

# Do You Have a Duty to Accommodate Age in the Workplace?

written by Rory Lodge | January 9, 2014



Less than 100 years ago, mandatory retirement was not an issue. It was not until the middle of the last century that pension plans and Old Age Security lead to the evolution of 65 as the 'normal', and in many cases mandatory, age of retirement. Consequently, 65 is the average age of an individual from the Baby Boomer generation. By the 1990's 2/3rds of collective agreements in Canada contained mandatory retirement plans. Around that same time, the Supreme Court of Canada upheld the constitutionality of mandatory retirement. However, recent changes have put a crimp in the idea of mandatory retirement age for many organizations. With very few exceptions, mandatory retirement is all but dead in Canada (exceptions are made for 'bona fide occupational requirements').

Baby boomers continue to change the face of the Canadian workforce. Although many of these active 'Zoomer' boomers remain in much better health than previous generations, there are natural consequences of aging that are inescapable.

Older employees are beneficial to organizations. Their increased experience allows them to find solutions to problems that other employees would never have considered. At the same time, having older employees is not without cost. Aging induces sensory and motor related losses. These losses include vision and hearing loss, loss of muscle strength and resilience, hypertension, arthritis, diabetes and more. Additionally, older workers have increased chances of injury in addition to a longer recovery time. While the Canadian workplace will continue to need and rely on boomer employees, an awareness of the challenges ahead will help organizations prepare.

## **Age, Disability and Accommodation**

The relationship between age, disabilities and workplace performance is tricky. You cannot use age as a reason to change an employee's job, deny a promotion, or fire an employee. You must accommodate employees with disabilities to the point of 'undue hardship'. Not all older workers become disabled during their working life and yet many will experience a loss of skills and abilities that may or may not impact their

ability to perform their jobs.

If an employee cannot perform aspects of his job because he is physically or cognitively unable due to disability, you can address this as you would any disability accommodation. But do you have a duty to accommodate an employee who does not have a disability but cannot adequately perform his role?

### **Perceptions of the Impact of Aging**

Sometimes the biggest challenge faced by an older worker is related to the perceptions of his or her co-worker; there is a perception that aging impairs physical and mental functioning to the point that it interferes with job performance when in fact this may only be a matter of perception. When an older employee takes longer to perform a task and someone may conclude he is 'slowing down'. When older worker forgets something the assumption can become that he is losing his cognitive sharpness, where as a younger employee may be viewed as not learning well enough or not paying attention. It is important that in the case of older workers that an employer does not jump to any conclusions about the employee's ability without really examining the situation.

### **Management of an Aging Workforce**

The reality of aging is that we do change. With this knowledge, organizations can set up steps and accommodations to support an aging worker in order to continue to reap the rewards this worker can contribute. If all of a sudden, the baby boomers retired en mass, the loss to the Canadian workforce could be calamitous. Keeping boomers happily and healthy employed is a smart business decision.

### **Some practical tips you can implement to support your aging workforce**

- Create job rotation schedules so older workers do not over tax certain parts of their bodies especially repetitively, as older workers muscles will fatigue faster and require longer recover times
- Encourage more frequent short walking and stretching breaks for older workers (this includes both workers in physical and in sedentary jobs)
- Provide older workers with ongoing training in proper lifting, muscle stretching, and strength training appropriate for their bodies
- Provide health and wellness benefits that include preventative measures such as access to physical therapists and massage therapy
- Offer screening for vision and hearing loss conveniently, right in the workplace
- Consider flexible and part-time work for those boomers who request it. This allows you to retain their knowledge and perspective

A word of caution: Do not avoid offering older workers promotions or opportunities or other benefits you offer all employees. You may not have the boomer worker around for 20 years, but they still have a right to be treated with the same respect and support as any other worker.

### **Resources**

[The Duty To Accommodate Senior Workers: Its Nature, Scope and Limitations](#)

[Retaining and Supporting Mature Workers: HR Insider](#)