[Français](http://www.ontario.ca/fr/lois/loi/06o02)

Ontario Municipal Employees Retirement System Act, 2006

[S.o. 2006, chapter 2](https://www.ontario.ca/laws/statute/s06002)

**Consolidation Period:** From April 1, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 14, Sched. 7, s. 16](http://www.ontario.ca/laws/statute/S19014" \l "sched7s16).

Legislative History: [2006, c. 2, s. 44 (2), 55](http://www.ontario.ca/laws/statute/S06002" \l "s45); [2009, c. 18, Sched. 22](http://www.ontario.ca/laws/statute/S09018" \l "sched22s1); [2010, c. 26, Sched. 14](http://www.ontario.ca/laws/statute/S10026" \l "sched14s1) (see: [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2012, c. 8, Sched. 42](http://www.ontario.ca/laws/statute/S12008" \l "sched42s1); [2016, c. 17, s. 93](http://www.ontario.ca/laws/statute/S16017" \l "s93); [2017, c. 20, Sched. 8, s. 114](http://www.ontario.ca/laws/statute/S17020" \l "sched8s114s1); [2018, c. 3, Sched. 5, s. 42](http://www.ontario.ca/laws/statute/S18003" \l "sched5s42) (see: [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5)); [2019, c. 1, Sched. 4, s. 40](http://www.ontario.ca/laws/statute/S19001" \l "sched4s40); [2019, c. 14, Sched. 7, s. 16](http://www.ontario.ca/laws/statute/S19014" \l "sched7s16).

CONTENTS

|  |  |
| --- | --- |
| [Interpretation](#BK0) | |
| [1.](#BK1) | Definitions |
| [Ontario Municipal Employees Retirement System](#BK2) | |
| [2.](#BK3) | OMERS continued |
| [3.](#BK4) | Primary pension plan |
| [4.](#BK5) | Supplemental plans |
| [Employer Participation in the Pension Plans](#BK6) | |
| [5.](#BK7) | Employers generally |
| [6.](#BK8) | Associated employers |
| [7.](#BK9) | Participation in other plans |
| [8.](#BK10) | Termination of participation |
| [Restrictions Affecting the Pension Plans](#BK12) | |
| [9.](#BK13) | Defined benefit plan |
| [10.](#BK14) | Optional increases in pension benefits |
| [11.](#BK15) | Optional increases, police and fire sectors |
| [12.](#BK16) | Employer contributions |
| [13.](#BK17) | Cap on contributions by employer for increased benefits |
| [14.](#BK18) | Contribution rate, benefits under multiple plans |
| [15.](#BK19) | Reserve to stabilize contribution rates |
| [Governance and Administration of the Pension Plans](#BK20) | |
| [16.](#BK21) | Pension plan governance |
| [17.](#BK22) | Pension plan administration |
| [18.](#BK23) | Pension plan amendments |
| [19.](#BK24) | Actuary |
| [20.](#BK25) | Auditor |
| [21.](#BK26) | Annual report |
| [Sponsors Corporation](#BK27) | |
| [22.](#BK28) | Sponsors Corporation established |
| [23.](#BK29) | Composition |
| [24.](#BK30) | Objects |
| [25.](#BK31) | Powers |
| [26.](#BK32) | Procedural and other requirements for decisions |
| [27.](#BK33) | Recovery of costs |
| [28.](#BK34) | Fees to fund other activities |
| [30.](#BK35) | Annual audit |
| [31.](#BK36) | Annual report |
| [Administration Corporation](#BK37) | |
| [32.](#BK38) | Administration Corporation continued |
| [33.](#BK39) | Composition |
| [34.](#BK40) | Objects |
| [35.](#BK41) | Powers |
| [35.1](#BK42) | Authorized subsidiaries of the Administration Corporation |
| [35.2](#BK43) | Authorization to provide eligible services |

Interpretation

Definitions

**1** (1)  In this Act,

“Administration Corporation” means the corporation continued by subsection 32 (1); (“Société d’administration”)

“annual benefit accrual rate” has the same meaning as under the Income Tax Act (Canada); (“taux annuel d’accumulation des prestations”)

“associated employer” means an employer who participates in an OMERS pension plan under subsection 6 (1); (“employeur associé”)

“benefits” means pension benefits and ancillary benefits, unless the context requires otherwise; (“prestations”)

“local board” means local board as defined in section 1 of the Municipal Affairs Act and includes any person or entity that, under another Act, is deemed to be a local board for the purposes of this Act; (“conseil local”)

“OMERS” means the Ontario Municipal Employees Retirement System; (“OMERS”)

“OMERS pension plans” means the primary pension plan, any retirement compensation arrangements that provide benefits for members, former members and retired members of the OMERS pension plans and such other pension plans as may be established by the Sponsors Corporation; (“régimes de retraite d’OMERS”)

“primary pension plan” means the pension plan continued by subsection 3 (1); (“régime de retraite principal”)

“retirement compensation arrangement” means retirement compensation arrangement as defined in subsection 248 (1) of the Income Tax Act (Canada); (“convention de retraite”)

“Sponsors Corporation” means the corporation established by subsection 22 (1); (“Société de promotion”)

“supplemental plan” means a pension plan that is a supplemental plan as defined in the regulations under the Income Tax Act (Canada). (“régime complémentaire”) 2006, c. 2, s. 1 (1); 2012, c. 8, Sched. 42, s. 1.

