

RADAR

May 11, 2023



Message From the Editor

- There are no key items of concern to highlight this week.
- This issue covers the two-week period from April 28, 2023 to May 11, 2023.

GENERAL

Federal – Employment Standards

On May 10, 2023, Order in Council 2023-0360 and 2023-0361 (OICs) were published in the Canada Gazette.

As previously reported, OIC 2023-0360 announced the proclamation of certain provisions of the *Budget Implementation Act, 2018, No. 2*. OIC 2023-0361 sets out the related regulations.

These OICs amend the *Canada Labour Code* to provide, among other matters, the following:

- **Information Related to Employment**

- an employer must provide certain information/materials (as set out in the *Canada Labour Standards Regulations*) within 30 days of:
 - an employee's employment
 - the date the information/materials are updated

- an employer must post and keep posted the most recent version of the information/materials
- if an employee is terminated, an employer must, not later than the last day of the employee's employment, provide the employee with a copy of the most recent version of the information/materials
- an employer must retain a copy of any employment statement for 36 months after the employee's employment with the employer ends and, on request, the employee must be provided with additional copies
- transitional provisions generally give employers 90 days from the date these provisions come into force to provide such information/materials

- **Reimbursement of Work-Related Expenses**

- an employee is entitled to and the employer shall provide reimbursement of reasonable work-related expenses (unless it is an "ineligible" expense pursuant to the

- regulations, in accordance with a collective agreement or any other written agreement between the employee and the employer)
- the work-related expenses must be paid within the time limit prescribed by regulation, or the terms of the collective agreement or written agreement between the employee and the employer

These provisions come into force on the 60th day after the day on which this Order is published in the *Canada Gazette*, Part II or July 9, 2023.

Source: [Order in Council 2023-0360](#)

[Order in Council 2023-0361](#)

[Budget Implementation Act, 2018, No. 2](#)

WEALTH SOLUTIONS

AII – CAPSA - MJPPA

We previously reported that an amendment to the 2020 Agreement Respecting Multijurisdictional Pension Plans (2020 Agreement) was in the process of being executed by the various pension jurisdictions.

On May 11, 2023, the Canadian Association of Pension Supervisory Authorities officially announced that Manitoba and Newfoundland and Labrador have joined the original governments that are party to the 2020 Agreement) effective July 1, 2023.

As a result, all jurisdictions in Canada that have pension legislation, and all multi-jurisdictional pension plans in Canada, will be subject to the 2020 Agreement effective July 1, 2023.

Source: [News Release](#)

[2023 Agreement Amending the 2020 Agreement Respecting Multi-jurisdictional Pension Plans](#)

New Brunswick – PRPPs

Effective May 1, 2023, New Brunswick became a party to the *Multilateral Agreement Respecting Pooled Registered Pension Plans and Voluntary Retirement Savings Plans* (PRPP Agreement).

As such, pooled registered pension plans (PRPPs) are now available in New Brunswick. The New Brunswick *Pooled Registered Pension Plans Act* was proclaimed into effect January 1, 2023.

Until now, only Canada, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec, and Saskatchewan were subject to the PRPP Agreement.

The PRPP Agreement is intended to streamline the regulation and supervision of PRPPs to effectively delegate to the Office of the Superintendent of Financial Institutions (OSFI) responsibility for licensing, registering and supervising PRPPs whose operations fall within the jurisdiction of both the federal government and that of a participating province. The agreement does not give OSFI responsibility with respect to Quebec's Voluntary Retirement Savings Plans (VRSPs) but permits authorized VRSP administrators to act as PRPP administrators under the federal PRPP Act if they register a PRPP federally.

Note: Newfoundland and Labrador is still not a party to the PRPP Agreement. However, Newfoundland and Labrador (as well as Manitoba) will become parties to the Agreement Respecting Multi-Jurisdictional Pension Plans (MJPPA) effective July 1, 2023.

Source: [News Release](#)

[Pooled Registered Pension Plans](#)

Ontario - Miscellaneous

On May 11, 2023, the Financial Services Regulatory Authority (FSRA) published its latest Pension Update.

Among other matters, the update announces the following:

- *My employer is bankrupt. What does that mean for my workplace pension plan* (new guide) – the guide notes that it may need to be updated as a result of federal Bill C-228
- Pension Plan Examinations (update) - to date, FSRA has examined two plans; FSRA expects to

complete 15-20 plan examinations by the end of 2023 and will continue to provide updates to the sector throughout the year

- Missing Member Data Collection (update) - FSRA requires pension plans to provide missing members data when filing their Annual Information Return (AIR); to date, FSRA has collected missing members data from approximately 1,500 pension plans and expects remaining pension plans to submit their missing member data when they file their AIR this June

Source: [Pension Update](#)

[Member Guide: My employer is bankrupt. What does that mean for my workplace pension plan](#)

[Missing Members: Interim Update on FSRA's Data Collection](#)

Saskatchewan – Miscellaneous

On May 3, 2022, Bill 108, *The Pension Benefits Amendment Act, 2022* received third reading.

Once this bill receives royal assent, it will not come into effect until Order of the Lieutenant Governor in Council (once the related regulations are finalized).

Among other matters, the bill provides for the following:

DB Plans

- annuity discharge (on-going plans)
- establishment of solvency reserve accounts
- letters of credit (only prescribed employers)
- provisions authorizing contribution holidays when there is “available actuarial surplus”

- subject to prescribed conditions, a person who has transferred the commuted value of their entitlement from a pension plan to an “external plan” (i.e., another pension plan, prescribed RRSP, pooled registered pension plan or other prescribed retirement plan) will be permitted to transfer their entitlements back into the pension plan (although they will be deemed to be a former member)

DC Plans

- allow defined contribution (DC) pension plans to offer variable payment life annuities (VPLAs)
- permit portability by terminated members to advanced life deferred annuities (ALDAs)

Enhanced Authority of the Superintendent

- may cancel the registration of a plan amendment (in whole or in part), may direct that the cancellation has retroactive effect, and may direct the reversal of any transactions related to that plan amendment
- may impose administrative monetary penalties (AMPs)
- powers to order compliance (by the Superintendent or the Court)
- process for hearings and appeals from decisions of the Superintendent (appeals will only be permitted based on “questions of law”)
- expanded inspection and investigation provisions

Source: [Bill 108, The Pension Benefits Amendment Act, 2022](#)

Contact Us

If you would like further information on any of these topics, please contact your Aon consultant at canada.retirement@aon.com.

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