
EDWARD OGELSKI

Deputy Chief of Police #44

Written & researched by John Burchill
December 10, 2021. Winnipeg Police Museum



Edward Ogelski, 1953

Today marks International Human Rights Day, celebrated annually across the world to honor the United Nations General Assembly's adoption and proclamation, on December 10, 1948, of the Universal Declaration of Human Rights, the first global enunciation of human rights and one of the first major achievements of the new United Nations.

Article 2 of the Declaration affirmed that *"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*

One of the rights and freedoms protected in the Declaration is *"the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"* (Article 23(1)).

In its final report to Parliament, the Canadian Special Joint Committee of the Senate and the House of Commons on Human Rights and Fundamental Freedoms concluded that the Declaration *"Although not legally binding upon States, such a document, being a statement of principles, will tend to influence the course of legislation in States which consider themselves morally bound by its provisions, and will, therefore, promote human rights and fundamental freedoms."*¹ As such its principles would still need to be adopted within the Canadian legislative framework.

Manitoba, one of the early adopters, passed the *Fair Employment Practices Act*, S.M. 1953, c. 18, on April 18, 1953. Section 4(1) of the Act stated that *"No employer shall refuse to employ, or to continue to employ, or otherwise discriminate against, any person in regard to employment, or any term or condition of employments, because of his race, national origin, colour, or religion, unless the refusal is based upon a bona fide occupational qualification"*.

While it could be read in, one of the areas of distinction that is not listed in the Declaration or the *Fair Employment Practices Act* at the time was discrimination based on "age". With these in

¹ Special Joint Committee of the Senate and the House of Commons on Human Rights and Fundamental Freedoms, Minutes of Proceedings and Evidence (Ottawa: King's Printer, 1948) at 22 [hereinafter Joint Committee on Human Rights 1948].

mind I take a look back at the career of former football player, Navy seaman, and Deputy Chief of the Winnipeg Police Department, Edward Ogelski.

Edward was born on July 15, 1924, in Winnipeg to Polish immigrants Louis and Katherine Ogelski. Edward lived with his family at 75 Grove Street in North Point Douglas.

As a student Edward attended St. Paul's High School where he excelled at sports, playing football with the St. Paul's Crusaders in the Manitoba High School Football League.² In Edward's final two years of high school football the Crusaders went to the provincial championships both times, losing to St. John's Tech 10-3 in 1941 but capturing the title from St. John's Tech 12-5 in a hard fought re-match in 1942.

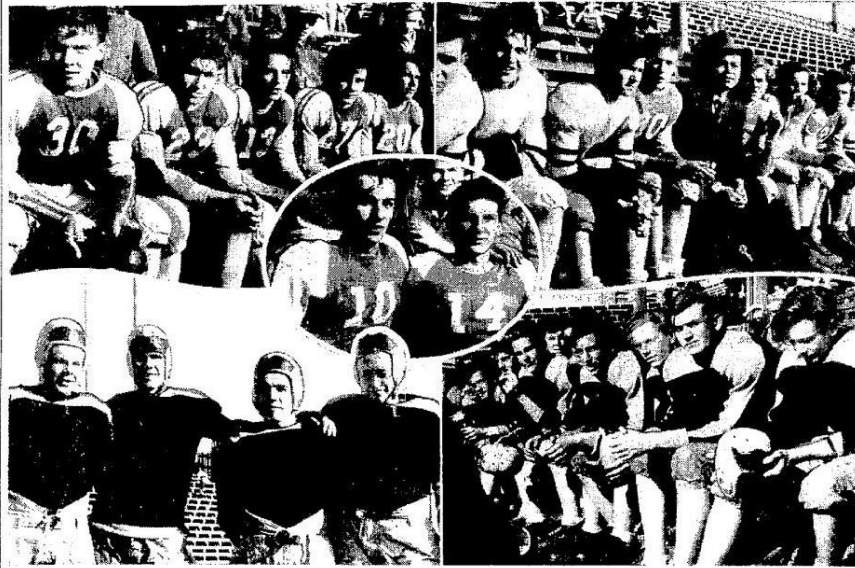


St. Paul's College, Manitoba League Champions, Winnipeg Tribune, November 11, 1941.
Edward O'Gelski (sic), is front row centre beside coaches Derrington and Sheley.