Interpretation, pension matters

(2)  Words and expressions used in this Act that relate to pension plans and pension funds have the same meaning as under the Pension Benefits Act, unless the context requires otherwise. 2006, c. 2, s. 1 (2).

Same, municipal matters

(3)  Words and expressions used in this Act that relate to municipal matters have the same meaning as under the Municipal Act, 2001, unless the context requires otherwise. 2006, c. 2, s. 1 (3).

Police and fire sectors

(4)  A reference in this Act to persons who are employed in the police and fire sectors is a reference to OMERS pension plan members who are members of a police service as defined in subsection 2 (1) of the Community Safety and Policing Act, 2019 or who are employed as firefighters as defined in subsection 1 (1) of the Fire Protection and Prevention Act, 1997 or as paramedics as defined in subsection 1 (1) of the Ambulance Act. 2006, c. 2, s. 1 (4); 2019, c. 1, Sched. 4, s. 40.

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 42, s. 1](http://www.ontario.ca/laws/statute/S12008" \l "sched42s1) - 01/07/2012

[2018, c. 3, Sched. 5, s. 42](http://www.ontario.ca/laws/statute/S18003" \l "sched5s42) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 40](http://www.ontario.ca/laws/statute/S19001" \l "sched4s40) - 01/04/2024

Ontario Municipal Employees Retirement System

OMERS continued

**2** The Ontario Municipal Employees Retirement System is continued and is composed of the OMERS pension plans. 2006, c. 2, s. 2.

Primary pension plan

**3** (1)  The pension plan that is governed by the Ontario Municipal Employees Retirement System Act immediately before that Act is repealed is continued as the primary pension plan. 2006, c. 2, s. 3 (1).

Transition: terms and conditions

(2)  On the day the Ontario Municipal Employees Retirement System Act is repealed, the terms and conditions of the primary pension plan are the terms and conditions that were in effect under that Act immediately before it was repealed. 2006, c. 2, s. 3 (2).

Pension Funds

(3)  The pension funds that are governed by the Ontario Municipal Employees Retirement System Act immediately before that Act is repealed are continued. 2006, c. 2, s. 3 (3).

Retirement compensation arrangements

(4)  Any retirement compensation arrangements that provide benefits for members, former members and retired members of the OMERS pension plans that are in effect on the day the Ontario Municipal Employees Retirement System Act is repealed are continued and have the terms and conditions that were in effect immediately before that Act was repealed. 2006, c. 2, s. 3 (4); 2012, c. 8, Sched. 42, s. 2.

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 42, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched42s2) - 01/07/2012

Supplemental plans

**4** (1) The Sponsors Corporation may establish one or more supplemental plans for the purpose of providing optional benefits to members, former members and retired members of the primary pension plan who are, or were, employed in the police and fire sectors or to other members, former members and retired members of the primary pension plan. 2006, c. 2, s. 4 (1); 2012, c. 8, Sched. 42, s. 3.

Restriction on use of primary pension plan assets

(2)  No assets of the primary pension plan shall be used for the purpose of paying any optional benefit under a supplemental plan or funding the payment of any other liability of a supplemental plan. 2006, c. 2, s. 4 (2).

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 42, s. 3](http://www.ontario.ca/laws/statute/S12008" \l "sched42s3) - 01/07/2012

Employer Participation in the Pension Plans

Employers generally

**5** (1)  Each of the following employers may participate in the OMERS pension plans in respect of its eligible employees:

1. A municipality.

2. A local board other than a hospital board that operates a public hospital, within the meaning of the Public Hospitals Act, on behalf of a municipality.

3. A conservation authority within the meaning of the Conservation Authorities Act.

4. A district social services administration board within the meaning of the District Social Services Administration Boards Act.

5. Repealed: 2019, c. 14, Sched. 7, s. 16.

6. An association of municipalities or local boards.

7. An association of the officials or employees of municipalities or local boards.

8. The Crown.

9. The Sponsors Corporation.

10. The Administration Corporation. 2006, c. 2, s. 5 (1); 2019, c. 14, Sched. 7, s. 16.

Same

(2)  A municipality may participate in the OMERS pension plans in respect of its councillors. 2006, c. 2, s. 5 (2).

Eligible employees

(3)  For the purposes of this section and section 7,

“eligible employee” means, in respect of an employer, a person who is employed by the employer but not a person who contributes to a pension plan under the Ontario Public Service Employees’ Union Pension Act, 1994, the Public Service Pension Act or the Teachers’ Pension Act. 2006, c. 2, s. 5 (3).

**Section Amendments with date in force (d/m/y)**

[2010, c. 26, Sched. 14, s. 1](http://www.ontario.ca/laws/statute/S10026" \l "sched14s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

[2019, c. 14, Sched. 7, s. 16](http://www.ontario.ca/laws/statute/S19014" \l "sched7s16) - 10/12/2019

Associated employers

**6** (1)  Each of the following employers may participate in the OMERS pension plans on such conditions as may be agreed upon by the employer and the Sponsors Corporation:

1. A person who, under an agreement with a municipality or local board or under an Act, provides a service, program or thing to a person that the municipality or local board is authorized to provide to the person.

2. A corporation incorporated in accordance with section 142 of the Electricity Act, 1998 for the purpose of generating, transmitting, distributing or retailing electricity.

