

COVID-19: Pensions Regulatory Updates Across Canada



Federal

- Signatory to the 2020 Agreement Respecting Multi-Jurisdictional Pension Plans¹ (2020 Agreement)
- Office of the Superintendent of Financial Institutions (OSFI)
 - DB freeze on portability transfers and annuity purchases lifted subject to certain conditions
 - FAQs on voluntary solvency payment moratorium
 - Certain automatic deadline extensions
 - Encourages electronic submissions
- Department of Finance
 - Voluntary solvency payment moratorium
 - Time-limited relief from RPP borrowing restrictions
 - Temporary stop-the-clock rules for limits on leave periods under DSLPs
 - Deadline extension for decisions to retroactively credit pensionable service under a DB plan or make catch-up contributions to a DC plan
 - Permitting catch-up contributions to DC plans for 2020 to be made in 2021
 - Setting aside the 36-month employment condition in the definition of “eligible period of reduced pay” for 2020
 - Allowing wage rollback periods in 2020 to qualify as eligible periods of reduced pay under an RPP
- Canada Revenue Agency (CRA) (applicable to plans in all jurisdictions)
 - Waiver of 1% minimum employer contribution to a DC plan
 - Extended deadline for members to elect to have eligible periods of reduced pay that ended in 2019 credited as pensionable service
 - Reduced minimum withdrawal amounts for RRIFs, PRPPs and DC variable benefits
- Other Federal Initiatives
 - Canada Emergency Response Benefit² and Canada Emergency Student Benefit
 - Canada Emergency Wage Subsidy³ and Small Business Employee Subsidy
 - **UPDATED:** Income Support Benefits⁴ and Employment Insurance (EI) amendments⁵
 - Additional reporting for the T4 slip⁶
 - COVID-19 leave of absence



See our April 2020 Blakes Bulletins and Podcast:

[Update: Considerations for Pensions and Benefits During COVID-19](#)

[Alert: OSFI Updates FAQs for Federally Regulated Private Pension Plans](#)

[FAQs: Canadian Pension Plans and COVID-19](#)

[Blakes Continuity Podcast: COVID-19: The Regulatory Impact on Pensions](#)

May 2020 Blakes Bulletin: [Top 5 Employer Questions on the CERB](#)

June 2020 Blakes Bulletin: [Update No. 2: Considerations for Pensions and Benefits During COVID-19](#)

July 2020 Blakes Bulletin: [Draft Pension and Deferred Salary Leave Tax Regulations Released](#)

September 2020 Blakes Bulletin: [OSFI Lifts Temporary Portability Freeze and Restriction on Buy-Out Annuity Purchases](#)



Ontario

- Signatory to the 2020 Agreement
- **NEW:** Optional election to defer employer contributions to certain DB plans
- Temporary suspension of DC contributions in 2020 will not trigger wind-up
- FSRA guidance on limitations on CV transfers and annuity purchases from DB plans
- Certain automatic deadline extensions and additional deadline extensions upon request⁷
- AMPs may not be levied for delayed member communications (but must advise FSRA)
- Suspension of statutory time periods for FST
- Deferred fee assessments
- Infectious disease emergency leave of absence
- **NEW:** FST consultation on in-person hearings during COVID-19⁸

See our March 2020 Blakes Bulletin:

[Considerations for Pensions and Benefits During COVID-19](#)

April 2020 Blakes Bulletins:

[Update: Considerations for Pensions and Benefits During COVID-19](#)

[FAQs: Canadian Pension Plans and COVID-19](#)

[Alert: FSRA Releases Pension Sector Emergency Management Response](#)

April 2020 Blakes Continuity Podcast:

[COVID-19: The Regulatory Impact on Pensions](#)

May 2020 Blakes Bulletin:

[Alert: FSRA Releases Approach to Limitations on Defined Benefit Commuted Value Transfers and Annuity Purchases](#)

June 2020 Blakes Bulletin:

[Update No. 2: Considerations for Pensions and Benefits During COVID-19](#)

NEW: September 2020 Blakes Bulletin:

[The Price of Not Paying the Price: Employers Deferring Pension Contributions Face Other Restrictions](#)