The coach of the St. Paul's Crusaders in 1941-1942 was Winnipeg Blue Bombers player Wayne Sheley, who had replaced another revered Bomber's player, Greg Kabat, who had coached the Crusaders from 1933 to 1940. Under Kabat and Sheley's guidance, the Crusaders won the high school championship title seven times. A video of St. Paul's formidable football history from 1931-2006 can be found here: <https://fb.watch/9zphxvg707/>.

² Besides St. Paul's, the Manitoba League had teams from Portage Collegiate, Kenora Collegiate, St. John's College, and (until 1940) St. James Collegiate. The winners of the Manitoba League would compete against the Winnipeg High School League (Gordon Bell, Isaac Newton, Kelvin, St. John's Tech., and Daniel McIntyre) for the provincial championships.

Eddie Miller Leads St. Paul's To Opening Gridiron Triumph



St. Paul's College team in the Manitoba Schools' league proved too strong for the game St. John's College club as the league got under way at Osborne stadium. The Saints from Ellice avenue scored a 23-0 victory. Here you see a number of pictures taken during Saturday afternoon. Top left—A number of St. Paul's stars—Bob Wall, Red Davison, Ed Ogelski, Wally Kostroski and Steve

Bohunicky. Top right—A bench shot of the St. Paul's team, with Wayne Shesley, coach, in the middle. Lower left—Four St. John's players who gave a good account of themselves — Johnson, MacKenzie, Gillespie and Wilks. Lower right—A close-up of lads on the St. John's bench during the game. Inset in the centre—Ed and Freddie Miller, brothers, who paced the St. Paul's club to their triumph.

Ed Ogelski (#13), top left with St. Paul's Crusaders football team
Winnipeg Free Press, October 5, 1942

Playing in Manitoba Schools' League



Making their first appearance on a Winnipeg gridiron this season, Portage Collegiate absorbed a 34-0 beating from the redoubtable St. Paul's college club in the Manitoba School's league fixture played at Osborne stadium. Top left, Eddie Miller, the southpaw pass flinger from St. Paul's. Top right, Coach Jack McVicar, right, answers three of his Plain's City, proteges he knows they did their

best and in the picture are Neil Sullivan, Joe Lawrence and Bud Ritchie, who started with Portage Territes; lower left, three more Portage lads who worked hard in defeat, Jerry Covers, Jim Mutcherson and Hamilton Sullivan; lower right, a nifty foursome from St. Paul's, Eddie Ogelski, Jim Carcy, Bawerman, and Frank Bourke-Gaffney.

Ed Ogelski (#13), bottom right with St. Paul's Crusaders football team
Winnipeg Free Press, October 20, 1942