3. A person or association of persons that, immediately before the repeal of the Ontario Municipal Employees Retirement System Act, was designated by the Lieutenant Governor in Council for the purposes of clause (c) of the definition of “associated employer” in subsection 1 (1) of that Act or that, immediately before the repeal of that Act, was deemed by another Act to have been so designated. 2006, c. 2, s. 6 (1).

Eligible employees of associated employers

(2)  The following employees of an associated employer are eligible to be members of the OMERS pension plans:

1. For an employer described in paragraph 1 of subsection (1), an employee whose duties relate primarily to the provision of the service, program or thing provided by the employer on behalf of the municipality or local board.

2. For an employer described in paragraph 2 of subsection (1), an employee whose duties relate primarily to the activities referred to in that paragraph.

3. For an employer described in paragraph 3 of subsection (1), every employee. 2006, c. 2, s. 6 (2).

Same

(3)  For the purposes of paragraphs 1 and 2 of subsection (2), the employee’s duties may include administrative activities relating to the provision of the service, program or thing or the performance of the employer’s duties, as the case may be. 2006, c. 2, s. 6 (3).

Participation in other plans

**7** (1)  Despite any other Act, a municipality or a local board shall not make a contribution for the provision of a pension to any of its eligible employees unless the contribution is made under the Canada Pension Plan or to an OMERS pension plan. 2006, c. 2, s. 7 (1).

Approved pension plans

(2)  Despite subsection (1), a municipality or local board may make a contribution under another pension plan for the provision of a pension to an eligible employee if all of the following circumstances exist:

1. The pension plan was established by a municipality or local board under a general or special Act and was in effect on the applicable date described in paragraph 4.

2. The employee became employed by the municipality or local board before the applicable date described in paragraph 4.

3. The contribution is made in respect of the employee’s service before he or she becomes entitled to be a member of the primary pension plan.

4. For a contribution made under a collective agreement, the applicable date is the earlier of July 1, 1968 or the date on which the agreement is terminated. For any other contribution, the applicable date is July 1, 1965. 2006, c. 2, s. 7 (2).

Interpretation

(3)  A payment by a municipality or local board to an associated employer with respect to the service, program or thing provided on its behalf by the employer does not constitute a contribution for the provision of a pension to an employee of that employer. 2006, c. 2, s. 7 (3).

**7.1**

**Section Amendments with date in force (d/m/y)**

[2016, c. 17, s. 93](http://www.ontario.ca/laws/statute/S16017" \l "s93) - no effect - see: [2016, c. 37, Sched. 18, s. 5](http://www.ontario.ca/laws/statute/S16037" \l "sched18s5) - 08/12/2016

Termination of participation

**8** (1)  An employer who is described in paragraphs 1 to 7 or paragraph 9 or 10 of subsection 5 (1) is not entitled to terminate its participation in an OMERS pension plan unless it has the consent of the Sponsors Corporation. 2006, c. 2, s. 8 (1).

By-law

(2)  An employer who is described in paragraphs 1 to 7 or paragraph 9 or 10 of subsection 5 (1) shall not pass a by-law providing for the termination of its participation in an OMERS pension plan except upon such terms as may be established by the Sponsors Corporation. 2006, c. 2, s. 8 (2).

**Section Amendments with date in force (d/m/y)**

[2010, c. 26, Sched. 14, s. 2](http://www.ontario.ca/laws/statute/S10026" \l "sched14s2) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2020

Restrictions Affecting the Pension Plans

Defined benefit plan

**9** The primary pension plan must be a defined benefit plan. 2006, c. 2, s. 9.

Optional increases in pension benefits

**10** An optional pension benefit for members of the primary pension plan in respect of which the annual benefit accrual rate is greater than 2.0 per cent and less than or equal to 2.33 per cent must be implemented using a supplemental plan and not the primary pension plan. 2006, c. 2, s. 10.

Optional increases, police and fire sectors

**11** (1)  Despite any other provision of this Act, the Administration Corporation shall amend the OMERS pension plans to provide optional increases in benefits for members of the primary pension plan who are employed in the police and fire sectors and establish the contribution rates for the benefits. 2006, c. 2, s. 11 (1).

Same

(2)  The amendment required by this section shall be made within 24 months after the day this section comes into force. 2006, c. 2, s. 11 (2).

Method of calculating benefits

(3)  A supplemental plan established under this section shall make provision for all of the following:

1. An annual benefit accrual rate that is 2.33 per cent for members under the supplemental plan.

2. The payment of pension benefits to members of the supplemental plan in which the annual amount of pension is not reduced because a member retires before the member’s normal retirement age of 65 years if, at the date of retirement, the sum of the member’s age, counted in full and part years, plus the member’s service, counted in full and part years, equals at least 85 years.

3. The pension benefits payable to members under circumstances described in paragraph 2 shall begin to be paid not more than 10 years before the member’s normal retirement age.

4. The payment of pension benefits to members of the supplemental plan in which the annual amount of pension is not reduced because a member retires before the member’s normal retirement age of 60 years if, at the date of retirement, the sum of the member’s age, counted in full and part years, plus the member’s service, counted in full and part years, equals at least 80 years.

5. The pension benefit payable to members under circumstances described in paragraph 4 shall begin to be paid not more than 10 years before the member’s normal retirement age.

6. The pension benefit payable to members of the supplemental plan is calculated based on the average annual earnings of the members over a period of service of three years, but the average may be less than three years for members with service of less than three years.

