

# All about employee benefits

January 2012

## FEDERAL AND PROVINCIAL BENEFITS LEGISLATION PRINCE EDWARD ISLAND – 2012

### **A WEALTH OF INFORMATION ON:**

- ✓ Plans
- ✓ Legislation
- ✓ Eligibility
- ✓ Participation
- ✓ Contributions
- ✓ Benefits

*KEEP THIS DOCUMENT FOR  
FUTURE REFERENCE!*

- CANADA PENSION PLAN
- OLD AGE SECURITY AND GUARANTEED INCOME SUPPLEMENT
- EMPLOYMENT INSURANCE
- FAMILY BENEFITS
- WORKERS' COMPENSATION
- HEALTH INSURANCE
- PRIVATE PENSION PLANS
- INCOME TAX

Desjardins Financial Security is pleased to publish a summary of the legislation in force in Prince Edward Island affecting employee benefits. This publication is intended for Desjardins Financial Security's customers and group pension and insurance distributors. This document was prepared especially for those interested in establishing and financing employee benefit programs as well as in compensation planning. It was produced by Desjardins Financial Security with the help of the government boards and organizations concerned. We hope that this reference guide will be useful.

You can download this document, as well as those of all the other Canadian provinces, for free, on our website. Just type in: [www.desjardinsfinancialsecurity.com](http://www.desjardinsfinancialsecurity.com), click on "Group plans" and "Employee Benefits Legislation".

NOTE: This document was prepared for information purposes only. In case of litigation, the text of the legislation concerned shall prevail. In order to receive most of the benefits listed hereinafter, claimants must submit an application in writing to the appropriate organization.

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## CANADA PENSION PLAN

### 1.1 PARTICIPATION

Participation in the Canada Pension Plan (CPP) is compulsory for all employees and self-employed persons aged 18 to 70 who are not recipients of any retirement or disability pension under the CPP and do not participate in the Québec Pension Plan and whose earnings exceed the year's basic exemption of \$3,500.

### 1.2 CONTRIBUTIONS

The contribution rate is equal to 9.9% of the employment earnings in excess of the basic exemption up to the maximum pensionable earnings (MPE for this year is equal to \$50,100). The employee and the employer must each pay half of the contribution, while the self-employed person must pay the whole contribution.

### 1.3 RETIREMENT PENSIONS

#### **Eligibility**

Any person who has made at least one valid contribution to the plan may be eligible for a retirement pension.

#### **Expected pension**

The expected retirement pension is equal to 25% of the average monthly pensionable earnings, adjusted in relation to the average MPE in the year of retirement and the four previous years. The maximum pension payable for a person aged 65 is \$986.67.

#### **Early retirement and postponed retirement pensions**

A contributor may receive a retirement pension as of age 60 if at least one valid contribution is made. When the pension is paid before age 65, it is reduced by 6.24% for each year preceding the person's 65th birthday.

The contributor may also wait until after age 65 before collecting his/her pension, which is then increased by 7.68% for each year between ages 65 and 70 during which the pension is not collected.

Contributions are required for every retired person under age 65 who chooses to work but optional for those over age 65. The contributions will provide additional pension through the Post-Retirement Benefit.

#### **Disabled contributor pension**

If a contributor became disabled after 1997, his/her retirement pension will be equal to his/her disability pension indexed according to the increase in the Consumer Price Index (CPI).

### 1.4 BENEFITS PAYABLE TO ELIGIBLE SURVIVORS

#### **Eligibility**

Eligibility for a survivor's pension is subject to a minimum contributory period varying between three and ten years. If the contributor made contributions for at least one-third of the years in his/her contributory period, the rightful claimants are eligible to receive a death benefit, and the deceased contributor's spouse and dependent children are eligible for a pension. The death benefit, surviving spouse's pension and orphan's pension are the benefits payable. Same-sex spouses have the same rights and obligations as spouses of the opposite sex.

#### **Death benefit**

This lump-sum benefit is equal to the lesser of six times the contributor's monthly retirement pension that would have been payable at age 65 and \$2,500.



### **Surviving spouse not eligible for a retirement or disability pension**

In this case, a surviving spouse under age 35 who is not disabled and has no dependent children is not entitled to a pension; if he/she is aged 35 to 45 at the time of the contributor's death, he/she is entitled to a reduced pension.

