

**Disclaimer:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**PENSION BENEFITS ACT**

Amending O. Reg. 310/13

(ASSET TRANSFERS UNDER SECTIONS 80 AND 81 OF THE ACT)

**1. Section 11 of Ontario Regulation 310/13 is amended by adding the following subsection:**

(1.1) However, if a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement results in a new going concern unfunded liability or a new solvency deficiency, special payments to liquidate the new going concern unfunded liability or new solvency deficiency must be made in accordance with section 5, 6 or 6.0.4 of the General Regulation, as the case may be.

**2. Subparagraph 4 i of subsection 1 (1) of Schedule 2 to the Regulation is revoked and the following substituted:**

- i. The portion of the going concern liabilities and the solvency liabilities that,
  - A. relate to the pension benefits and ancillary benefits for which the successor employer will assume responsibility after the proposed transfer, or
  - B. in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, relate to the pension benefits and ancillary benefits to be provided by the successor pension plan after the successor pension plan has been amended in accordance with clause 79.2 (11) (b) of the Act.

**3. Paragraph 6 of section 1 of Schedule 3 to the Regulation is revoked and the following substituted:**

6. A statement that personal information about an individual is not available for inspection at the premises of the original employer or the successor employer, or at a location that is agreed upon by the administrator and the person making the request, unless the individual's prior consent is obtained.

**4. Paragraph 4 of section 2 of Schedule 3 to the Regulation is revoked and the following substituted:**

4. A statement that personal information about an individual is not available for inspection at the premises of the original employer or the successor employer, or at a location that is agreed upon by the administrator and the person making the request, unless the individual's prior consent is obtained.

**5. Paragraph 3 of section 1 of Schedule 4 to the Regulation is amended by adding "or membership" after "number of years of service".**

**6. Paragraph 3 of section 2 of Schedule 4 to the Regulation is revoked and the following substituted:**

3. A description of the differences, if any, in the rate of contributions payable by the original employer under the original pension plan and the successor employer under the successor pension plan or, in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, a description of the differences, if any, in the rate of contributions payable by the participating employers in the original pension plan and the successor pension plan.

**7. Paragraph 13 of section 1 of Schedule 5 to the Regulation is revoked and the following substituted:**

13. A statement that personal information about an individual is not available for inspection at the premises of the original employer or the successor employer, or at a location that is agreed upon by the administrator and the person making the request, unless the individual's prior consent is obtained.

**8. Paragraph 9 of section 2 of Schedule 5 to the Regulation is revoked and the following substituted:**

9. A statement that personal information about an individual is not available for inspection at the premises of the original employer or the successor employer, or at a

location that is agreed upon by the administrator and the person making the request, unless the individual's prior consent is obtained.

**9. Paragraph 3 of section 2 of Schedule 6 to the Regulation is revoked and the following substituted:**

3. A description of the differences, if any, in the rate of contributions payable by the original employer under the original pension plan and the successor employer under the successor pension plan or, in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, a description of the differences, if any, in the rate of contributions payable by the participating employers in the original pension plan and the successor pension plan.

**10. Paragraph 4 of section 1 of Schedule 7 to the Regulation is revoked and the following substituted:**

4. A description of the accrued pension benefits for which the successor employer has agreed to be responsible or, in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, a description of the accrued benefits to be provided by the successor plan after the successor pension plan has been amended in accordance with clause 79.2 (11) (b) of the Act.

**11. Paragraphs 3 and 4 of section 2 of Schedule 7 to the Regulation are revoked and the following substituted:**

3. A description of the differences, if any, in the rate of contributions payable by the original employer under the original pension plan and the successor employer under the successor pension plan or, in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, a description of the differences, if any, in the rate of contributions payable by the participating employers in the original pension plan and the successor pension plan.
4. A description of the accrued pension benefits for which the successor employer has agreed to be responsible or, in the case of a transfer of assets under section 81 of the Act between multi-employer pension plans that are established pursuant to a collective agreement or trust agreement, a description of the accrued benefits to be provided by the successor plan after the successor pension plan has been amended in accordance with clause 79.2 (11) (b) of the Act.

**Commencement**

**12. [Commencement]**