7. The pension benefit payable to members of the supplemental plan is calculated based on the average annual earnings of the members over a period of service of four years, but the average may be less than four years for members with service of less than four years.

8. The option for a member to elect to purchase credit in the supplemental plan for a benefit described in paragraph 1, 2, 4, 6 or 7 in respect of the member’s service before the date the employer of the member consents to provide the benefit under the supplemental plan. 2006, c. 2, s. 11 (3).

Consent of employer

(4)  A supplemental plan established under this section shall not authorize a contribution in respect of or provide for a type of benefit for any members who are employees of an employer participating in the OMERS pension plans unless the employer consents to provide that type of benefit to the members. 2006, c. 2, s. 11 (4).

Same

(5)  In a consent under subsection (4), an employer may consent to provide a benefit or benefits under only one of the following paragraphs:

1. A benefit described in paragraph 1 of subsection (3).

2. The benefits described in paragraphs 2 and 4 of subsection (3).

3. A benefit described in paragraph 6 of subsection (3).

4. A benefit described in paragraph 7 of subsection (3). 2006, c. 2, s. 11 (5).

Same

(6)  An employer may consent to provide an additional benefit listed in any of paragraphs 1 to 4 of subsection (5) that the employer has not previously consented to provide, but not until at least 36 months has passed since the employer previously consented to provide an additional benefit under subsection (5) or this subsection. 2006, c. 2, s. 11 (6).

Amount of benefit under supplemental plan

(7)  The amount of a benefit available to a member under the primary pension plan shall be deducted from the amount of a benefit available to a member under a supplemental plan described in subsection (3) and the cost of credit or contributions for the benefit under the supplemental plan shall be reduced accordingly. 2006, c. 2, s. 11 (7).

Election to purchase credit for benefit in supplemental plan

(8)  A member may elect to purchase credit for a benefit in a supplemental plan described in paragraph 8 of subsection (3) only if,

(a) the member is employed by an employer participating in the OMERS pension plans who has consented to provide the benefit;

(b) the member makes the election within 24 months after the date the employer consented to provide the benefit; and

(c) the member makes the election to purchase credit for the benefit subject to any conditions determined by the Administration Corporation on the advice of the actuary. 2006, c. 2, s. 11 (8).

Same

(9)  Subject to subsection (7), the purchase cost of a credit for a benefit described in paragraph 8 of subsection (3) shall be equal to the present value of that benefit. 2006, c. 2, s. 11 (9).

Employer contributions

**12** (1) The total amount of the contributions payable to any of the OMERS pension plans by an employer for a year must equal the total amount of the contributions payable to the pension plan for the year by the employer’s employees. 2006, c. 2, s. 12 (1).

Exception

(2)  Despite subsection (1), the Sponsors Corporation may amend any of the OMERS pension plans to authorize unequal amounts of contributions to be made by employers and employees for one or more years if,

(a) after the amendment, the contribution rates for employers and employees for each class of benefit under the OMERS pension plans are equal; and

(b) the Sponsors Corporation is of the opinion that it is fair and reasonable to make the amendment. 2006, c. 2, s. 12 (2).

Application

(3)  Subsection (1) does not apply in respect of contributions payable to a pension plan for a year if,

(a) the amount of the contributions are in accordance with the terms and conditions of the pension plan as it was governed by the Ontario Municipal Employees Retirement System Act immediately before that Act was repealed, and those terms and conditions have not been amended by the Sponsors Corporation; or

(b) the only reason that the total amount of the contributions payable by the employer does not equal the total amount of the contributions payable by the employer’s employees is because one or more employees made contributions to a supplemental plan in respect of pensionable service described in paragraph 8 of subsection 11 (3). 2006, c. 2, s. 12 (3).

Cap on contributions by employer for increased benefits

**13** (1)  If, under a supplemental plan, a municipality or local board may provide an optional pension benefit for its employees in respect of which the annual benefit accrual rate is greater than 2.0 per cent and less than or equal to 2.33 per cent (the “increased benefit”), the municipality or local board may make contributions to the plan for the increased benefit in respect of the employees’ service on or after the date on which the municipality or local board decides to provide the increased benefit, but not in respect of service before that date. 2006, c. 2, s. 13 (1).

Same

(2)  Nothing in subsection (1) prevents an employee from making payments to an OMERS pension plan in respect of the service of the employee before the date on which the municipality or local board decides to provide the increased benefit. 2006, c. 2, s. 13 (2).

Contribution rate, benefits under multiple plans

**14** In determining the required contribution rate for the primary pension plan and for any retirement compensation arrangement to be paid by the members of the primary pension plan who are also members of a supplemental pension plan and by their employers, the actuary shall use best estimate assumptions to assess the likely impact of the benefits provided by the supplemental plan on the required contribution rate that would otherwise be payable. 2006, c. 2, s. 14.

Reserve to stabilize contribution rates

**15** (1)  The Sponsors Corporation shall not amend the primary pension plan in a manner which reduces contributions or increases going concern liabilities unless, after the amendment, the ratio of the market value of the assets of the pension fund to the going concern liabilities is not less than 1.05 and the ratio of the solvency assets to the solvency liabilities is not less than 1.00. 2006, c. 2, s. 15 (1).

Exception

(2)  Subsection (1) does not apply with respect to an amendment that is required to comply with a federal or provincial law or an amendment that does not increase going concern liabilities by more than 1 per cent. 2006, c. 2, s. 15 (2).

