action. This option allows the university to continue to operate under a system with mandatory retirement, while negotiating with the faculty association to discuss their concerns. This option also allows the faculty association to avoid conceding any meaningful policy issue while waiting to see what provincial action will bring. It does not resolve the mandatory retirement issue; it simply postpones dealing with it.

7.4 Negotiation Outcome Criteria

To determine the relative merits of each negotiation outcome alternative, criteria must be developed upon which each can be compared and assessed. The first consideration is the cost of the outcome: financial analysis of the cost of the current outcome versus the cost of the alternatives. Included in this criterion are the costs associated with implementing a new policy and the effects on salary costs. The second consideration is the negotiation outcome alternative's effects on the productivity of the institution. This primarily concerns the quality of the teaching and research functions performed by the faculty. A third criterion is the effect on recruitment and retention. This includes the effect on younger and older employees, the flow of new ideas and techniques, the competitive advantage or disadvantage over other universities, the number of new employees being hired, and facilitation or hindrance of employee retention.

A fourth criterion is the negotiation outcome's impact on pensions and benefits. Will these costs increase or decrease and will employees over the age of 65 be treated differently or the same as other employees? A fifth criterion is the negotiation outcome's effect on institutional planning. Does the negotiation outcome option allow the university to anticipate the exit of

employees and the demand for hiring new employees? A sixth criterion is the effect on the method of evaluating faculty performance. Does the outcome make it more difficult to evaluate or ensure the productivity of faculty members? A seventh criterion refers to the feasibility of the alternatives; is the alternative administratively and politically feasible? What reactions can be anticipated from the relevant stakeholders including the universities, the public and the students?

A final criterion for assessing each negotiation outcome alternative is its sustainability. Does the negotiation outcome address both current and future labour needs of the institution? Is the government likely to pass legislation in the near future that would require the university and the faculty association to negotiate a new agreement? In the interviews with university administrators and faculty association representatives, the criteria of cost, pensions and benefits, human resource planning, and faculty evaluation were mentioned the most frequently and consequently will be given the most weight in evaluating each alternative.

Each alternative will be evaluated based on the above cited criteria. The alternatives will be examined from the perspectives of university administrators and faculty associations. However, another perspective also needs to be considered: the interest of stakeholders such as students, the business community, and taxpayers. The public interest is not included as a separate criterion because it is unlikely that the negotiation outcome alternatives would have significantly different impacts on the public interest. Any differences are likely to be captured by the productivity criteria. It is likely that the public interest will be served so long as the overall productivity of the university is not adversely affected by a change in policy. Although the university administration would argue that a new performance evaluation is necessary to ensure the overall quality of the institution and therefore the public interest, there is no empirical evidence to support this claim.

Furthermore, if the abolition of mandatory retirement results in increased university costs and the university responds by reduced hiring practices and/or higher student ratios (both matters of public concern) then the public interest will not be served. However, it is unclear how much of an effect the abolition of mandatory retirement will have on overall university operating costs. The universities would like the public to believe that a change in policy will result in higher operating costs, which in turn will negatively affect the quality of the institution. The faculty associations would largely disagree and believe that a change in policy will have minimal effects on university costs. The faculty associations would also suggest that the most productive faculty members would be more likely to delay retirement. Hence, the students would have continued access to the most seasoned teachers and researchers. This would serve the public interest.

If any of the three universities reach an agreement that includes phased retirement or pension and benefit concessions, the costs are likely to be mitigated by these factors (though to an unknown extent). When the respective university administrations agree to abolish mandatory retirement it will be in their best interest to ensure the costs of a change in policy are minimal and that the overall operation of the university remains undisturbed. Hence, the interest of the university administration is aligned with the public interest. Although it should not be assumed that the faculty association and university administrators will always act in the best interest of the public, it is unlikely that these negotiation outcome alternatives will differ significantly from one another in this respect.

7.5 Analysis of Alternatives

Each alternative is evaluated based on the eight criteria that were identified. Each alternative is rated on the magnitude of the impact it will have on each criterion: no impact, low, moderate, or high for each institution. Since the faculty association and the university administration often have conflicting priorities each criteria will be examined from each side's perspective. In addition, each alternative will also be ranked by its predicted effect—negative, neutral or positive—on each criterion. The ratings are determined based on the interview results from each institution. It should also be noted that not all criteria will be given the same importance within the ranking matrix. One issue may be of greater importance at one institution than the other. Criteria are listed from least important to most important. So the criteria at the bottom of the matrix are given more weight than the criteria at the top of the matrix. A summary of the ratings of alternatives based on each criterion can be found in the matrix below. Based on this analysis one alternative will be recommended.

