

Nova Scotia Court Says Pension Plan Mandatory Requirement Rule Is Not Age Discrimination



After many years of faithful service, a 65-year-old school bus driver still felt great and wanted to keep working. But his pension plan required employees to retire at the end of the school year in which they turn 65. The Nova Scotia Court of Appeal threw out the driver's discrimination case. As in most jurisdictions, Nova Scotia's ban on age discrimination doesn't apply to the operation of a bona fide pension plan. Nobody denied that the school board plan *was* "bona fide;" but the lower court had ruled that the BFPP exception didn't apply because the mandatory retirement *rule* wasn't a "legitimate" part of the plan. Fiddlesticks, said the Appeals Court. "Bona fide" refers only to the plan, not the actual mandatory retirement rule it adopts [*Tri-County Regional School Board v. Nova Scotia (Human Rights Board of Inquiry)*, 2015 NSCA 2, Jan. 15, 2015].