Governance and Administration of the Pension Plans

Pension plan governance

**16** (1)  The Sponsors Corporation shall determine the terms and conditions of the OMERS pension plans, subject to the restrictions set out in this Act. 2006, c. 2, s. 16 (1).

Information

(2)  The Administration Corporation shall give the Sponsors Corporation such information as the Sponsors Corporation may reasonably request for the purpose of carrying out its objects under this Act. 2006, c. 2, s. 16 (2).

Pension plan administration

**17** (1)  The Administration Corporation shall act as administrator of the OMERS pension plans and trustee of the pension funds. 2006, c. 2, s. 17 (1).

Actuarial assumptions

(2)  The actuarial methods and assumptions to be used for the purposes of administering the pension plans and pension funds are to be determined by the Administration Corporation, based upon recommendations from the actuary. 2006, c. 2, s. 17 (2).

Pension plan amendments

**18** The Sponsors Corporation may amend the OMERS pension plans, including the contribution rates for employees, subject to the restrictions set out in this Act. 2006, c. 2, s. 18.

Actuary

**19** (1)  The Administration Corporation shall appoint a Fellow of the Canadian Institute of Actuaries to act as the actuary for the OMERS pension plans. 2006, c. 2, s. 19 (1).

Reports and recommendations

(2)  The actuary shall give the Administration Corporation such information and reports as the Administration Corporation may request, and shall make such recommendations to the Administration Corporation as the actuary considers advisable for the proper administration of the pension plans. 2006, c. 2, s. 19 (2).

Auditor

**20** The Administration Corporation shall appoint one or more persons licensed under the Public Accounting Act, 2004 to audit the accounts and transactions of the OMERS pension plans each year and to express an opinion on the financial statements for the pension plans based on the audit. 2006, c. 2, s. 20.

Annual report

**21** (1)  Every year, the Administration Corporation shall prepare a report on the affairs of the OMERS pension plans during the preceding year and the report must contain a copy of the financial statements as certified by the auditor. 2006, c. 2, s. 21 (1).

Same

(2)  The Administration Corporation shall give a copy of the annual report to every employer participating in the pension plans and to any member, former member or retired member of the plans who requests it. 2006, c. 2, s. 21 (2); 2012, c. 8, Sched. 42, s. 4.

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 42, s. 4](http://www.ontario.ca/laws/statute/S12008" \l "sched42s4) - 01/07/2012

Sponsors Corporation

Sponsors Corporation established

**22** (1)  A corporation to be known in English as the OMERS Sponsors Corporation and in French as Société de promotion d’OMERS is established as a corporation without share capital and is composed of its members. 2006, c. 2, s. 22 (1).

Status

(2)  The Sponsors Corporation is not a Crown agency and it is not a local board as defined in subsection 1 (1) of the Municipal Act, 2001. 2006, c. 2, s. 22 (2).

Corporate matters

(3)  Section 132 (conflict of interest), subsection 134 (1) (standard of care) and section 136 (indemnification) of the Business Corporations Act apply, with necessary modifications, to the Sponsors Corporation and its members. 2006, c. 2, s. 22 (3).

Same

(4)  The Not-for-Profit Corporations Act, 2010 and the Corporations Information Act do not apply to the Sponsors Corporation. 2017, c. 20, Sched. 8, s. 114 (1).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 114 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s114s1) - 19/10/2021

Composition

**23** (1)  The composition of the Sponsors Corporation and the method of choosing its members is as specified by by-law. 2006, c. 2, s. 23 (1).

(2)  Repealed: 2006, c. 2, s. 55.

Eligibility

(3)  A person who is a member of the Administration Corporation is not eligible to hold office as a member of the Sponsors Corporation or to be appointed to any committee established for the purpose of advising the Sponsors Corporation. 2006, c. 2, s. 23 (3).

Term of office

(4)  The term of office of each member of the Sponsors Corporation is as determined by by-law. 2006, c. 2, s. 23 (4).

Remuneration and expenses

(5)  Members of the Sponsors Corporation are to be paid such remuneration and expenses as may be authorized by by-law. 2006, c. 2, s. 23 (5).

**Section Amendments with date in force (d/m/y)**

[2006, c. 2, s. 55](http://www.ontario.ca/laws/statute/S06002" \l "s55) - 31/12/2009

Objects

**24** The following are objects of the Sponsors Corporation:

1. To make decisions about the design of benefits to be provided by, and contributions to be made to, the OMERS pension plans.

2. To perform such other duties as may be provided under this Act. 2006, c. 2, s. 24.

Powers

**25** (1)  The Sponsors Corporation has the capacity, rights, powers and privileges of a natural person for carrying out its objects, subject to the restrictions set out in this Act. 2006, c. 2, s. 25 (1).

Same

(2)  For furthering its objects and without limiting the generality of subsection (1), the Sponsors Corporation may,

(a) make decisions about the design of the OMERS pension plans and make amendments to the OMERS pension plans;

(b) set contribution rates under the pension plans;

(c) decide whether to file a valuation more frequently than is required under the Pension Benefits Act;

(d) receive reports from the Administration Corporation. 2006, c. 2, s. 25 (2).

By-laws

(3)  The Sponsors Corporation may pass by-laws and resolutions regulating its proceedings and for the conduct and management of its affairs. 2006, c. 2, s. 25 (3).