The first negotiation outcome alternative is to end negotiations between the faculty association and the university administration and wait for provincial legislation to determine a change in policy. From the university administration's perspective, this alternative will have no impact on the costs associated with faculty salaries and pension and benefit costs, which is considered a positive effect. The other criteria of institutional productivity, recruitment and retention, and human resource planning will remain unchanged. A criterion that receives a score of unchanged can be either a neutral, negative or positive effect depending on whether a change is considered desirable. The performance evaluation system will also remain unchanged; this can be considered a negative effect because the university views a new performance evaluation system as positive. Conversely, the faculty association views breaking off negotiations as having

no effect on salary costs, university productivity, recruitment, pension and benefit costs and human resource planning. They do, however, believe that a change in the performance evaluation structure would be undesirable. Hence, breaking off negotiations may be desirable if a change in performance evaluation is necessary.

The feasibility of this alternative is high for both sides because it enables them to avoid making difficult decisions on any of the policy issues. However, the sustainability of this approach is very low for both parties. Breaking off negotiations does not address the faculty associations' concern with the current agreement and it does not provide either side with control over mandatory retirement. As a result, even though this alternative addresses some of the identified policy issues, the majority of the participants who were interviewed expressed a desire to reach an agreement prior to provincial legislation. Thus, this negotiation outcome alternative is not desirable.

The second negotiation outcome alternative is to negotiate an agreement that extends the age of mandatory retirement. For the university administration the costs associated with this alternative are very high. The university will incur increased salary costs and increased strains on pension and benefit structures if the university has a defined contribution scheme, which all three of the BC universities do have. In particular the costs associated with having more faculty stay on at peak salaries and fewer faculty at entry level salaries could be cause for university concern. The ability to plan for the exit of older employees and the hiring of new employees will not be dramatically affected for the university; it will simply be delayed. This is a positive effect for the university. A positive outcome for both the faculty association and the university administration will be the facilitation of recruiting more faculty from the other institutions in BC that still have mandatory retirement at the traditional age of 65. In spite of some of these benefits, the faculty associations are unlikely to agree to this alternative because it still retains a mandatory retirement principle. Additionally, the expectation of provincial legislation that will abolish mandatory retirement makes this alternative unsustainable and not feasible over the long term. This alternative only serves each party's interest by not allowing the other party to achieve what they desire. Consequently, this alternative is likely not being considered by either the faculty associations or the university administrations at any of the three institutions in BC (UBC, SFU, and UVIC).

The third negotiation outcome option is to negotiate an agreement to abolish mandatory retirement with a phased retirement option and some changes to pension and benefit structures. This option would be modelled after the U of T agreement and has several benefits. First, the

phased retirement option helps the university plan for the exit of employees. Second, the pension and benefit concessions, such as the termination of long term disability for faculty over the age of 65, helps mitigate the costs associated with a change in policy. This approach is also highly feasible because it helps address the policy issues of the university and allows the faculty association to accomplish a change in policy. This approach is also sustainable because it mitigates the long-term costs to the university and addresses a policy change that the provincial government has vowed to pursue in the near future. The main drawback of this approach is that it does not address the universities' concerns with performance evaluations. One question that remains unanswered by this approach is the extent of the pension and benefit concessions required by the university administrations. Given that the universities in BC have a defined contribution plan as opposed to a defined benefit plan it is uncertain how effective concessions such as those present in the U of T model will be at lowering the costs associated with a defined contribution plan. It is likely that the phased retirement component of this alternative will have to provide strong incentives to retire at the traditional retirement age to offset some of the monetary incentives to continue working that are present in the defined contribution plan.

