[Français](http://www.ontario.ca/fr/lois/loi/90p48)

Public Service Pension Act

R.S.O. 1990, CHAPTER P.48

**Consolidation Period:** From June 8, 2019 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2018, c. 8, Sched. 28](http://www.ontario.ca/laws/statute/S18008" \l "sched28s1).

Legislative History: 1994, c. 17, s. 145; 1996, c. 1, Sched. L, s. 1; 1996, c. 6, s. 6; 1999, c. 6, s. 57; [2005, c. 5, s. 61](http://www.ontario.ca/laws/statute/S05005" \l "s61s1); [2006, c. 9, Sched. L](http://www.ontario.ca/laws/statute/S06009" \l "schedls1); [2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1); [2009, c. 33, Sched. 17, s. 11](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s1); [2018, c. 8, Sched. 28](http://www.ontario.ca/laws/statute/S18008" \l "sched28s1).

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Definitions

**1** (1)  In this Act,

“Board”, “Crown”, “employer”, “Fund”, “member”, “pension”, “pension benefit” and “Plan” have the same meaning as in section 1 of Schedule 1. (“Commission”, “Couronne”, “employeur”, “Caisse”, “participant”, “pension”, “prestation de retraite”, “Régime”) 2009, c. 33, Sched. 17, s. 11 (1).

Same

(2)  In this Act,

“Schedule 1” means Schedule 1 to the Public Service Pension Act, 1989, being chapter 73, as amended from time to time. 2009, c. 33, Sched. 17, s. 11 (1).

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

[2009, c. 33, Sched. 17, s. 11 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s1) - 15/12/2009

Application to employees

**2** Subject to subsection 13 (2) of this Act and to section 24 of Schedule 1, this Act applies to every person employed after the 31st day of December, 1989 in the service of an employer. R.S.O. 1990, c. P.48, s. 2.

Plan continued

**3** The pension plan known as the Public Service Pension Plan is continued under the name Public Service Pension Plan in English and Régime de retraite des fonctionnaires in French. R.S.O. 1990, c. P.48, s. 3.

Plan documents

**4** The terms of the Plan are those set out in Schedule 1, in this Act and in such other documents concerning the Plan as are created under this Act or Schedule 1. R.S.O. 1990, c. P.48, s. 4.

Fund continued

**5** (1)  The Public Service Pension Fund is continued under the name Public Service Pension Fund in English and Caisse de retraite des fonctionnaires in French.

Board to administer

(2)  The Plan and the Fund shall be administered by the Board in accordance with this Act and the Plan. R.S.O. 1990, c. P.48, s. 5.

Future revision of Plan

**6** (1)  The Lieutenant Governor in Council by order may amend the Plan and, without restricting the generality of the foregoing, may,

(a) determine the methods or assumptions to be used to calculate any pension benefit provided under the Plan;

(b) rescind the Plan and replace it with another pension plan;

(c) extend, modify or restrict the conditions upon which persons may become members of the Plan;

(d) establish a separate pension plan or plans for any class or classes of persons who are members of the Plan, and direct the transfer from the Fund to any fund related to such separately established pension plan or plans of any amount specified to represent the value, as determined by an actuarial valuation, of the pension benefits of persons who will be members of such separately established pension plan or plans;

(e) increase or prospectively reduce, eliminate or modify any pension benefit set out in the Plan or the rate or amount of contribution to be made under the Plan;

(f) regulate the administration of the Plan and the composition, duties and powers of the Board;

(g) exercise with respect to any plan established under this section the powers conferred by this section. R.S.O. 1990, c. P.48, s. 6 (1).

Limitation re amendment

(2)  An amendment of the Plan made under subsection (1) is void to the extent that it conflicts with the Pension Benefits Act in a matter in which the conflict is not authorized by this Act or by Schedule 1 to the Public Service Pension Act, 1989, being chapter 73, as that Schedule read on the 31st day of December, 1989. R.S.O. 1990, c. P.48, s. 6 (2).

Agreement for joint responsibility

(3)  If the Crown enters into an agreement for an indefinite term with representatives of a majority of the members with respect to,

(a) the joint management of the Plan and the Fund by the Crown and representatives of the members;

(b) the sharing between the Crown and the members of surpluses and deficiencies in the Fund;

(c) prior consultation between the Crown and the representatives to determine if agreement can be reached between them concerning any change in benefits under the Plan or in the rate or amount of contributions to the Fund from the Crown or the members; and

(d) mediation procedures following a failure to agree on a change in benefits under the Plan or in the rate or amount of contributions to the Fund,

the powers mentioned in subsection (1) shall, while the agreement remains in force, be exercised only in accordance with the agreement. R.S.O. 1990, c. P.48, s. 6 (3).