Procedural and other requirements for decisions

**26** (1)  A decision of the Sponsors Corporation requires an affirmative vote of a majority of its members. 2006, c. 2, s. 26 (1).

Specified change

(2)  In subsections (3) and (6),

“specified change” means,

(a) a change in benefits for members of any of the OMERS pension plans,

(b) a change in the contribution rate for members or participating employers, or

(c) the establishment of, or a change to, a reserve to stabilize contribution rates. 2006, c. 2, s. 26 (2).

Decision about a specified change

(3)  Despite subsection (1), a decision respecting a specified change is not valid unless it is made in one of the following ways:

1. At a meeting called for the purpose of considering the matter, the Sponsors Corporation decides to make the specified change and passes a by-law providing for the specified change by an affirmative vote of two-thirds of its members.

2. At a meeting called for the purpose of considering the matter, the Sponsors Corporation decides on an affirmative vote of a majority of its members to refer the matter for consideration under the supplementary decision-making mechanisms described in subsection (4) or (5) and, using those mechanisms, the decision is made with respect to the specified change. 2006, c. 2, s. 26 (3).

Supplementary decision-making mechanisms

(4)  The Sponsors Corporation may, by by-law, establish supplementary mechanisms for making decisions about matters that are considered during its meetings. 2006, c. 2, s. 26 (4).

Initial mechanisms

(5)  Despite subsection (4), on the day this section comes into force, the supplementary decision-making mechanisms are those set out in section 42. 2006, c. 2, s. 26 (5).

Rules for arbitration

(6)  If the by-law establishing supplementary decision-making mechanisms provides for arbitration, the following rules apply with respect to the arbitration:

1. The arbitrator shall conduct the arbitration in accordance with the Arbitration Act, 1991 and for that purpose the matter referred to the arbitrator shall be deemed to have been submitted for arbitration under an agreement and the members of the Sponsors Corporation shall be deemed to be parties to the agreement.

2. When deciding a matter relating to a specified change, the arbitrator shall consider the following matters:

i. The legal requirements relating to the pension plans and their administration.

ii. The actuarial valuation of each of the OMERS pension plans prepared by the actuary for the purposes of the Pension Benefits Act.

iii. The advice of the Administration Corporation to the Sponsors Corporation and to the arbitrator concerning the cost of the specified change.

iv. The economy of Ontario, the prevailing economic conditions and the overall financial state of the employers participating in the OMERS plans.

3. The arbitrator may make reasonable requests for information and advice from the Administration Corporation and the Administration Corporation shall comply with the requests.

4. The arbitrator shall not make a decision to increase benefits under an OMERS pension plan if the decision, combined with all other decisions made by an arbitrator in the previous 36 months to increase benefits under the plan, would result in a total increase to the contribution rate for the plan for members or participating employers of more than 0.5 per cent.

5. The arbitrator’s decision with respect to the terms and conditions of any of the OMERS pension plans shall be deemed to be a decision of the Sponsors Corporation to amend the pension plan, or a decision not to amend the plan, as the case may be. 2006, c. 2, s. 26 (6).

Recovery of costs

**27** The Sponsors Corporation may require the Administration Corporation to reimburse it from any pension or other fund for any of its costs that in the opinion of the Administration Corporation may lawfully be paid out of the fund. 2006, c. 2, s. 27.

Fees to fund other activities

**28** (1)  The Sponsors Corporation may, by by-law, require the employers who participate in an OMERS pension plan and the members of an OMERS pension plan to pay a fee for the purpose of funding any of the Sponsors Corporation’s costs that may not lawfully be paid out of a pension fund. 2006, c. 2, s. 28 (1).

Same

(2)  The types of costs that the Sponsors Corporation may require funding for include, but are not limited to,

(a) its expenses incurred in connection with the use of supplementary decision-making mechanisms referred to in section 26, including actuarial or consulting fees necessary for those purposes; and

(b) the expenses incurred for collecting or administering the fees required under subsection (1). 2006, c. 2, s. 28 (2).

Amount of fee

(3)  The amount of the fee payable by each employer or member is determined by the Sponsors Corporation and is a debt due to it on the date specified by the Sponsors Corporation. 2006, c. 2, s. 28 (3).

Collection

(4)  The Sponsors Corporation may ask the Administration Corporation to collect the fees on its behalf and remit them to the Sponsors Corporation at the times and in the manner specified by the Sponsors Corporation. 2006, c. 2, s. 28 (4).

Same

(5)  The Sponsors Corporation shall reimburse the Administration Corporation for its costs of complying with a request under subsection (4). 2006, c. 2, s. 28 (5).

Separate fund

(6)  The Sponsors Corporation shall establish a separate fund for fees required under subsection (1) and shall pay the fees into the fund. 2006, c. 2, s. 28 (6).

Same

(7)  The money in the fund may be spent for the purpose described in subsection (1) and for no other purpose. 2006, c. 2, s. 28 (7).

**29** Repealed: 2009, c. 18, Sched. 22, s. 1.

**Section Amendments with date in force (d/m/y)**

[2009, c. 18, Sched. 22, s. 1](http://www.ontario.ca/laws/statute/S09018" \l "sched22s1) - 05/06/2009

Annual audit

**30** The Sponsors Corporation shall appoint one or more persons licensed under the Public Accounting Act, 2004 to audit its accounts and transactions each year and to express an opinion on its financial statements based on the audit. 2006, c. 2, s. 30.