Otherwise, if the surviving spouse who is not eligible for a retirement or disability pension is under age 65, he/she is entitled to \$173.82 per month, plus 37.5% of the deceased contributor's retirement pension, up to a maximum of \$543.82; if he/she is aged 65 or over, the pension will be equal to 60% of the deceased's retirement pension, up to a maximum of \$592.00.

### **Surviving spouse entitled to a retirement pension**

In this case, the maximum combined pension before adjustment for early retirement is equal to \$1,160.49 if the surviving spouse is under age 65; if the spouse is aged 65 or over, he/she is entitled to the maximum combined pension before adjustment for deferred retirement, which is \$986.67.

### **Surviving spouse entitled to a disability pension**

In this case, the maximum combined pension is limited to the maximum disability benefit of \$1,185.50.

### **Orphan's pension**

The orphan's monthly pension is equal to \$224.62, payable to dependent children only. Orphans may receive double the monthly pension if both parents are deceased and were eligible contributors.

## **1.5 DISABILITY BENEFITS**

### **Eligibility**

A disabled employee is eligible provided he/she has contributed:

- for four of the last six years of his/her contributory period; or
- since March 3, 2008 for three of the last six years if the contributory period is at least 25 years; or
- for at least four years if the contributory period is less than six years.

To be considered disabled, the person must be prevented from engaging in any gainful occupation and the disability must be a long-term severe state of incapacity that is likely to result in death or last indefinitely.

### **Benefits become payable as of...**

Benefits are payable monthly as of the fourth month of the beneficiary's disability.

### **Amount of benefits**

The disability benefit is equal to \$445.50 plus 75% of the disabled person's retirement pension, subject to a maximum of \$1,185.50. Children of an eligible disabled person receive the same pension as orphans.

## **1.6 BENEFIT ADJUSTMENT**

Monthly benefits are indexed once a year to reflect the rise in the CPI. The benefits are increased by 2.8% beginning January 1, 2012.

## 1.7 COMPARISON WITH LAST YEAR'S AMOUNTS

	2011	2012
Maximum pensionable earnings (MPE)	\$48,300.00	\$50,100.00
Basic annual exemption	\$3,500.00	\$3,500.00
Maximum contribution		
■ Self-employed person	\$4,435.20	\$4,613.40
■ Employer and employee	\$2,217.60	\$2,306.70
Maximum monthly retirement pension at age 65	\$960.00	\$986.67
Maximum surviving spouse's monthly pension		
a) Not eligible for a retirement or disability pension		
■ Under age 65	\$529.09	\$543.82
■ Age 65 and over	\$576.00	\$592.00
b) Eligible for a retirement pension		
■ Under age 65 (before adjustment for early retirement)	\$1,129.09	\$1,160.49
■ Age 65 or over (before adjustment for deferred retirement)	\$960.00	\$986.67
c) Eligible for a disability pension	\$1,153.37	\$1,185.50
Maximum death benefit	\$2,500.00	\$2,500.00
Maximum monthly disability pension	\$1,153.37	\$1,185.50
Monthly pension for an orphan or a disabled contributor's child	\$218.50	\$224.62
CPI benefit adjustment	1.7%	2.8%

## 2

## OLD AGE SECURITY AND GUARANTEED INCOME SUPPLEMENT

### 2.1 OLD AGE SECURITY (OAS) PENSION

#### Eligibility

Any person aged 65 or over is eligible for a full pension, provided he/she has resided in Canada for 40 years or more after his/her 18th birthday. A minimum of 10 years of residence after age 18 is required, to be entitled to a partial pension. Same-sex spouses have the same rights and obligations as spouses of the opposite sex.

#### Amount of pension

As of January 1, 2012, the monthly OAS pension for a person aged 65 or over is \$540.12. This amount is adjusted quarterly to reflect the rise in the Consumer Price Index. OAS pensioners whose net income exceeds \$69,562 in 2012 must repay 15% of their excess net income, up to the full OAS pension.