(4)  Repealed: 2009, c. 33, Sched. 17, s. 11 (2).

Agreement for member responsibility

(5)  If it is agreed between the Crown and representatives of a majority of members that the management of the Plan, the entitlement to surpluses in the Fund and the liability for deficiencies in the Fund will be permanently assumed by the members from time to time of the Plan and that the liability of the Crown to contribute to the Fund will be limited to a specified amount or to a specified percentage of members’ contributions or salaries, the Lieutenant Governor in Council may provide by order that the powers mentioned in subsection (1) shall be exercised thereafter only in accordance with the agreement and by the person, persons or entity specified in the agreement. R.S.O. 1990, c. P.48, s. 6 (5).

*Legislation Act, 2006*, Part III

(6)  Part III (Regulations) of the Legislation Act, 2006 does not apply with respect to an order amending the Plan. R.S.O. 1990, c. P.48, s. 6 (6); 2006, c. 21, Sched. F, s. 136 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 6 of the Act is amended by adding the following subsections: (See: 2018, c. 8, Sched. 28, s. 1)

Capital markets regulatory authority

(7)  If a capital markets regulatory authority is established in respect of Ontario and if it is an agent of the Crown in right of Ontario, its permanent staff employed in Ontario are members of the Plan. 2018, c. 8, Sched. 28, s. 1.

Same

(8)  For the purposes of subsection (7),

“capital markets regulatory authority” has the same meaning as “CMRA” in the Memorandum of Agreement regarding the Cooperative Capital Markets Regulatory System between the governments of Canada, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan and the Yukon, effective August 4, 2016, and available on a Government of Ontario website. 2018, c. 8, Sched. 28, s. 1.

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

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2009, c. 33, Sched. 17, s. 11 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s2) - 15/12/2009

[2018, c. 8, Sched. 28, s. 1](http://www.ontario.ca/laws/statute/S18008" \l "sched28s1) - not in force

Supplemental pension plans

**6.0.1**(1)  The Lieutenant Governor in Council by order may establish or continue separate supplemental pension plans for any classes of members of the Plan. 2009, c. 33, Sched. 17, s. 11 (3).

Legislation Act, 2006, Part III

(2)  Part III (Regulations) of the Legislation Act, 2006 does not apply with respect to an order under subsection (1). 2009, c. 33, Sched. 17, s. 11 (3).

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

[2009, c. 33, Sched. 17, s. 11 (3)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s3) - 15/12/2009

Winding up

**6.1**  (1)  The Board shall not wind up the Plan in whole or in part under subsection 68 (1) of the *Pension Benefits Act* or otherwise unless the Board obtains the consent of the Lieutenant Governor in Council to do so. 1996, c. 1, Sched. L, s. 1.

Same

(2)  The Chief Executive Officer appointed under subsection 10 (2) of the Financial Services Regulatory Authority of Ontario Act, 2016 shall not require the wind up of the Plan in whole or in part under subsection 69 (1) of the *Pension Benefits Act*. He or she shall not wind up or directly or indirectly cause the wind up of the Plan in whole or in part under any other authority. 1996, c. 1, Sched. L, s. 1; 2018, c. 8, Sched. 28, s. 2.

Effective date

(3)  The Chief Executive Officer appointed under subsection 10 (2) of the Financial Services Regulatory Authority of Ontario Act, 2016 shall not change the effective date of a wind up under subsection 68 (6) of the *Pension Benefits Act* unless he or she obtains the consent of the Lieutenant Governor in Council to do so. 1996, c. 1, Sched. L, s. 1; 2018, c. 8, Sched. 28, s. 2.

Conflict

(4)  This section prevails over the *Pension Benefits Act*. 1996, c. 1, Sched. L, s. 1.

Prohibition

(5)  No proceeding shall be commenced against a person for any of the following:

1. For an action taken, or not taken, as required or authorized by subsection (1), (2) or (3).

2. For the breach of a fiduciary or other duty in connection with a wind up or a failure to wind up the Plan in whole or in part.

3. For damages for the breach of an agreement in connection with a wind up or a failure to wind up the Plan in whole or in part. 1996, c. 1, Sched. L, s. 1.

