



# All about employee benefits

January 2010

## FEDERAL AND PROVINCIAL BENEFITS LEGISLATION NEWFOUNDLAND AND LABRADOR – 2010

### 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
- CANADA CHILD TAX BENEFIT
- WORKERS' COMPENSATION
- HEALTH INSURANCE
- PRIVATE PENSION PLANS
- INCOME TAX

Desjardins Financial Security is pleased to publish a summary of the legislation in force in Newfoundland and Labrador 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 Web site. Just type in: [www.desjardinsfinancialsecurity.com](http://www.desjardinsfinancialsecurity.com), click on "Groups and Businesses", "Resource Centre" 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 \$47,200). 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 \$934.17.

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

A contributor may receive a retirement pension as of age 60 if such contributor has stopped working or if his/her earnings calculated on an annual basis do not exceed \$11,210 in 2010; to be eligible to an early retirement pension, a contributor must have earned less than \$934.17 in the month before pension begins and in the month it begins. When the pension is paid before age 65, it is reduced by 6% 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 6% for each year between ages 65 and 70 during which the pension is not collected.

#### **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 common-law 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 \$166.26 per month, plus 37.5% of the deceased contributor's retirement pension, up to a maximum of \$516.57; 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 \$560.50.

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

In this case, the maximum combined pension before adjustment for early retirement is equal to \$1,100.43 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, that is \$934.17.

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

In this case, the maximum combined pension is limited to the maximum disability benefit of \$1,126.76.

### **Orphan's pension**

The orphan's monthly pension is equal to \$214.85, 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 \$426.13 plus 75% of the disabled person's retirement pension, subject to a maximum of \$1,126.76. 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 0.4% beginning January 1, 2010.

## 1.7 COMPARISON WITH LAST YEAR'S AMOUNTS

	2009	2010
Maximum pensionable earnings (MPE)	\$46,300.00	\$47,200.00
Basic annual exemption	\$3,500.00	\$3,500.00
Maximum contribution		
■ Self-employed person	\$4,237.20	\$4,326.30
■ Employer and employee	\$2,118.60	\$2,163.15
Maximum monthly retirement pension at age 65	\$908.75	\$934.17
Maximum surviving spouse's monthly pension		
a) Not eligible for a retirement or disability pension		
■ Under age 65	\$506.38	\$516.57
■ Age 65 and over	\$545.25	\$560.50
b) Eligible for a retirement pension		
■ Under age 65 (before adjustment for early retirement)	\$1,074.35	\$1,100.43
■ Age 65 or over (before adjustment for deferred retirement)	\$908.75	\$934.17
c) Eligible for a disability pension	\$1,105.99	\$1,126.76
Maximum death benefit	\$2,500.00	\$2,500.00
Maximum monthly disability pension	\$1,105.99	\$1,126.76
Monthly pension for an orphan or a disabled contributor's child	\$213.99	\$214.85
CPI benefit adjustment	2.5%	0.4%

## 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 common-law spouses have the same rights and obligations as spouses of the opposite sex.

#### Amount of pension

As of January 1, 2010, the monthly OAS pension for a person aged 65 or over is \$516.96. This amount is adjusted quarterly to reflect the rise in the Consumer Price Index. OAS pensioners whose net income exceeds \$66,733 in 2010 must repay 15% of their excess net income, up to the full OAS pension.

### 2.2 GUARANTEED INCOME SUPPLEMENT

#### Eligibility

Any low-income person who receives the Old Age Security pension is eligible for the Guaranteed Income Supplement (GIS). Same-sex common-law 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 paid to spouses

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 September 1, 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, 2009	January 1, 2010
Single person or pensioner whose spouse under age 60 is not receiving the pension	\$652.51	\$652.51
Couple (per person)	\$430.90	\$430.90
Allowance payable to spouse aged 60 to 64	\$947.86	\$947.86
Maximum allowance for surviving spouses	\$1,050.68	\$1,050.68

## 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.

##### Clawback

The maximum yearly insurance earnings is equal to \$43,200 for 2010. Recipients whose net income for one year exceeds 1.25 times the maximum yearly insurable earnings (\$54,000 in 2010) may have to reimburse 30% of the benefits received or 30% of amount by which net income exceeds \$54,000, 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. Regular benefits paid for weeks before June 30, 1996 are not taken into account for this computation.