### 2.2 GUARANTEED INCOME SUPPLEMENT (GIS)

#### Eligibility

Any low-income person who receives the Old Age Security pension is eligible for the GIS. Same-sex spouses have the same rights and obligations as spouses of the opposite sex.

#### Amount

The GIS monthly benefit varies in relation to income, marital status or spouse's age and it is reduced by \$1 per \$2 of income other than the OAS pension. A quarterly adjustment also takes into account any rise in the CPI.

#### Allowances

If a couple's income is within the limits set by law, an allowance is paid to the spouse (aged 60 to 64) of an OAS pension recipient who is entitled to the GIS; the residence requirements apply to the spouse. This allowance terminates upon the death of the pensioner or as soon as the spouse reaches age 65. Since 1985, when the pensioner dies, the legislation has provided for the payment of an allowance to low-income surviving spouses aged 60 to 64.

Monthly maximums		
	January 1, 2011	January 1, 2012
Single person or pensioner whose spouse under age 60 is not receiving the pension	\$661.69	\$732.36
Couple (per person)	\$436.95	\$485.61
Allowance payable to spouse aged 60 to 64	\$961.18	\$1,025.73
Maximum allowance for surviving spouses	\$1,065.45	\$1,148.35



Note: Since July 1, 2011, beneficiaries of the GIS and the allowances receive a top-up benefit

that is indexed and included in the GIS and the allowances rates.

### 3

## EMPLOYMENT INSURANCE

### 3.1 GENERAL INFORMATION

#### No age discrimination

The *Employment Insurance Act* covers persons who work after age 65 subject to the same criteria as those under age 65.

#### Labour disputes

Workers affected by labour disputes may receive sickness, maternity, parental leave, compassionate care or training benefits if they have made arrangements for a leave before the beginning of the labour dispute, subject to certain conditions.

#### Clawback

The maximum yearly insurable earnings is equal to \$45,900 for 2012. Recipients whose net income for one year exceeds 1.25 times the maximum yearly insurable earnings (\$57,375 in 2012) may have to reimburse 30% of the benefits received or 30% of amount by which net income exceeds \$57,375, if less. This rule does not apply to individuals who claim special benefits for sickness, maternity, parental or compassionate care reasons or to recipients who received less than one week of regular benefits in the preceding 10 taxation years.

#### Reduction of the annual premium

By offering a qualifying short-term disability plan, an employer is eligible to a reduced contribution rate, provided the employer applies for this reduction to Service Canada (EI Premium Reduction Program). The plan being offered must include, inter alia, provisions that are at least as generous as those under employment insurance in the event of illness. In the case of a weekly indemnity plan, the reduction is equal to \$0.39 per \$100 of insurable earnings when the full reduction is applied provided that the plan meets employment insurance requirements.

In the case of cumulative sick-leave plans, a reduction of up to \$0.40 per \$100 of earnings may be granted if the employer offers a plan that meets employment insurance requirements.

The employer is required to share 5/12 of these reductions with the employees in the form of cash or equivalent benefits.

### 3.2 REGULAR BENEFITS

#### Eligibility

Any person who works for an employer is eligible for regular benefits provided that the person worked a certain number of hours during the 52 weeks just preceding his/her application.

The person must have accumulated from 420 to 700 hours of work, depending on the regional unemployment rate, during such 52 weeks period. A person who is employed for the first time or who is re-entering the workforce must accumulate 910 hours of work during such 52 weeks period. Special rules apply to parents re-entering the labour force following an extended absence to raise their children.

Persons who voluntarily leave their employment "without valid reason", who refuse suitable employment or who are dismissed for misconduct are not eligible for benefits. The list of reasons justifying a voluntary departure and for which no penalty is applied is detailed in the Act.

#### Waiting period

Regardless of the type of benefits to which a person is entitled, a waiting period of two weeks is applied. No benefits are paid during this period.



### **Benefit rate**

For the majority of recipients, benefits are set at 55% of their average insurable earnings over the last 26 weeks, up to a maximum of \$485 per week.

For recipients with dependent children and an annual family income below \$25,921, a family income supplement is available. These recipients receive up to 80% of their weekly insurable earnings (depending on the number of dependent children).