Transition

(6)  A person who makes payments into the Fund because of a wind up of the Plan in whole or in part with an effective date on or after January 1, 1993 and before the day on which the *Savings and Restructuring Act, 1995* receives Royal Assent is entitled to be reimbursed. 1996, c. 1, Sched. L, s. 1.

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

1996, c. 1, Sched. L, s. 1 - 01/01/1993

[2018, c. 8, Sched. 28, s. 2](http://www.ontario.ca/laws/statute/S18008" \l "sched28s2) - 08/06/2019

Investments authorized

**7** (1)  Despite the Pension Benefits Act and regulations thereunder, the receipt and holding by the Board of debentures issued under section 7 of the Public Service Pension Act, 1989, being chapter 73, shall not be considered imprudent or unreasonable or contrary to the Pension Benefits Act and regulations thereunder, and the nature, amount and terms of the debentures may be taken into account by the Board and any committee of the Board in determining future investments of the assets of the Plan. R.S.O. 1990, c. P.48, s. 7 (1).

(2)  Repealed: 2009, c. 33, Sched. 17, s. 11 (4).

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

[2009, c. 33, Sched. 17, s. 11 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s4) - 15/12/2009

**8, 9** Repealed: 2009, c. 33, Sched. 17, s. 11 (5).

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

[2009, c. 33, Sched. 17, s. 11 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s5) - 15/12/2009

**10** Repealed: 2009, c. 33, Sched. 17, s. 11 (5).

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

1994, c. 17, s. 145 - 23/06/1994

[2009, c. 33, Sched. 17, s. 11 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s5) - 15/12/2009

**11** Repealed: 2009, c. 33, Sched. 17, s. 11 (5).

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

[2006, c. 9, Sched. L, s. 1](http://www.ontario.ca/laws/statute/S06009" \l "schedls1) - 31/12/2005

[2009, c. 33, Sched. 17, s. 11 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s5) - 15/12/2009

Payment of pensions under other Acts

**12** Every allowance, annuity, deferred annuity or other payment under the Public Service Superannuation Act, being chapter 419 of the Revised Statutes of Ontario, 1980, or a predecessor Act or under the Superannuation Adjustment Benefits Act, being chapter 490 of the Revised Statutes of Ontario, 1980, or a predecessor Act, including any payment authorized to be made from the Consolidated Revenue Fund, that, before the 1st day of January, 1990, a person was receiving, was entitled to receive, or was entitled to receive with the payment thereof deferred until the year 1990 or later, shall be paid out of the Fund in accordance with the Act under which entitlement to the payment arose. R.S.O. 1990, c. P.48, s. 12.

Continued application

**13** (1)  The Public Service Superannuation Act, being chapter 419 of the Revised Statutes of Ontario, 1980, as it read on the 31st day of December, 1989, continues to apply to the computation or payment of every allowance, annuity, deferred annuity or payment to the payment of which a person has become entitled under that Act prior to that date, and continues to apply in respect of every person who, within the meaning of that Act, has ceased to be a contributor before that date and is entitled to a deferred annuity under that Act.

Exception for re-employment

(2)  A person mentioned in subsection (1) who is re-employed in the service of the Crown or who becomes a member of the Plan, on or after the 1st day of January, 1990, for a prescribed period of time and in prescribed circumstances, terms or conditions, and who is required by, or entitled under, the Plan to contribute to the Fund in respect of such re-employment, may participate in the Plan to the extent prescribed with respect to the computation or payment of a pension or other payment and subsection (1) does not apply in the circumstances.

Regulations

(3)  The Lieutenant Governor in Council may make regulations prescribing a period or periods of time and prescribing circumstances, terms or conditions and the extent of participation in the Plan for the purpose of subsection (2). R.S.O. 1990, c. P.48, s. 13.

Post-retirement marriage

**14** (1)  A contributor as defined in the Public Service Superannuation Act, being chapter 419 of the Revised Statutes of Ontario, 1980,

(a) who is being paid an allowance or annuity under that Act;

(b) who has no spouse entitled to a survivor allowance under section 20 of that Act; and

(c) who becomes the spouse of a person who would not be entitled on the death of the contributor to a survivor allowance under section 20 of that Act,

may in writing direct the Board to pay to the person, if he or she survives the death of the contributor, a survivor allowance under section 20 of that Act for life of 50 per cent, 55 per cent, 60 per cent, 65 per cent, 70 per cent or 75 per cent of the allowance or annuity received by the contributor immediately before his or her death. R.S.O. 1990, c. P.48, s. 14 (1); 1999, c. 6, s. 57 (1); 2005, c. 5, s. 61 (1).