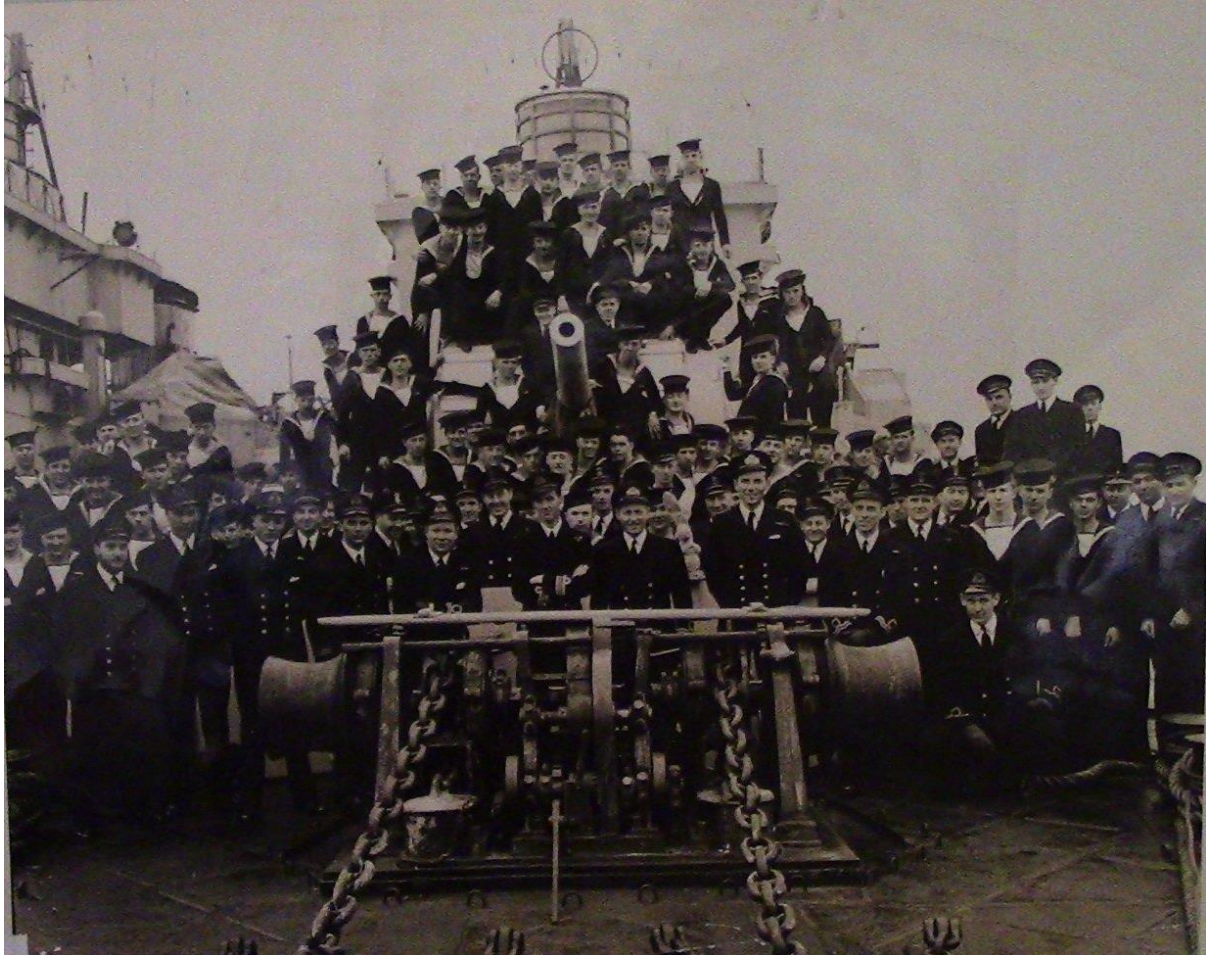
1942 St. Paul's Crusaders, Provincial Football Champions. Courtesy St. Paul's High School Archives.
Edward Ogelski, second row centre.

Laurent (Larry) Desjardins, who played with Edward on the 1941 Crusader team, played briefly with the Blue Bombers in 1942 and the United Services team during the war. Post war, Laurent was Line Coach for the Crusaders in 1945, 1947 and 1949 and Head Coach in 1948 and 1950, cementing a long lasting relationship between St. Paul's and the Bombers.

Besides Laurent, at least 24 Crusaders alumni have suited-up for the Winnipeg Blue Bombers, including Edward Ogelski.

Out of high school Edward joined the war effort, volunteering with the Royal Canadian Naval Volunteer Reserve (R.C.N.V.R.). He enlisted in Winnipeg in 1942 and, after completing his ASDIC training,³ he served on Atlantic Convoy duty on board the Her Majesty's Canadian Ship (H.M.C.S) Kapuskasing. The Kapuskasing served in the Royal Canadian Navy during WWII, primarily as a convoy escort in the Battle of the Atlantic. The ship was launched on July 22, 1943 and Commissioned on August 17, 1944. At the conclusion of the war, Edward returned to Winnipeg.

³ ASDIC is a sonar system for submarine detection developed by British, French and American scientists during WWI; the name is derived from that of the Anti-Submarine Detection Investigation Committee. The ASDIC emits a sound signal at regular time intervals. The sound waves travel through water and, when they hit a solid body, bounce back as an echo, which is intercepted, amplified and then heard by the operator.



HMCS KAPUSKASING J326, Halifax, NS, - 28 Jan 1945, DND/RCN photo - Neg # HS1387-1
(Ogelski's name is on the back of the picture as a crew member)

For the later half of WWII the Interprovincial Rugby Football Union and the Western Interprovincial Football Union suspended operations. This meant the Winnipeg Blue Bombers were on hiatus for a couple of years (although a *Winnipeg RCAF Bombers* team was created which combined civilians and servicemen to ensure they would have a competitive team if any of their members were called up for active military duty).



After the war the Blue Bombers reorganized in September 1945, comprised mostly of local Canadians, including Edward Ogelski. The assembled crew played a regular season against North Dakota State, Minto State Teachers College, the University of North Dakota, Bemidji State Teachers College, Concordia College and Regina before knocking off Calgary in the Western Final.