### **Maximum duration of benefits**

Benefits may be paid for a period that varies from 14 to 45 weeks, according to the regional unemployment rate and the number of accumulated hours of insurable employment over the 52 weeks just preceding the application for benefits.

### **Allowable earnings**

Recipients will be able to earn up to 25% of their weekly regular benefits (\$50 per week if they receive benefits of less than \$200 per week) without decreasing their employment insurance benefits. However, under a pilot project in effect up to August 4, 2012, claimants are entitled to earn up to 40% of their weekly regular benefits (\$75 for those receiving less than \$188 of benefits per week) without any decrease.

## **3.3 SPECIAL BENEFITS**

### **Reasons and duration**

In addition to regular benefits, compassionate care, special sickness, maternity or parental leave benefits may be payable. The cumulative duration of special benefits cannot usually exceed 50 weeks. Exceptionally, however, this maximum cumulative duration may be extended up to a total of 71 weeks.

### **Eligibility**

The person must have accumulated 600 hours of insurable employment during the 52 weeks immediately prior to the beginning of the payment period.

### **Sickness**

Special sickness benefits may be paid for a maximum of 15 weeks.

### **Maternity**

Maternity benefits are payable as of the eighth week preceding the expected week of delivery or the first day of the week of birth, whichever occurs first, for a maximum period of 15 weeks. Furthermore, benefits cannot be paid later than 17 weeks after the last day of the week of birth and the expected week of delivery, whichever occurs the later, unless the baby is confined to hospital.

### **Parental leave**

Thirty-five weeks of benefits are payable to the natural or adoptive parents who remain at home to care for their newborn or adopted children, either to the father or to the mother, or split between the two as they wish. There is no waiting period for the second claim for parents who share the benefits.

Parents of hospitalized children may have up to 2 years instead of one year to claim parental leave benefits.

In the case of adoption, the parent must provide an adoption certificate; proof of the child's birth as well as a statement declaring that the applicant will stay home to care for the child may also be required.

The government of Canada made an announcement in early January 2012 providing that parents will be eligible for EI parental benefits as soon as they take necessary steps to adopt a child in their care.

### **Compassionate care leave**

Up to six weeks of benefits may be payable to workers who have to be away from work temporarily to provide care or support to a member of their family who is gravely ill with a significant risk of death within 26 weeks. The benefits payable for the compassionate care leave may be divided between two or more workers who make a claim for benefits in respect of the same family member.

Only one waiting period will have to be served when the benefits are shared with other members.

"Member of the family" includes:

- your child or the child of your spouse or common-law partner;
- your spouse or common-law partner;
- your father/mother;
- the spouse or common-law partner of your father/mother;
- your brother/sister;
- your grandchild;
- your grandparents;
- the spouse or common-law partner of your child;
- your in-laws;
- your aunt/uncle;
- your niece/nephew; and
- any other person mentioned in the regulations.

### Self-employed

Since January 1, 2011, registered and qualified self-employed person may qualify for employment insurance sickness, compassionate care, maternity and parental benefits.

### Allowable Earnings

Beneficiaries can earn up to 25% of their weekly benefits (\$50 per week if they receive less than \$200 in benefits per week) without their parental leave or compassionate care leave benefits being affected.

However, under a pilot project in effect up to August 4, 2012, claimants are entitled to earn up to 40% of their weekly parental or compassionate care benefits (\$75 for those receiving less than \$188 of benefits per week) without any decrease.

## 3.4 ACTIVE RE-EMPLOYMENT BENEFITS

Persons who have received regular employment insurance benefits over the past 3 years, or parental or maternity benefits over the past 5 years, may be eligible for more direct complementary employment assistance to find a new job and prepare for it, through one of the re-employment programs. Among others, there are:

- Self-employment assistance
- Skills development
- Employment Assistance Services
- Targeted wage subsidies
- Jobs creation partnerships

## 3.5 MAXIMUM EARNINGS, BENEFITS AND CONTRIBUTIONS

	2011	2012
Maximum yearly insurable earnings	\$44,200.00	\$45,900.00
Maximum weekly insurable earnings	\$850.00	\$883.00
Maximum weekly benefits	\$468.00	\$485.00
Employee contribution*		
■ Rate per \$100 of insurable earnings	\$1.78	\$1.83
■ Maximum annual contribution	\$786.76	\$839.97
Employer contribution*		
■ Rate per \$100 of insurable earnings	\$2.492	\$2.562
■ Maximum annual contribution	\$1,101.46	\$1,175.96
Self-employed worker contribution*		
■ Rate per \$100 of insurable earnings	\$1.78	\$1.83
■ Maximum annual contribution	\$786.76	\$839.97

\* Employment insurance contributions are deducted from total income, as defined under the Employment Insurance Act, and are subject to an annual maximum.