Quebec

- Signatory to the 2020 Agreement
- Update to degree of solvency that must be taken into account for certain payments out of a DB plan
- Maintaining active membership despite a temporary suspension of accrued benefits
- Eliminating the requirement to file an AVR by December 31, 2020, for DB plans whose funding levels were below 90 per cent on December 31, 2019
- Recognition of proposed amendments to the *Income Tax Regulations* regarding RPPs for the purpose of the Quebec taxation system⁹
- Harmonization with proposed amendments to the *Income Tax Regulations* regarding DSLPs⁹
- Certain automatic deadline extensions

See our April 2020 Blakes Bulletin:

[Quebec Announces Temporary Relief Measures for Supplemental Pension Plans During COVID-19](#)

April 2020 Blakes Continuity Podcast

[COVID-19: The Regulatory Impact on Pensions](#)

July 2020 Blakes Bulletin:

[New Temporary Relief Measures for Supplemental Pension Plans in Quebec](#)



Alberta¹⁰

- Signatory to the 2020 Agreement
- Certain automatic deadline extensions
- Reminder of existing restrictions on certain asset transfers, including CV transfers
- Possible extensions on amortization period and/or contribution rate remittance deadlines
- COVID-19 leave of absence¹¹
- Administrators may seek permission to suspend solvency and going-concern special payments for the period June 24, 2020 – December 31, 2020
- Permitted actuarial excess available for contribution holidays increased from 20% to 40% for a single plan fiscal year
- Collectively bargained MEPPs exempted from applying PfAD on contributions for 2020
- Documents required to be filed or provided under the EPPA, other than beneficiary designations, may be delivered electronically
- **NEW:** Mandatory electronic filing of audited financial statements, plan texts and amendments, and fundholder documents¹²

See our March 2020 Blakes Bulletin:
[Considerations for Pensions and Benefits During COVID-19](#)

April 2020 Blakes Bulletin:
[Update: Considerations for Pensions and Benefits During COVID-19](#)

April 2020 Blakes Continuity Podcast:
[COVID-19: The Regulatory Impact on Pensions](#)

June 2020 Blakes Bulletin:
[Update No. 2: Considerations for Pensions and Benefits During COVID-19](#)

June 2020 Blakes Bulletin:
[Alberta Introduces Additional COVID-19-Related Relief](#)



Saskatchewan

- Signatory to the 2020 Agreement
- **UPDATED:** Freeze on transfers or payments out of DB plans modified¹³
- Subject to the facts of any particular case, a DC plan may be amended to temporarily suspend employer and member contributions for a period ending on or before December 31, 2020
- Certain automatic deadline extensions
- Public health emergency leave of absence

See our March 2020 Blakes Bulletin [Considerations for Pensions and Benefits During COVID-19](#)

April 2020 Blakes Bulletin
[Update: Considerations for Pensions and Benefits During COVID-19](#)

and June 2020 Blakes Bulletin:
[Update No. 2: Considerations for Pensions and Benefits During COVID-19](#)



British Columbia

- Signatory to the 2020 Agreement
- May suspend contributions to a DC plan with application to Superintendent
- Possible extensions on amortization period and/or contribution rate remittance deadlines
- Reminder of existing restrictions on certain asset transfers, including CV transfers
- Certain automatic deadline extensions
- COVID-19 leave of absence

See our April 2020 Blakes Bulletin:
[Update: Considerations for Pensions and Benefits During COVID-19](#)

April 2020 Blakes Continuity Podcast:
[COVID-19: The Regulatory Impact on Pensions](#)

June 2020 Blakes Bulletin:
[Update No. 2: Considerations for Pensions and Benefits During COVID-19](#)



Manitoba

- Certain automatic deadline extensions
- Reminder of existing CV transfer rules
- Public health emergency leave of absence

See our April 2020 Blakes Bulletin
Update: Considerations for Pensions and Benefits During COVID-19

and June 2020 Blakes Bulletin:
Update No. 2: Considerations for Pensions and Benefits During COVID-19



Nova Scotia

- Signatory to the 2020 Agreement
- Certain automatic deadline extensions

See our April 2020 Blakes Bulletin:
Update: Considerations for Pensions and Benefits During COVID-19

June 2020 Blakes Bulletin:
Update No. 2: Considerations for Pensions and Benefits During COVID-19