Notwithstadning two broken ribs during the season, Edward traveled to Toronto with the Blue Bombers for the 33rd Annual Grey Cup as the back-up or second string centre. Unfortunately, the Bombers were no match against the Toronto Argonauts losing 35-0.



Above are five of the Blue Bomber rookies mugging in the C.P.R. rotunda Monday before their train pulled out for the east and the Grey cup final with Toronto Argos Saturday afternoon. All second-stringers, they are making their first trip to the Canadian rugby final. Left to right, they are Ed Ogalski, centre; Ed Pollock, end; Steve Bohunicky, flying wing; Elton Hobson, quarterback; and Kas Vidruk, tackle.

Rookie Centre, Ed Ogalski heading to Grey Cup in Toronto,
Winnipeg Free Press, November 28, 1945

Edward returned to the Bombers fold in 1946. However, he wound up on the injured list with a broken wrist during a May 1946 practice. In perhaps his first foray into employee rights, Edward was one of 12 players that petitioned the Bombers for increased pay and benefits for injured players. In the August 21, 1946, edition of the Winnipeg Tribune "*the so-called Players' Union*" was looking for, among a other concessions, "*the sum of \$25 per week, plus doctors' fees [for] injuries sustained and unable to attend his job properly*". They were also seeking a bonus of \$1000 if the team reaches the [Grey Cup] East-West final". Arthur Chipman, President of the Bombers, "*assailed the union's action as 'misguided', and charged that the majority of its members had been misled and 'talked into it' by one or two trouble-makers, who weren't footballers, anyway.*"

Edward did not return to the Bombers in 1947 and was employed at the Swift Canadian Company in the beef room until 1953.

Perhaps seeking a change in his job or just better benefits, on July 2, 1953, just a few days before his 29th birthday, Edward applied for and was taken on strength with the Winnipeg Police. After a few months walking the beat Edward entered Recruit Class #33, graduating on November 27, 1953. He rose through the ranks, eventually being appointed the Deputy Chief of Criminal Operations in 1981.

When Edward was hired the City of Winnipeg had a Pension By-law #14813 that was first adopted on February 24, 1936. As amended from time to time, s. 25(3) of the Pension Bylaw read as follows after the passage of amending By-law #278/73:

25(5) Notwithstanding any other provision of this by-law, on and after the 1st day of January, 1973

(a) every Member of the [Winnipeg Police] Association and Senior Police Officer, as those terms are defined in subsection (3) of Section 7 of this by-law, shall retire upon attaining the age of sixty years;

(b) the City may, at its option, upon ninety days' notice in writing to the party concerned, require the retirement of any Member of the Association or Senior Police officer, who has reached the age of fifty-five years or more, provided that if such member has less than thirty years of pensionable service he shall have the right to appeal such a decision to the Board of Commissioners of the City.

At the time the Pension By-law was amended, the *Manitoba Human Rights Act*, S.M. 1970, c. 104, which repealed the *Fair Employment Practices Act*, had come into force on October 13th, 1970. Section 4(1) of the new Act read:

4(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his race, creed, religion, sex, colour, nationality, ancestry or place of origin.

As with the former *Fair Employment Practices Act*, “age” was not a ground of discrimination under the new *Human Rights Act*. As such the City could force its members to retire once they reached the age of 60 (if not 55). Other professions had similar requirements based on declining cognitive functions, reaction time, physical strength and endurance and physical health of 55-60 year olds.

However, that changed on August 24, 1974 when a totally revamped *Human Rights Act*, S.M. 1974, c. 65, came into force, repealing the 1970 version of the Act. The new 1974 Act now included age as a ground of discrimination in employment:

6(1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment or in respect of an intended occupation, employment, advancement or promotion, and in respect of his membership or intended membership in a trade union, employers' organization or occupational association; and, without limiting the generality of the foregoing because of the race, nationality, religion, colour, sex, age, marital status, ethnic or national origin, or political beliefs of that person.⁴

Nevertheless, on January 5, 1984, the year Edward would turn 60, he received notice from the City that he would be dismissed in accordance with the Pension By-law on the last day of the pay period after his 60th birthday (so July 15th). Edward subsequently filed a complaint with the Manitoba Human Rights Commission on January 12, 1984 and on July 17, 1984, a Notice of Hearing was sent out by the Human Rights Commission setting a date of September 18, 1984, to hear Edward's complaint of age discrimination.