## 4

### FAMILY BENEFITS

#### 4.1 CANADA CHILD TAX BENEFIT

##### Benefits

Benefits are usually paid on a monthly basis to eligible families, for all children under age 18. They are determined, among other things, according to the net family income (total net individual incomes stated on lines 236 of the federal statements of income) and the number of

children. A supplement up to a maximum of \$208.66 per month is added for each handicapped child under age 18.

*Note: Most Canadian provinces also provide additional benefits to low-income families.*



### Basic Coverage up to July

Annual amounts up to July 2012 are as follows:

- \$1,367 for each child;
- an additional \$95 for the third child and each additional child.

Basic coverage is reduced if the net family income exceeds \$41,544. For families with one child only, it is reduced by 2% of the net family income exceeding \$41,544; for families with two children or more, the reduction percentage is 4%.

### Supplements up to July

Annual amounts up to July 2012 are as follows:

- **For one-child families:** \$2,118 minus 12.2% of the net family income exceeding \$24,183.
- **For two-children families:** \$3,991 minus 23.0% of the net family income exceeding \$24,183.
- **For families with three or more children:** \$3,991 for the first two children plus \$1,782 for each additional child, the result being reduced by 33.3% of the net family income exceeding \$24,183.

### Increase in July

Amounts of the Canada Child Tax Benefit will be increased in July 2012. The maximum supplement for each handicapped child will be \$214.58 per month.

### Basic coverage as of July

Annual amounts as of July 2012 are as follows:

- \$1,405 for each child
- an additional \$98 for the third child and each additional child

Basic coverage is reduced if the net family income exceeds \$42,707. For families with one child only, it is reduced by 2% of the net family income exceeding \$42,707; for families with two children or more, the reduction percentage is 4%.

### Supplements as of July

Annual amounts as of July 2012 are as follows:

- **For one-child families:** \$2,177 minus 12.2% of the net family income exceeding \$24,863.
- **For two-children families:** \$4,103 minus 23.0% of the net family income exceeding \$24,863.
- **For families with three or more children:** \$4,103 for the first two children plus \$1,832 for each additional child, the result being reduced by 33.3% of the net family income exceeding \$24,863.

## 4.2 UNIVERSAL CHILD CARE BENEFIT

The Universal Child Care Benefit permits to receive \$100 per month for each child under age 6.

## 5

## WORKERS' COMPENSATION

### 5.1 WORKERS' COMPENSATION ACT

This Act ensures that workers have financial protection in the event of a work injury or an occupational disease and confirms both the right to return to work and to rehabilitation.

### 5.2 MAXIMUM INSURABLE EARNINGS

Maximum insurable earnings for 2012 are \$49,300.

### 5.3 INCOME REPLACEMENT BENEFIT

A benefit representing 80% of the worker's net annual earnings for the first 38 weeks and 85% thereafter, to the maximum insurable amount, is paid to any worker who is the victim of a work injury that prevents him/her from returning to work or performing the tasks involved in a suitable type of occupation. Three-fifths of the injured worker's net weekly compensation rate are deducted from the first cheque.

The amount deducted is reimbursed if the worker is absent from work for more than four consecutive weeks.



## 5.4 BODILY INJURY BENEFIT

Lifetime compensation, in the form of a lump-sum benefit, is paid to a worker who sustains permanent impairment, based on the percentage of his/her total body impairment. The compensation is equal to 1/100 of the maximum insurable earnings for each 1% of total body impairment. The minimum compensation is \$500. The compensation cannot exceed the maximum insurable earnings in effect on the day of the accident.

## 5.5 DEATH BENEFITS

Death benefits are paid in lump sums.