The fourth negotiation outcome option is to negotiate an agreement that abolishes mandatory retirement in conjunction with a phased retirement option, some changes to benefit and pension structures, and a new performance evaluation system. The performance evaluation system within this alternative would involve a new performance evaluation system for all faculty members within the institution. It seems unlikely that the faculty association or the university administration would deem it appropriate to implement a separate evaluation system solely for employees over the traditional retirement age. Moreover, a separate evaluation system for older workers would likely violate the impending changes to the BC Human Rights Code. This option has the same effect on human resource planning, pension and benefits costs, and sustainability, as the previous approach. This approach also has several additional benefits. The university administration believes the performance evaluation aspect ensures that all staff are held accountable for their productivity, which in turn increases the productivity of the university overall. The university administrators believe this aspect insures that older faculty who choose to continue working past traditional retirement age remain as productive as other employees, which assures the university that older faculty members earn their peak salaries. It should be noted that these beliefs have not been substantiated by any real evidence. Although it is conceivable that older faculty members may not be as productive as younger faculty members, it is also conceivable that the most productive faculty members are the ones who are most likely to stay on. In spite of the universities' stated benefits of a performance evaluation system, this negotiation

outcome alternative is highly unfeasible from the faculty association’s perspective. The interview results indicate that many university administration representatives and faculty association representatives believe UNBC will have trouble implementing their performance evaluation system regardless of the formal structure included in the agreement. The faculty associations are adamantly opposed to the inclusion and attachment of a performance evaluation system with mandatory retirement policy. UBC and UVIC are highly unlikely to accept any changes to their performance evaluation systems. The only faculty association that may be willing to discuss performance evaluations is SFU, but this is speculative as the faculty association representative was unwilling to discuss this issue.

The final negotiation outcome alternative is to continue to negotiate with no intention of reaching an agreement. This alternative does not address many of the issues that arise as a result of the elimination of mandatory retirement policy. Consequently, continuing negotiations is highly desirable for the university administration because they are able to publicly and politically say they are working with the faculty association to resolve this issue, while at the same time maintain the status quo. This alternative is only desirable in the short term as both sides posture for position and try to determine what concessions if any are necessary to reach an agreement. The interviews suggest a resolution is desirable prior to legislation, but the universities are in no hurry to reach an agreement.

Tables 2 and 3 summarize the evaluation of each of the alternatives from the perspectives of the faculty associations and administrations, respectively.

Table 2: Faculty Association Perspective

Alternatives/ Criteria	Break off negotiations, wait for legislation	Increase retirement age	Abolish CMR, add phased retirement	Abolish CMR, add phased retirement and performance evaluation changes	Continue negotiations
Productivity	No impact	Low, positive	Low, positive	Low, positive	No impact
Recruitment and Retention	No impact	Moderately high, positive	High positive	High positive	No impact
Human Resource Planning	No impact	No impact	No impact	High, negative	No impact
Faculty Salary Costs	No impact	Low, positive	Moderate	Moderate	No impact

Alternatives/ Criteria	Break off negotiations, wait for legislation	Increase retirement age	Abolish CMR, add phased retirement	Abolish CMR, add phased retirement and performance evaluation changes	Continue negotiations
Pension and Benefit Costs	No impact	Moderate, small positive	No impact, moderate positive	No impact, moderate positive	No impact
Performance Evaluation	No impact, positive	No impact, positive	No impact, positive	High, negative	No impact, positive
Feasibility	Moderate	Low, negative	High, positive effect	Extremely low, negative	Moderate
Sustainability	Low, negative	Low, negative	High, positive	High, if the faculty association agrees	Low, negative

Table 3: University Administration Perspective

Alternatives/ Criteria	Break off negotiations, wait for legislation	Increase retirement age	Abolish CMR, add phased retirement	Abolish CMR, add phased retirement and performance evaluation changes	Continue negotiations
Productivity	No impact	Low, positive	Low, positive	Low, positive	No impact
Recruitment and Retention	No impact	Moderately high, positive	High positive	High positive	No impact
Human Resource Planning	No impact	No impact	No impact	High, negative	No impact
Faculty Salary Costs	No impact	Low, positive	Moderate	Moderate	No impact
Pension and Benefit Costs	No impact	Moderate, small positive	No impact, moderate positive	No impact, moderate positive	No impact
Performance Evaluation	No impact, positive	No impact, positive	No impact, positive	High, negative	No impact, positive
Feasibility	Moderate	Low, negative	High, positive effect	Extremely low, negative	Moderate
Sustainability	Low, negative	Low, negative	High, positive	High, if the faculty association agrees	Low, negative

8 Recommendations

The application of eight relevant criteria to each of the five negotiation outcome alternatives from the faculty association and the university administration perspectives results in several unsatisfactory and therefore unlikely negotiation outcome alternatives, as shown in Table 4.