⁴ A new *Manitoba Human Rights Code*, S.M. 1987-88, c. 45, was proclaimed in force on December 10, 1987 (Man. Gaz.: 19 Dec 1987). However the new Code is outside the scope of this article.

Lawyer Mel Myers would represent the interests of the City of Winnipeg, the Board of Commissioners for the City of Winnipeg, and the City of Winnipeg Police Department in upholding the mandatory retirement clause in the by-law. The position of the City was that it was a reasonable occupational requirement for a policeman to retire at age 60 and that this requirement was necessary to protect the public, fellow police officers and the Complainant from unreasonable risks occasioned by a person over 60 continuing to do police work.

Mr. Gerry Parkinson represented the Manitoba Human Rights Commission which, pursuant to Sec. 26 of the Act had carriage of the Complaint. Edward appeared personally on every day of the hearing and was satisfied to rely on Mr. Parkinson's representations.

Mr. Victor Savino was selected as the sole Adjudicator for the hearing, which became one of the most totally contested adjudications in this Province's history. It involved over nine days of examination, cross-examination and re-examination of numerous specialized police and scientific and medical expert witnesses, who tendered over 50 exhibits, and two days of argument.

The City called eleven (11) senior police officers, each one of them testified that 60 years of age was a reasonable age to retire from police work at all levels and that they were in agreement with the policy of the by law. Indeed some of these senior officers had campaigned very strongly for the enactment of such a by-law.

The City also called Dr. David Mymin, an eminent cardiologist with 24 years' experience and a professor at the University of Manitoba; Dr. Ronald Cape, an internist who since 1967 has practiced in England and in Canada as a geriatrician and is the author of *Aging: Its Complex Management and co-author of Fundamentals of Geriatric Medicine*; Dr. Josef Divic, an Ontario psychiatrist; Dr. Garry Hawryluk Ph.D., a psychologist and director of rehabilitation psychology at the Health Sciences Centre and Dr. Lawrence Breen Ph.D., another psychologist and professor at the University of Manitoba.

These medical and psychology experts called by the City stated without hesitation that age 60 is a reasonable occupational qualification for all police officers and two of them would even have reduced the age to 55. In brief, it was an irrefutable fact the elderly perform more poorly than the young on perceptual tasks. Aging impairs performance on speeded tasks, i.e. those requiring complex information gathering from various sources and then quick decision-making as a result of such information.

While Savino clearly accepted the general proposition that as people age their functional abilities lessen, albeit at widely varying rates. Cognitive functions, reaction time, physical strength and endurance and physical health, are all subject to this process. However, he found no sufficient link between these facts and Edward's job such that at 60 he would pose a threat to the safety of his fellow officers or the public in general.

On March 1, 1985, Savino released his decision that Edward had been discriminated against on the basis of age. As Edward had been locked out of work since July 1984, Savino ordered his immediate reinstatement with back pay.⁵

On March 11, 1985, Edward returned to work. However, he was not given the Deputy Chief's office back in the Public Safety Building. He was assigned a small office in the Training Division on Vermillion Road to "review policy". When I started at the Training Division in November 1987, Edward was still there and a new Deputy Chief had been promoted to take his place.

The City immediately appealed Savino's decision, including Edward's reinstatement to the Police Department, to the Manitoba Court of Queens Bench. Counsel for the City argued that Savino had failed to apply the minimum risk concept when assessing the sufficiency of its evidence in support of the mandatory retirement policy. Essentially, that sufficient evidence was produced to show that compulsory retirement was justified because by the age of 60 there was at least a reasonable possibility of risk, even though it may be fairly minimal, that the job requirements cannot be performed or adequately performed.

Justice Wright dismissed the City's appeal on October 15, 1985, holding that Adjudicator Savino had made no reversible errors in his decision.⁶

Mayor Bill Norrie was lived with Justice Wright's decision. In an interview with the Winnipeg Free Press on October 18, 1985, Norrie said if the ruling "*is allowed to stand, the City will have to consider firing older workers who are slowing down and term contracts rather than permanent jobs for senior officials ... with mandatory retirement, Norrie said, the City can afford to wait for employees who are slowing down to retire. But, if the court ruling is allowed to stand, the City will have to go through the distasteful process of firing such older workers for incompetence. 'It's not a very pleasant way to end a career' ... you can't have employees just carrying on to any age.*"

A further appeal to the Manitoba Court of Appeal was dismissed on September 26, 1986. The City appealed once again to the Supreme Court of Canada. While leave to appeal was granted on December 11, 1986, it was further dismissed on February 23, 1987, by Justices Estey, McIntyre and Wilson JJ.⁷