- **Lump sum:** \$10,000
- **Funeral expenses:** Maximum of \$4,000
- **Cost of transportation of remains:**  
Necessary expenses, either within or outside the province
- **Remarriage allowance:** Benefit continues to be paid after remarriage

## 5.6 SURVIVOR'S PENSION

### Spouse

A monthly pension equal to 70% of the deceased worker's payable wage loss benefit less an amount equal to 50 % of CPP survivor benefits payable to the surviving spouse until he/she turns 65, or until the deceased worker would have turned 65, whichever is later.

### Child

Except as indicated below, each child receives a monthly benefit equal to 10% of the deceased worker's payable wage loss benefit until he/she reaches age 18, or age 22 if still attending full-time school at an institution recognized by the WCB or if physically or mentally incapable of earning, until capable to do so. Total payment to all children must not exceed 30% of the deceased worker's payable wage loss benefit.

For dependant children under age 18 without a mother and a father, their guardian receives for each child a monthly benefit equal to 20% of the deceased worker's payable wage loss benefit until he/she reaches age 18. In this case, total payment to all children must not exceed 60% of the deceased worker's payable wage loss benefit.

For dependants other than those described above, a reasonable amount proportionate to the pecuniary loss is payable until the deceased worker would have been expected to support the dependants if the worker had lived. Such amount must not exceed \$250 per month for each dependant. The total payment to all such dependants must not exceed \$500 per month.

## 5.7 FINANCING

The cost of the plan is paid in full by the employer. The estimated average provincial rate for 2012 is \$1.99 per \$100 of insurable earnings. However, this varies from one employer to the next, depending on the type of business.

# 6

## HEALTH INSURANCE

### 6.1 GENERAL INFORMATION

The Prince Edward Island government administers the Hospital and Medical Services Plans.

### 6.2 ELIGIBILITY

Coverage is available to all residents, regardless of their age, state of health or financial status.

Residents who are temporarily absent may have their coverage for emergency and sudden illness continued for up to one year depending on the circumstances. Full-time students at a university or other recognized educational institution outside the province are covered for emergency and sudden illness.

Students must update their status at least once every 12 months.



## 6.3 INSURED SERVICES

### Hospitalization

The following services are insured:

- Room and board in a public ward, with no limit as to the number of days
- Required nursing care
- Laboratory, X-ray and diagnostic procedures
- Drugs prescribed by a physician or dentist and administered in a hospital
- Use of operating rooms, case rooms and anesthetic facilities
- Surgical supplies
- Radiotherapy and physiotherapy

Extensive outpatient procedures are also covered.

### Physicians

The following services are insured:

- Visits in a doctor's office, hospital or patient's home.
- All necessary surgical services including those of anesthesiologists and surgical assistants where necessary.
- Obstetrical care and neonatal care, and care related to complications of pregnancy.
- Sterilization procedures for both males and females.
- Treatment of fractures and dislocations.
- Certain specialists' services provided the patient if referred by attending physician.

### Dental care

All residents are covered for a certain number of surgical procedures when it is medically required that these be performed in a hospital.

In addition, the Children's Dental Care Program covers preventive and restorative services for children from age three to age 17. Services include examination (once per 12-month period) and radiology, fillings, extractions, root canal fillings on permanent front teeth, cleaning, fluoride and sealant treatments. The program also covers treatment for minor orthodontic problems.

For diagnostic and treatment services, there is an annual registration fee of \$15 per child to a maximum of \$35 per family plus, for treatment services, an annual 20% co-payment. Low income families are exempt from the 20% co-payment.

Families with private dental insurance can choose between it and the Children's Dental Care Program but not a combination of the two.

### Drugs

All drugs prescribed and administered in a hospital are covered for all residents. Coverage is available for residents age 65 and over. Such residents pay the dispensing fee that varies from one pharmacy to another plus \$8.25 toward ingredient cost. Disease-specific drug programs include funding for cystic fibrosis, diabetes and other diseases.

### Family Health Benefit Program

The Prince Edward Island Family Health Benefit helps families with children with the cost of approved prescription drugs. Eligibility is based on family size and the net family income from the previous year. The family pays only the pharmacy fee for eligible drugs.