New Brunswick

- Signatory to 2020 the Agreement
- A DC plan may be amended to suspend contributions for the remainder of 2020
- Certain automatic deadline extensions
- Reminder of existing CV transfer rules and expectations for monitoring and recalculating transfer ratios
- Emergency leaves of absence

See our April 2020 Blakes Bulletin
Update: Considerations for Pensions and Benefits During COVID-19

June 2020 Blakes Bulletin:
Update No. 2: Considerations for Pensions and Benefits During COVID-19



Newfoundland and Labrador

- Certain automatic deadline extensions

See our April 2020 Blakes Bulletin:
Update: Considerations for Pensions and Benefits During COVID-19

June 2020 Blakes Bulletin:
Update No. 2: Considerations for Pensions and Benefits During COVID-19

¹ On June 4, 2020, OSFI published an [FAQ](#) on the 2020 Agreement.

² On August 20, 2020, the Government of Canada [announced](#) the extension of the Canada Emergency Response Benefit from 24 weeks to 28 weeks.

³ On July 27, 2020, [Bill C-20, An Act respecting further COVID-19 measures](#) (Bill C-20) received royal assent. For further information, please see our July 2020 Blakes Bulletins: [Highlights: Proposed Changes to Canada Emergency Wage Subsidy](#) and [Government Proposes to Extend and Overhaul the Canada Emergency Wage Subsidy](#).

⁴ **UPDATED:** On August 20, 2020, the Minister of Finance [announced](#) the phase-out of the Canada Emergency Response Benefit and the introduction of three new temporary benefit programs: (1) the Canada Recovery Benefit, (2) the Canada Recovery Sickness Benefit and (3) the Canada Recovery Caregiving Benefit. On October 2, 2020, [Bill C-4, the COVID-19 Response Measures Act](#) (Bill C-4), received royal assent. Amongst other things, Bill C-4 enacts the *Canada Recovery Benefits Act* to authorize the payment of the Canada Recovery Benefit, the Canada Recovery Sickness Benefit and the Canada Recovery Caregiving Benefit. For further information, please see Employment and Social Development Canada's [news release](#) and the [backgrounder on the COVID-19 Response Measures Act](#).

⁵ **UPDATED:** On August 20, 2020, the Minister of Finance [announced](#) the transition from the Canada Emergency Response Benefit (CERB) to Employment Insurance (EI). As part of the transition to EI, the Minister of Finance announced temporary amendments to the EI program. On September 25, 2020, the Government of Canada [announced](#) that the transition from the CERB to EI would begin on September 27, 2020. For further information, please see Employment and Social Development Canada's [Supporting Canadians Through the Next Phase of the Economy Re-opening: Increased Access to EI and Recovery Benefits](#) backgrounder.

⁶ On August 26, 2020, the CRA [announced](#) that it will be introducing additional reporting for the T4 slip for the 2020 tax year. The additional reporting requirements will apply to all employers and will help the CRA validate payments under the Canada Emergency Wage Subsidy, the Canada Emergency Response Benefit and the Canada Emergency Student Benefit.

⁷ See next page for Endnote 7.

⁸ **NEW:** On September 30, 2020, the Financial Services Tribunal (Tribunal) [announced](#) that it is holding a 30-day public consultation on two new draft practice directions relating to [in-person hearings](#) before the Tribunal during the COVID-19 crisis and [electronic hearings](#) before the Tribunal more generally via Microsoft Teams video conferencing.

⁹ On August 17, 2020, the Government of Quebec released [Information Bulletin 2020-11](#). Information Bulletin 2020-11 indicates that the Government of Quebec will adopt the Federal Minister of Finance's proposed amendments to the *Income Tax Regulations* announced on July 2, 2020, for the purpose of the Quebec taxation system. Additionally, Information Bulletin 2020-11 indicates that the *Regulation respecting the Taxation Act* will be amended to incorporate the proposed temporary amendments to the *Income Tax Regulations* relating to deferred salary leave plans, also announced by the Federal Minister of Finance on July 2, 2020. For further details on the federal draft regulations, please see our July 2020 Blakes Bulletin: [Draft Pension and Deferred Salary Leave Tax Regulations Released](#).