Retired Deputy Chief Joe Gallagher, who had the honour of working with Edward for 19 years while he was a Sergeant of Detectives, Staff Inspector and Superintendent in the Crime Division and also while he was Deputy Chief of Police, told me that "*Ed had a presence about him. True to his football training he exuded confidence, strength and a 'Do it now, do it right' attitude. He inspired those around him to be part of a team which engendered trust, loyalty and pride and developed them into accomplished investigators, trusted supervisors and excellent divisional*

⁵ *Winnipeg (City) Police Dept. v. Ogelski*, 6 C.H.H.R. 2664 (1985).

⁶ *Winnipeg (City) Police Dept. v. Ogelski*, [1985] M.J. No. 507 (QB), 37 Man.R. (2d) 42.

⁷ *Winnipeg (City) Police Dept. v. Ogelski*, [1986] M.J. No. 474 (CA), 44 Man.R. (2d) 1. Leave to appeal SCC dismissed, [1987] S.C.C.A. No. 38.

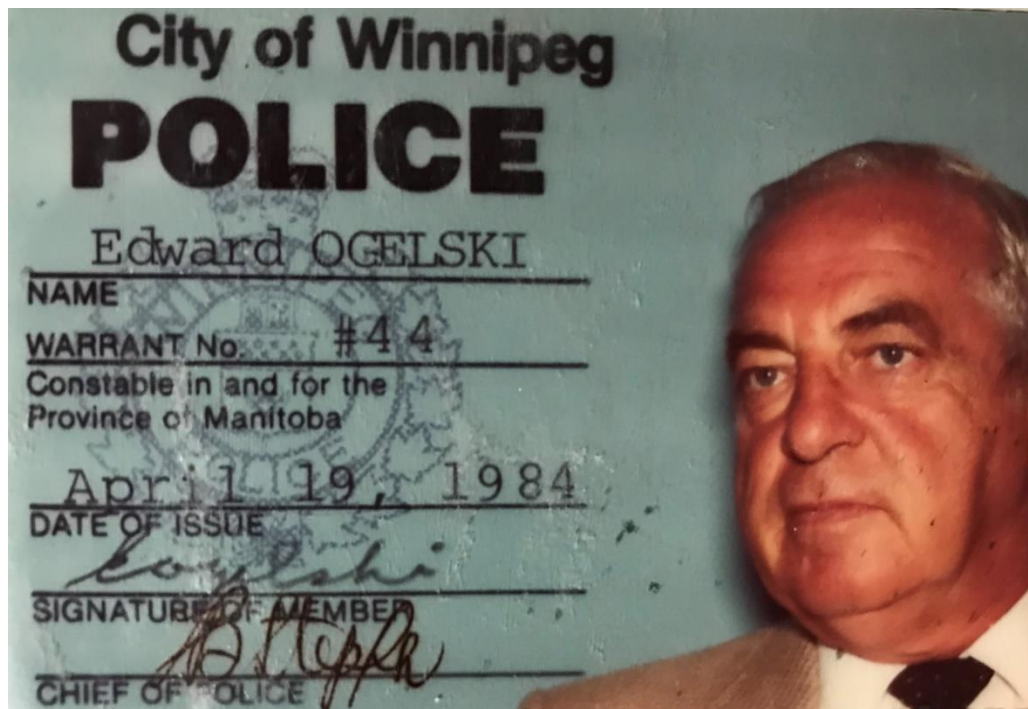
commanders. He was truly was an exemplary leader and an exceptional role model during his distinguished 35 year career with the Winnipeg Police Department.”

On May 21, 1988, two months before his 64th birthday the City offered Edward a settlement package of \$15,000 and a bi-weekly pension of \$808.00 if he retired.

During the week of October 12, 1990, Mayor Bill Norrie and City Council “*threw in the towel*” and revoked mandatory retirement for the police without debate. Commenting on the City’s decision, Edward said they should have done it sooner as “it wasn’t a great feeling for me”.⁸

Today there are a number of police and staff members who are over the age of 60 that can thank Edward for “sticking to his guns”.

Edward Ogelski died in British Columbia on February 18, 1993.



⁸ It is interesting to note that Mayor Bill Norrie, who turned 60 the previous year, probably felt he had something to contribute as Mayor and did not feel cognitively impaired in his ability to do so. He remained Mayor until 1992.