Annual report

**31** (1)  Every year, the Sponsors Corporation shall prepare a report on its affairs during the preceding year and the report must contain a copy of its financial statements as certified by the auditor. 2006, c. 2, s. 31 (1).

Same

(2)  The Sponsors Corporation shall give a copy of the annual report to every employer participating in the OMERS pension plans and to any member, former member or retired member of the plans who requests it. 2006, c. 2, s. 31 (2); 2012, c. 8, Sched. 42, s. 5.

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 42, s. 5](http://www.ontario.ca/laws/statute/S12008" \l "sched42s5) - 01/07/2012

Administration Corporation

Administration Corporation continued

**32** (1)  The Ontario Municipal Employees Retirement Board is continued as a corporation without share capital under the name OMERS Administration Corporation and in French as Société d’administration d’OMERS and is composed of its members. 2006, c. 2, s. 32 (1).

Status

(2)  The Administration Corporation is not a Crown agency and it is not a local board as defined in subsection 1 (1) of the Municipal Act, 2001. 2006, c. 2, s. 32 (2).

Corporate matters

(3)  Section 132 (conflict of interest), subsection 134 (1) (standard of care) and section 136 (indemnification) of the Business Corporations Act apply, with necessary modifications, to the Administration Corporation and its members. 2006, c. 2, s. 32 (3).

Same

(4)  The Not-for-Profit Corporations Act, 2010 and the Corporations Information Act do not apply to the Administration Corporation. 2017, c. 20, Sched. 8, s. 114 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 114 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s114s2) - 19/10/2021

Composition

**33** (1)  The composition of the Administration Corporation and the method of choosing its members is as specified by by-law of the Sponsors Corporation. 2006, c. 2, s. 33 (1).

Same

(2)  Despite subsection 26 (1), a decision of the Sponsors Corporation to pass a by-law under subsection (1) requires an affirmative vote of two-thirds of its members. 2006, c. 2, s. 33 (2).

(3)  Repealed: 2006, c. 2, s. 55.

Eligibility

(4)  A person who is a member of the Sponsors Corporation is not eligible to hold office as a member of the Administration Corporation or to be appointed to any committee established for the purpose of advising the Administration Corporation. 2006, c. 2, s. 33 (4).

Term of office

(5)  The term of office of each member of the Administration Corporation is as determined by by-law of the Sponsors Corporation. 2006, c. 2, s. 33 (5).

Remuneration and expenses

(6)  Members of the Administration Corporation are to be paid such remuneration and expenses as may be authorized by by-law of the Sponsors Corporation. 2006, c. 2, s. 33 (6).

**Section Amendments with date in force (d/m/y)**

[2006, c. 2, s. 55](http://www.ontario.ca/laws/statute/S06002" \l "s55) - 31/12/2009

Objects

**34** The following are the objects of the Administration Corporation:

1. To act as administrator of the OMERS pension plans and as trustee of the pension funds.

2. To advise and assist the Sponsors Corporation.

3. To exercise such other powers and perform such other duties as may be provided under sections 35.1 and 35.2. 2006, c. 2, s. 34; 2009, c. 18, Sched. 22, s. 2.

**Section Amendments with date in force (d/m/y)**

[2009, c. 18, Sched. 22, s. 2](http://www.ontario.ca/laws/statute/S09018" \l "sched22s2) - 05/06/2009

Powers

**35** (1)  The Administration Corporation has the capacity, rights, powers and privileges of a natural person for carrying out its objects, subject to the restrictions set out in this Act. 2006, c. 2, s. 35 (1).

Same

(2)  For furthering its objects and without limiting the generality of subsection (1), the Administration Corporation may,

(a) administer the OMERS pension plans, including paying pensions, making payments under retirement compensation arrangements, establishing investment policies and managing and allocating the assets of the pension plans and the assets of the Administration Corporation;

(b) provide for the actuarial valuation of the OMERS pension plans, including determining the actuarial methods and assumptions and the funding policy for the plans;

(c) provide reasonable technical support to the Sponsors Corporation, including, without limitation, providing actuarial advice and cost estimates, estimates of the impact of changes to the OMERS pensionplans or other changes on contribution rates and advice with respect to any administrative or other issues arising out of proposed changes to the pension plans;

(d) provide reasonable administrative support to the Sponsors Corporation. 2006, c. 2, s. 35 (2).

By-laws

(3)  The Administration Corporation may pass by-laws and resolutions regulating its proceedings and for the conduct and management of its affairs. 2006, c. 2, s. 35 (3).

Authorized subsidiaries of the Administration Corporation

**35.1**(1)  The Administration Corporation may incorporate or cause to be incorporated and may make and maintain an investment in one or more corporations that, after the investment is made, are authorized subsidiaries of the Administration Corporation. 2009, c. 18, Sched. 22, s. 3.

Other subsidiaries

(2)  Subsection (1) does not limit the authority of the Administration Corporation under subsection 35 (1) to otherwise establish and invest in subsidiaries. 2009, c. 18, Sched. 22, s. 3.

Authorized subsidiary

(3)  For the purposes of this section, a corporation is an authorized subsidiary of the Administration Corporation if,

(a) the corporation carries on business with a view to profit;

(b) the business of the corporation is limited to providing one or more eligible services to one or more persons and entities described in subsection (6); and

(c) the Administration Corporation has beneficial ownership of shares of the corporation representing more than 50 per cent of the shareholders’ equity of the corporation. 2009, c. 18, Sched. 22, s. 3.