¹⁰ On June 3, 2020, the Alberta Superintendent of Pensions published [EPPA Update 20-03](#) which outlines additional COVID-19 relief measures. *Two Employment Pension Plans Act* requirements have been temporarily modified: (a) the requirement for a witness signature on a spousal waiver form will continue but the signature is permitted to be delayed by up to 60 days, and (b) rather than 30 days advance notice to members of a change to member-required contributions, notice of the change must be issued within 60 days after implementation.

¹¹ On June 17, 2020, [Order in Council 181/2020](#) was filed, which amends the *Employment Standards (COVID-19 Leave) Regulation* regarding variance and exemption re family leave.

¹² **NEW:** On September 30, 2020, the Alberta Superintendent of Pensions published [EPPA Update 20-06](#). EPPA Update 20-06 indicates that Employment Pensions has implemented revisions to its online filing site to allow for the online filing of a pension plan's audited financial statements, plan texts and amendments, and fundholder documents in accordance with the [Employment Pension Plans Act](#) and [Employment Pension Plans Regulation](#). Effective October 1, 2020, these documents and associated forms and summaries or redline versions are now to be filed online, and not emailed or mailed to Employment Pensions.

¹³ **NEW:** On October 5, 2020, the Saskatchewan Superintendent of Pensions revoked the notice issued on April 16, 2020, with respect to a freeze on transfers or payments out of DB plans and issued a new notice: Freeze on Transfers or Payments out of Defined Benefit Plans is Modified: Consent is Given to Proceed with Most Transfers and Payments Subject to Conditions.

⁷ On June 18, 2020, FSRA updated its Pension Sector Emergency Management Response Guidance to provide details in respect of deadline extensions introduced in O. Reg. 287/20 (amending the General Regulation) and O. Reg. 288/20 (amending O. Reg. 310/13, Asset Transfers Under Sections 80 and 81 of the Act). Q11 sets out the following charts:

Item	Current Deadline	New Deadline			
Plan Amendment Valuation Report	6 months after the date required for amendment to be submitted for registration	12 months if due date for amendment submission is on or after the day that is 6 months before date filed and before July 1, 2020	Application to CEO consent for asset transfers	9 months after effective date of transfer	12 months if due on or after date filed and before November 1, 2020
Multi-Employer Pension Plan options when contributions not sufficient for benefits	30 days after submitting to administrator and within 9 months of valuation date	30 days after submitting to administrators and within 12 months of valuation date if valuation date is December 31, 2019 or January 1, 2020			
Plan establishment: valuation	90 days	180 days if effective date is 90 days before date filed and on or before July 1, 2020	Filings when asset transfer is completed	60 days after transfer complete	120 days if due on or after date filed and before November 1, 2020
Valuation Report	9 months after valuation date	12 months after valuation date if valuation date is December 31, 2019 or January 1, 2020			
Annual Information Return (AIR)	6 months after plan fiscal year end for DC or 9 months for DB	December 31, 2020 if due on or after date filed and before December 31, 2020	Complete transfer of assets after CEO consent	120 days after consent	180 days if due on or after date filed and before November 1, 2020
Wind Up Report and outstanding AIRs and post wind up AIR and financial statements	6 months after effective date of wind up	9 months after effective date of wind up if effective date is on or after the day that is 6 months before date filed and before October 1, 2020			
Annual wind up valuation review report	6 months after valuation date	Earlier of 9 months after valuation date and December 31, 2020 if valuation date is on or after January 1, 2020 and before July 1, 2020	Notice to members and others (defined benefit and defined contribution)	6 months after effective date of transfer	9 months if due on or after date filed and before November 1, 2020
Notice to members of plan amendments	60 days after registration	120 days if due on or after date filed and before November 1, 2020			
Member Annual Statements and Biennial statements to former and retired members	6 months after plan fiscal year end	December 31, 2020 if due on or after date filed and before December 31, 2020 and FSRA is notified in advance that statements will be delayed			
Financial Statements and Auditors Report if required	6 months after plan fiscal year end	December 31, 2020 if due on or after date filed and before December 31, 2020			
Investment Information Summary	6 months after plan fiscal year end	December 31, 2020 if due on or after date filed and before December 31, 2020			
Statement of Investment Policies and Procedures (SIPP) and SIPP Amendments	60 days after registration of plan or amendment of SIPP	120 days if due on or after date filed and before November 1, 2020			