### Outside-of-province covered expenses

**In Canada** - When a Prince Edward Island resident is in another province, all hospital expenses, in addition to all medical fees covered by the province concerned, are reimbursed up to the maximum rates established under that province's health insurance plan in cases of emergency and sudden illness.

**Outside Canada** - Limited coverage is granted for emergency inpatient and outpatient care received outside Canada. The reimbursement rate is equal to the rate applicable in Prince Edward Island. Residents referred by a Prince Edward Island specialist to an out-of-country physician for services not available in Canada and who have obtained prior approval from the government will be covered for hospital and medical services at provincial rates.



## 6.4 FINANCING

The Prince Edward Island Hospital and Medical Services Plans are entirely financed through

public provincial funds; no individual premiums are required.

# 7

## PRIVATE PENSION PLANS

### 7.1 INTRODUCTION

*The Pension Benefits Act of Prince Edward Island was adopted on April 26, 1990 but was never proclaimed in force. An updated Pension Benefits Act was introduced in December 2010 but is not expected to be formally adopted before later in 2012. The government of Prince Edward Island has committed to significant consultation on the new legislation so substantial changes are possible to the version introduced in December 2010. That version is essentially identical to the Nova Scotia Pension Benefits Act. Please refer to the Nova Scotia description of Private Pension Plans for a description of the key features of the legislation introduced in Prince Edward Island.*

### 7.2 POOLED REGISTERED PENSION PLANS

Federal, provincial and territorial governments have agreed to introduce a new type of broad-based, low-cost, privately administered defined contribution retirement savings vehicle, referred to as a Pooled Registered Pension Plan (PRPP) by the federal government. Each province will need to develop and adopt its own enabling pension standards legislation to implement the PRPP framework for its provincially regulated employments. Further developments are expected in 2012; however, it is expected that PRPPs will not be available before 2013.

# 8

## INCOME TAX

### 8.1 CANADA PENSION PLAN

Benefits are taxable. Employer contributions are deductible and employee contributions are eligible for a tax credit at federal and provincial levels.

### 8.2 OLD AGE SECURITY PENSION

The Old Age Security (OAS) pension is taxable. Persons whose net income (according to the definition in the *Income Tax Act*) exceeds \$69,562 in 2012 must repay 15% of this excess amount, up to the OAS pension amount. OAS benefits are reduced at the time of payment to reflect the clawback.

### 8.3 GUARANTEED INCOME SUPPLEMENT

The Guaranteed Income Supplement is not taxable.

### 8.4 EMPLOYMENT INSURANCE

Employment Insurance benefits are taxable. Employer contributions are deductible. Employee contributions entitle the employee to a tax credit. A portion of the Employment Insurance benefits received by a taxpayer during the year may have to be reimbursed.

### 8.5 FAMILY BENEFITS

The Canada Child Tax Benefit is not taxable and is not recovered by the government when the income tax return is filed.

However, the Universal Child Care Benefit is taxable.

### 8.6 WORKERS' COMPENSATION PLANS

Benefits are generally tax-exempt; employer contributions are deductible.



## 8.7 HEALTH PLANS

- **Government plans:** Compulsory employer contributions are not taxable for the employee, but they are deductible for the employer.
- **Private plans:** Employer contributions are deductible for the employer and not taxable for the employee. Employee contributions are not deductible, but they may be included in the calculation of the medical expenses credit. From 2012, a lump sum amount in settlement of future health and dental benefits is taxable, except where the payment is in relation to an employer's insolvency that arose prior to 2012.
- **Expenses reimbursed:** Expenses reimbursed under both private and government plans are tax-exempt.

## 8.8 PRIVATE PENSION PLANS

### Tax credit

A tax credit for pension income may be claimed at federal and provincial levels on the total of the following amounts:

- Periodic payments from a registered pension plan (RPP);
- Annuity from a DPSP, an RRSP or an RRIF and the taxable portion of other annuities if the taxpayer is aged 65 or over, or at any age, if the annuity is paid as a result of the spouse's death.

### Registered pension plans (RPPs)

Total employer contributions to a defined benefit RPP are deductible, with no limit, subject to the approval of the tax authorities. Total permissible current service employee contributions to a defined benefit RPP are deductible. Past service employee contributions are deductible, subject to certain limits.

