

Prior Case Decided Mandatory Retirement of Firefighters at 60 is BFOR



A suppression firefighter who was forced to retire at age 60 sued the city for age discrimination. The city asked the Human Rights Tribunal to dismiss the lawsuit because the firefighter was unlikely to succeed given a prior court case that held that mandatory retirement at age 60 for suppression firefighters was a bona fide occupational requirement (BFOR). The Tribunal agreed. There was no evidence to suggest that a different result would be reached in this case than was already reached on the same exact issue in the *Espey decision* [*Gill v. City of Hamilton*, [2012] HRT0 1506 (CanLII), Aug. 1, 2012].