Time limit

(2)  A direction mentioned in subsection (1) must be delivered to the Board,

(a) within ninety days after the date on which the contributor became the spouse of the person to whom the survivor allowance is directed to be paid; or

(b) if immediately before the person becomes the spouse of the contributor there is a child of the contributor who would be entitled on the contributor’s death to receive an allowance under the Public Service Superannuation Act, within ninety days after the date the child ceases to be entitled to receive the allowance. R.S.O. 1990, c. P.48, s. 14 (2); 1999, c. 6, s. 57 (2); 2005, c. 5, s. 61 (2).

Exception

(3)  The Board may accept a direction delivered after the time mentioned in subsection (2) if the Board is satisfied that the contributor is in good health having regard to his or her age. R.S.O. 1990, c. P.48, s. 14 (3).

Actuarial reduction of allowance

(4)  The annuity or allowance payable to a contributor who has given a direction in accordance with this section shall be actuarially reduced in a manner approved by the Board to reflect the survivor allowance directed to be paid and, subject to subsection (5), and to section 20 of the Public Service Superannuation Act, the survivor allowance shall be paid in the percentage specified in the direction to the spouse if he or she survives the death of the contributor. R.S.O. 1990, c. P.48, s. 14 (4); 1999, c. 6, s. 57 (3); 2005, c. 5, s. 61 (3).

Prior interest of child

(5)  A survivor allowance under this section shall not be paid while there is a child of the deceased contributor entitled to receive an allowance as a result of the death of the contributor. R.S.O. 1990, c. P.48, s. 14 (5).

Refund when no survivor allowance payable

(6)  If a contributor who is in receipt of an allowance or annuity dies survived by a child or children under eighteen years of age or by a spouse from whom the contributor is not living separate and apart, and if none of them is entitled to a survivor allowance under section 20 of the Public Service Superannuation Act, this section or that Act as a result of the death of the contributor, the amount, if any, by which twice the total of contributions made under the Public Service Superannuation Act to the Public Service Superannuation Fund by or on behalf of the contributor and of the interest credited in that Fund to the contributor exceeds the total payments made from the Fund and the Public Service Superannuation Fund to the contributor shall be paid from the Fund to the surviving spouse, or if there is no surviving spouse, to the child or children, if any, of the contributor under eighteen years of age at the contributor’s death. R.S.O. 1990, c. P.48, s. 14 (6); 1999, c. 6, s. 57 (4); 2005, c. 5, s. 61 (4).

Definition

(7)  Subject to subsection (8), in this section,

“spouse” has the same meaning as in the Pension Benefits Act. 2005, c. 5, s. 61 (5).

Same

(8)  In clause (1) (b),

“spouse” means a person who, if predeceased by the contributor, would be a widow or widower within the meaning of the Public Service Superannuation Act. 1999, c. 6, s. 57 (5).

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

1999, c. 6, s. 57 (1-5) - 01/03/2000

[2005, c. 5, s. 61 (1-5)](http://www.ontario.ca/laws/statute/S05005" \l "s61s1) - 13/06/2005

Information and Privacy Commissioner

**15** (1)-(3)  Repealed: 2009, c. 33, Sched. 17, s. 11 (6).

Information and Privacy Commissioner

(4)  The following rules apply for the purpose of determining the Information and Privacy Commissioner’s entitlements under the Plan relating to his or her service in that capacity before June 8, 1995:

1. The Commissioner is not entitled to receive a pension under the Plan for service before June 8, 1995.

2. The Commissioner is not entitled to make contributions under the Plan for service before June 8, 1995.

3. Service by the Commissioner (including service in the capacity of acting Commissioner) shall be taken into account in any determination of whether he or she is entitled to a pension for which a person’s eligibility is determined with reference to the number of years of his or her service or a combination of the person’s age and number of years of service. 1996, c. 6, s. 6; 2009, c. 33, Sched. 17, s. 11 (7).

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

1996, c. 6, s. 6 - 25/04/1996

[2009, c. 33, Sched. 17, s. 11 (6, 7)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s11s6) - 15/12/2009

Ombudsman

**16** Section 15 applies, with necessary modifications, with respect to the Ombudsman. 1996, c. 6, s. 6.

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

1996, c. 6, s. 6 - 25/04/1996

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