Total employer and employee contributions to a defined contribution RPP are limited to the lesser of 18% of earnings and \$23,820 in 2012.

### Deferred profit-sharing plans (DPSPs)

Employer contributions may not exceed the lesser of 18% of remuneration and \$11,910, subject to a comprehensive limit if the employee also participates in an RPP. Allowable contributions are fully deductible.

Since January 1, 1991, employee contributions to a DPSP are no longer allowed. No contribution can be made on behalf of a significant shareholder or of one of his/her relatives.

### Pension adjustment (PA)

When an employee participates in an RPP or a DPSP, a pension adjustment (PA) is calculated by the employer. The PA represents participation in an RPP or DPSP and reduces the maximum amount the employee may contribute to an RRSP. The PA is indicated on the T4 slip and, generally speaking, it is equal to:

- **Defined benefit RPP** – (9 x benefits earned during the year) minus \$600
- **Defined contribution RPP** – Total employer and employee contributions made during the year (plus contributions paid by the employer for a year during the first two months of the following year)
- **DPSP** – Total employer contributions made during the year (plus contributions paid by the employer for a year during the first two months of the following year)

### Registered retirement savings plans (RRSP)

For this year, RRSP contributions are limited to the lesser of \$22,970 and 18% of the earned income of the previous year, less the employee's PA for the previous year, if any, and the employee's applicable past service pension adjustment (PSPA). If the PSPA is exempt from certification, it reduces the RRSP deduction limit for the year following the year of the benefit enhancement (past service event). If the PSPA is not exempt from certification, it reduces the RRSP deduction limit for the year of certification by the Canada Revenue Agency.

Since 1991, a person who has not made the maximum RRSP contribution may carry forward the unused contribution portion. RRSP contributions may also be increased by the pension adjustment reversal (PAR) calculated for an individual who ceases to participate in an RPP or in a DPSP.



Funds accumulated in an RRSP can be withdrawn totally or partially at any time prior to the end of the year during which an individual reaches age 71. These funds can be used to purchase a life annuity or a fixed-term annuity payable to age 90, or transferred to a registered retirement income fund (RRIF).

Furthermore, subject to certain conditions, up to \$25,000 may be withdrawn tax free from an RRSP or a spousal RRSP to purchase a qualifying home. RRSP withdrawals must be repaid in full over a maximum of 15 years.

Subject to certain conditions, funds may be withdrawn tax free from an RRSP or a spousal RRSP to cover the cost of a training or full-time study program of at least three months. Withdrawals may not exceed \$10,000 per year, subject to an overall maximum of \$20,000 for four years. Generally, withdrawn amounts must be totally reimbursed over a ten-year period beginning on the sixth year following the year of the first withdrawal.

The tax-free transfer of a retiring allowance to an RRSP is limited to \$2,000 per year of service prior to 1996 plus \$1,500 for each year of service prior to 1989 for which employer contributions to an RPP or a DPSP were not vested to the employee.

**Contribution limits**

Year	RPP	DPSP	RRSP
2010	\$22,450	\$11,225	\$22,000
2011	\$22,970	\$11,485	\$22,450
2012	\$23,820	\$11,910	\$22,970

**Tax-free Savings Account (TFSA)**

Canadian residents aged 18 or older can contribute up to \$5,000 to a TFSA in 2012, plus any unused TFSA contribution room at the end of 2011. The contributions are not deductible for income tax purposes. TFSA holders can make withdrawals at any time, and the total amount of the withdrawals in a calendar year is added to the contribution room for the following year. Unused contribution room can be carried forward indefinitely.

**8.9 DISABILITY INCOME INSURANCE**

Benefits paid under a plan to which an employer contributes are taxable for an employee. Employee contributions are deductible from taxable benefits; employer contributions are not considered to be a taxable benefit for employees. Lump sum amount in settlement of future benefits under a group long term disability policy is not taxable to the employee. Benefits paid under an employee-pay-all plan are not taxable.

**8.10 GROUP LIFE INSURANCE**

Premiums paid by an employer under a group life insurance plan are a taxable benefit to an employee, excluding accidental death and dismemberment premiums.