Table 4: Overall Negotiation Outcome Rankings

Overall Outcome					
	Break Off Negotiations, Wait for Legislation	Increase Retirement Age	Abolish CMR, Add Phased Retirement	Abolish CMR, Add Phased Retirement and Performance Evaluation Changes	Continue Negotiations
Faculty Association	Negative	Negative	Very Positive	Negative at two of the three institutions.	Neutral
University Administration	Negative	Negative	Some what positive	Very Positive	Neutral

The first negotiation outcome alternative, to break off negotiations, relinquishes control over this policy to the provincial government. Both the faculty associations and the university administrations suggest this is not desirable; they prefer to reach an agreement prior to provincial legislation. Interestingly enough, the university administrations also seem to be in no hurry to reach an agreement; perhaps this is simply the message that they want conveyed to the faculty association for fear that any perceived urgency would weaken their bargaining position. Or they may expect that the provincial government will provide them with sufficient time to negotiate after legislation is passed. The second negotiation outcome alternative, to increase the age of mandatory retirement, does not address the policy issues that arise for either the university administrations or the faculty associations of any of the three universities and is likely to be

superseded by provincial legislation. So this alternative should not be pursued by either party. The fourth negotiation outcome alternative, abolition in conjunction with a phased retirement option, some changes to benefit and pension structures, and a new performance evaluation system, meets the majority of policy issues for the university administration, but it is considered unacceptable by the faculty association at UBC. It is less of an issue at UVIC. Hence, it would appear that only SFU would consider this negotiation outcome option. My impression is that the faculty association at SFU may not have to make any concessions in this area if they are patient and wait for legislation or for the other institutions to reach an agreement. The remaining two negotiation outcome alternatives are far more likely and warrant further discussion.

All three institutions (UBC, SFU, and UVIC) were either involved in active negotiations on mandatory retirement or would be in the next several months. This suggests that both parties are interested in discussing some of the policy issues that a change in policy would address. Hence, one can expect negotiations to continue at all three institutions. In particular, UBC will be entering mediated discussions between the two parties. This may help open communication between the two sides. However, both sides seem far apart on the performance evaluation issue and it may be difficult for them to resolve. The faculty association at UBC is also very concerned with saving the faculty members who are approaching retirement age in the next year. They have described the policy issues as “simple” and expect the university to make a change in policy. The university administration views the policy issues as far more complex and is only prepared to change policy if these issues are addressed. Based on these two positions, it is likely that the two sides will continue to negotiate, but will be unable to reach an agreement prior to legislation being passed.

The situation is very similar at SFU where the faculty association seems unsure of the benefits of negotiating an agreement prior to legislation. Thus, it appears that the two sides are likely to continue to negotiate and will be noncommittal to a new agreement. Their primary negotiation team seems unwilling to make any concessions for a policy they expect to be changed in the near future. The university administration seems less prepared to make a change in policy than the administration at UBC; they view the negotiations as a necessary evil. The university does not give the impression that they have any urgency to reach an agreement, and they seem satisfied with the current agreement. It will be surprising to see the two sides reach an agreement prior to provincial legislation. The policy-relevant issues at UVIC seem to be costs, faculty renewal, and planning. The faculty association is interested in phased retirement options and incentives for retirement. The interviews from UVIC suggest that they might have an easier time

reaching an agreement than the other two institutions. Both sides seem fairly pleased with the performance evaluation component of their current agreement, so this issue has not complicated the discussions. If any institution is likely to reach an agreement prior to legislation it is UVIC. If they do, both parties will probably accept a phased retirement option. The only point of contention is changes to the benefit and pension structures.

Based on the situations at each institution, it is most likely that they will all continue to negotiate without much success. None of the institutions is close to agreeing on any of the policy dimensions that need to be addressed by either party. Once provincial legislation nears, the two sides may become more motivated to reach an agreement. Based on this analysis, it is recommended that each institution pursue negotiation outcome alternative number three. This alternative will include the abolition of mandatory retirement in conjunction with phased retirement options and some pension and benefit changes. This alternative will follow a similar model as the agreement at U of T. In order for this alternative to be effective, each institution must re-evaluate the negotiation process and focus more on interest-based negotiations.