Authority re investment entity

(4)  An authorized subsidiary of the Administration Corporation may, for the purpose of providing eligible services, incorporate, establish, manage or operate one or more corporations, trusts, partnerships or other entities as investment entities. 2009, c. 18, Sched. 22, s. 3.

Eligible services

(5)  For the purposes of this section, each of the following is an eligible service if it is carried out in compliance with all applicable laws:

1. Providing advice to an administrator of a pension plan regarding the administration of the pension plan or the investment policies for the pension fund maintained to provide benefits in respect of that pension plan.

2. Providing advice to a client on investing in, holding, buying or selling securities or other assets.

3. Buying, selling, holding and managing investments for a client, with or without discretionary authority granted by the client to manage the client’s investment portfolio.

4. Activities and services ancillary to the services listed in paragraphs 1 to 3, including,

i. activities relating to the distribution or sale to clients of securities issued by an investment entity referred to in subsection (4), and

ii. entering into derivative contracts in which the return is based in whole or in part on the performance of all or part of the pension fund maintained to provide benefits in respect of any of the OMERS pension plans or of any of the pension fund’s investments.

5. Providing administrative services to an administrator of a pension plan. 2009, c. 18, Sched. 22, s. 3.

Clients

(6)  An authorized subsidiary may provide services described in subsection (5) only to one or more of the following and only under an agreement authorized under section 35.2:

1. The Administration Corporation.

2. The administrator of a pension plan other than the OMERS pension plans, whether the pension plan is in or outside Canada.

3. The Government of Canada or the government of a province or territory of Canada or,

i. a Crown corporation, Crown agency or wholly-owned entity of the Government of Canada or of the government of a province or territory of Canada, or

ii. a corporation established by federal or provincial statute.

4. A municipal corporation or a municipal or public body performing a function of government in Canada.

5. A board, within the meaning of the Education Act, or a school board or similar authority that operates under comparable legislation in another province of Canada.

6. A college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002, a university that receives regular and ongoing operating funding from Ontario for purposes of post-secondary education or an educational institution in another province in Canada that receives regular and ongoing operating funding from the province.

7. An educational institution outside Canada.

8. An endowment fund for a university, college or educational institution referred to in paragraph 6 or 7.

9. A registered charity within the meaning of the Income Tax Act (Canada).

10. A national, federal, state, provincial, territorial or municipal government of or in any jurisdiction outside Canada or any entity owned or controlled by that government.

11. An investment entity referred to in subsection (4).

12. A client or class of clients prescribed by the regulations or that satisfies conditions prescribed by the regulations. 2009, c. 18, Sched. 22, s. 3.

Investing in or through investment entity of authorized subsidiary

(7)  With the approval of the Administration Corporation, assets of a pension fund maintained to provide benefits in respect of any of the OMERS pension plans may be invested, directly or indirectly,

(a) in an investment entity referred to in subsection (4); or

(b) in an investment in which assets of an investment entity referred to in subsection (4) are also invested. 2009, c. 18, Sched. 22, s. 3.

Regulations

(8)  The Minister of Finance may make regulations,

(a) prescribing clients or classes of clients for the purposes of paragraph 12 of subsection (6);

(b) prescribing conditions that must be satisfied by a client or class of clients for the purposes of paragraph 12 of subsection (6). 2009, c. 18, Sched. 22, s. 3.

**Section Amendments with date in force (d/m/y)**

[2009, c. 18, Sched. 22, s. 3](http://www.ontario.ca/laws/statute/S09018" \l "sched22s3) - 05/06/2009

Authorization to provide eligible services

Interpretation

**35.2**(1)  Expressions used in this section have the same meaning as in section 35.1. 2009, c. 18, Sched. 22, s. 3.

Agreements

(2)  If authorized by the Sponsors Corporation, the Administration Corporation may enter into agreements under which authorized subsidiaries of the Administration Corporation provide eligible services to clients. 2009, c. 18, Sched. 22, s. 3.

Transitional matters

(3)  The Administration Corporation itself may continue to provide eligible services to clients under agreements that were authorized by Orders in Council 808/80, 2211/95 and 368/2003, as those agreements read on the day this section comes into force and, for that purpose, the Administration Corporation has the powers of an authorized subsidiary under subsections 35.1 (4), (5) and (7). 2009, c. 18, Sched. 22, s. 3.

**Section Amendments with date in force (d/m/y)**

[2009, c. 18, Sched. 22, s. 3](http://www.ontario.ca/laws/statute/S09018" \l "sched22s3) - 05/06/2009

**36-43** Repealed: 2006, c. 2, s. 55.

**Section Amendments with date in force (d/m/y)**

[2006, c. 2, s. 55](http://www.ontario.ca/laws/statute/S06002" \l "s55) - 31/12/2009

**44** Repealed: 2006, c. 2, s. 44 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 2, s. 44 (2)](http://www.ontario.ca/laws/statute/S06002" \l "s45) - 30/06/2009

45-54 Omitted (amends or repeals other Acts). 2006, c. 2, ss. 45-54.

55Omitted (provides for repeal of provisions of this Act). 2006, c. 2, s. 55.

56Omitted (provides for coming into force of provisions of this Act). 2006, c. 2, s. 56.

57Omitted (enacts short title of this Act). 2006, c. 2, s. 57.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/06o02)

[Back to top](#Top)