A first step in this process is for the faculty association and university administration to engage in joint data collection on the costs of a change in policy. The two sides should also work together to develop criteria on pension and benefit assumptions. After these criteria and assumptions are agreed upon, the two sides can work together to find solutions that will address these issues. The lessons learned from UNBC and U of T indicate that faculty associations should be willing to help the universities mitigate or eliminate the costs of a change in policy, and the university administrations should be willing to abandon their desire to have a change in policy contingent on new performance evaluation structures. If each side is unwilling to consider these concessions, they will be rolling the dice and waiting for provincial legislation to determine if their position has been strengthened or weakened. After the two sides can agree on these issues, an agreement will be possible. Although it may not be clear which path the negotiations will follow, ultimately several things are clear: mandatory retirement policy will be abolished in relative near term, and universities will reach agreements that are likely to have a phased retirement component to help offset some of the inherent incentives to continue working beyond traditional retirement age that are created by the defined contribution scheme.

8.1 Public Policy Implications

The results from the interviews indicate that both the faculty association and the university administration expect provincial legislation changing the Human Rights Code.

Currently, in BC a private sector employer, such as the university, is permitted to have mandatory retirement policy at 65 years of age or older. As was mentioned earlier the same is not true of public sector employers. A mandatory retirement policy by a private sector employer is not considered in contradiction to the Human Rights Code in BC. Section 13 of the BC Human Rights Code prohibits age discrimination in employment. However, section one defines age as “an age of 19 years or more and less than 65 years”. Consequently, the code allows a private sector employer to distinguish between employees over the age of 65 and employees under the age of 65 in their terms and conditions within a contractual agreement of employment. The current definition of age in the BC Human Rights Code creates unneeded constraints on the number of eligible workers in the Canadian labour force, which could have a negative effect on the BC economy and the provincial government’s fiscal capacity. A solution to this policy problem is to change the BC Human Rights Code and prohibit mandatory retirement. Based on the policy dimensions and the likely negotiation outcomes, some specific changes to the Human Rights Code can be recommended.

It is recommended that the province pursue four specific changes. First, the provincial government should remove 65 from the definition of age. Second, the amendment to the definition of age in the code should also include the removal of the dissolution of functional abilities as a consequence of age from the definition of disability. This language may be used as a loophole for private enterprises to continue to force older academics to retire under the disability definition of the human rights code. Third, all current collective agreements will have a grace period of one year to comply with the new definition of age and all agreements reached after the date of legislation must also comply with the new definition of age. Finally, the only exception to this rule should be under bona fide occupational requirements. The recommendations outlined above would provide the universities with sufficient time to reach agreements with the faculty associations and is in line both in substance and timeframe of other jurisdictions who have made changes to their Human Rights Codes.

9 Conclusion

This study has examined mandatory retirement policy in BC universities. BC's three largest universities (all of which have mandatory retirement at age 65) were contrasted with UNBC and U of T because they were able to abolish mandatory retirement prior to provincial legislation. The U of T case was included because they reached an agreement to abolish mandatory retirement in a climate that parallels the climate in BC today. Through elite interviews with faculty association and university administrator representatives, the primary policy issues affecting both the implementation of public policy and the negotiation outcome alternatives were determined. In addition, the largest obstacles preventing the abolition of mandatory retirement were identified as: costs, human resource planning, and performance evaluation.

Institutional characteristics have emerged as having an important role in an institution's ability to abolish mandatory retirement. They demonstrated that the UNBC agreement will not work at the other BC universities examined. Several negotiation outcome alternatives were developed and analyzed using relevant negotiation outcome criteria. This analysis has demonstrated that it is likely BC universities will continue to negotiate this policy without much success in the short term. The most effective negotiation outcome is for the abolition of mandatory retirement with phased retirement in conjunction with minor pension and benefit structure changes. This alternative will allow the faculty associations to achieve their goal of ending mandatory retirement and mitigate the financial burden on the institution while allowing the institution to make plans for the turnover of employees.

This thesis has illustrated the impact that impeding public policy can have on private enterprises (in this case university's and contractual mandatory retirement). The impending provincial changes to the Human Rights Code have left university administrators and faculty association representatives with complex bargaining issues to resolve. The agreements that are reached at universities will affect the general public that utilizes their services and those individuals who are under their employment. .

More broadly mandatory retirement policy is an economic issue for the province and for the specific institutions that practice the policy. A change in policy affects the number of working age eligible employees, cost structures and the management of employees within these

institutions. Furthermore, questions have been raised regarding the underlying moral legitimacy of mandatory retirement practice. Regardless of one's stance on these issues, the end of mandatory retirement is coming, and new policies will be implemented to cope with voluntary retirement in BC universities.

Appendix: Interview Questions

UNBC

Faculty Association

What is the average age of your faculty? How many (and proportion) will be approaching retirement age in the next five to ten years?

Are you pleased with the new agreement?

Could you describe the process of the negotiations that lead to the new agreement?

How did you consult with your membership?

What do you view as the pros and cons of the current agreement?

What are your expectations of what the province is going to do? Do you think that your position would have changed if you knew the province was going to move to abolish mandatory retirement?

What were the largest obstacles that had to be overcome to reach an agreement?

Do you believe these obstacles are similar in other BC universities? If no how are they different?

How were these obstacles overcome?

Do you think that this agreement would work at other BC universities? Why or why not? Are there unique features of UNBC that helped facilitate this agreement?

University Administration

Are you pleased with the new agreement?

Could you describe the process of the negotiations that has led to the new agreement?

Why were you motivated to negotiate this agreement?

Do you expect more faculty to delay retirement as a result of this agreement? If yes how many/what proportion?

What do you view as the pros and cons of the agreement?

What are your expectations of what the province is going to do?

What were the largest obstacles that had to be overcome to reach an agreement?

Do you believe these obstacles are similar in other BC universities?

How were these obstacles overcome?

Do you think that this agreement would work at other BC universities?

Are there unique features of UNBC that helped facilitate this agreement?

Interview Questions: UBC, SFU, and UVIC

Faculty Association

What is the average age of your faculty?

How many (and proportion) will be approaching retirement age in the next five to ten years?

Are you currently discussing mandatory retirement with the University?

Could you describe in brief, the history of the negotiations on mandatory retirement with the university?

Are you in favour of abolishing mandatory retirement? If so why, if not why not?

In your view what are the major obstacles preventing the abolishment of mandatory retirement at this institution?

Do you believe these obstacles are similar in other BC Universities?

Are you familiar with the UNBC agreement that abolished mandatory retirement?

Would your organization be willing to accept a similar agreement at this institution? If not, why not?

Given the recent provincial announcements what are your expectations of what the province is going to do? How has this effected your position and the negotiations?

Is there someone else I should speak with who may offer a different perspective?

University Administration

Are you currently discussing mandatory retirement with the Faculty Association?

Could you describe in brief, the history of the negotiations on mandatory retirement with the Faculty Association?

Are you in favour of abolishing mandatory retirement? If so why, if not why not?

Are you familiar with the UNBC agreement that abolished mandatory retirement?

Would your organization be willing to accept a similar agreement at this institution? If not, why not?

In your view what are the major obstacles that would have to be overcome for the University to agree to abolish mandatory retirement?

Do you believe these obstacles are similar at other BC Universities?

Given the recent provincial announcements what are your expectations of what the province is going to do? How has this effected your position and the negotiations?

Is there someone else I should speak with who may offer a different perspective?

Interview Questions: U of T

Faculty association

What is the average age of your faculty?

How many (and proportion) will be approaching retirement age (65) in the next five to ten years?

Could you describe in brief, the history of the negotiations on mandatory retirement with the university?

In your view what were the major obstacles preventing the abolition of mandatory retirement at this institution?

How were these obstacles overcome?

Do you believe these obstacles are similar in BC Universities?

What different challenges are present for the universities that abolished mandatory retirement before the province acted vs. those that acted after?

What are your expectations of what the province is going to do in BC?

What changes resulted from the abolition of mandatory retirement? For example, did performance evaluations change? Did benefit structures change?

How were the costs of implementation dealt with?

University Administration representative:

Could you describe in brief, the history of the negotiations on mandatory retirement with the faculty association?

Why did you go ahead and abolish mandatory retirement before the government enacted legislation?

In your view what were the major obstacles that had to be overcome for the university to agree to abolish mandatory retirement?

How were these obstacles overcome?

Do you believe these obstacles are similar at BC universities?

What different challenges were present for the universities that abolished mandatory retirement before the province acted vs. those that acted after provincial legislation?

What changes resulted from the abolition of mandatory retirement? For example, did performance evaluations change? Did benefit structures change?

How were the costs of implementation dealt with? Has the university introduced any incentives to encourage retirement at 65?

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