##### Reduction of the annual premium

By offering a registered disability income insurance plan, an employer will be entitled to a reduced contribution rate, provided the employer applies for this reduction to the Department and the plan being offered includes 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 \$0.40 per \$100 of weekly insurable earnings when the full reduction is applied provided that the plan meets employment insurance requirements.

In the case of cumulative pregnancy or sick-leave plans, a reduction of up to \$0.41 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 \$457 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 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 December 4, 2010, 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.

### 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” means:

- your child or the child of your spouse or common-law partner;
- your spouse or common-law partner;
- your father/mother;
- the spouse of your father/mother;
- the common-law partner of your father/mother; and
- any other person mentioned in the regulations.

Effective the week of June 11, 2006, the definition of “member of the family” has been extended to include, among others: brother, sister, grandchild, grandparent, in-law, aunt, uncle, niece, nephew, foster parent, foster children, ward, guardian and some members of your spouse or common-law partner family.

The compassionate care benefits are effective since January 4, 2004.

### 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 December 4, 2010, 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

	2009	2010
Maximum yearly insurable earnings	\$42,300.00	\$43,200.00
Maximum weekly insurable earnings	\$813.00	\$831.00
Maximum weekly benefits	\$447.00	\$457.00
Employee contributions*		
■ Weekly rate per \$100 of insurable earnings	\$1.73	\$1.73
■ Maximum annual contribution	\$731.79	\$747.36
Employer contributions*		
■ Weekly rate per \$100 of insurable earnings	\$2.422	\$2.422
■ Maximum annual contribution	\$1,024.51	\$1,046.30

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

### 3.6 TEMPORARY MEASURES

Through Canada's Economic Action Plan, the federal government has introduced various temporary measures to assist Canadian workers who are unemployed:



- Extension of regular benefits (up to five weeks) for claimants whose benefit period was in effect on March 1, 2009, or whose benefit period begins between March 1, 2009 and September 11, 2010.
- Extension of regular benefits (up to 20 weeks) for long-tenured workers whose benefit period is established between January 4, 2009 and September 11, 2010.
- Sickness, compassionate care, maternity, adoption and parental benefits extended to the self-employed.
- Increase in allowable earnings when receiving regular, parental or compassionate care benefits (measure in effect up to December 4, 2010).

## 4

### CANADA CHILD TAX BENEFIT

#### 4.1 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.

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

#### 4.2 BASIC COVERAGE UP TO JULY

Annual amounts up to July 2010 are as follows:

- \$1,340 for each child;
- an additional \$93 for the third child and each additional child;
- the Universal Child Care Benefit permits to receive \$100 per month for each child under age 7.

Basic coverage is reduced if the net family income exceeds \$40,726. For families with one child only, it is reduced by 2% of the net family income exceeding \$40,726; for families with two children or more, the reduction percentage is 4%.

#### 4.3 SUPPLEMENTS UP TO JULY

Annual amounts up to July 2010 are as follows:

- **For one-child families:** \$2,076 minus 12.2% of the net family income exceeding \$23,710.
- **For two-children families:** \$3,913 minus 23.0% of the net family income exceeding \$23,710.

- **For families with three or more children:** \$3,913 for the first two children plus \$1,747 for each additional child, the result being reduced by 33.3% of the net family income exceeding \$23,710.

#### 4.4 INCREASE IN JULY

Amounts of the Canada Child Tax Benefit will be increased in July 2010.

##### Basic coverage as of July

Annual amounts as of July 2010 are as follows:

- \$1,348 for each child
- an additional \$94 for the third child and each additional child

Basic coverage is reduced if the net family income exceeds \$40,970. For families with one child only, it is reduced by 2% of the net family income exceeding \$40,970; for families with two children or more, the reduction percentage is 4%.

##### Supplements as of July

Annual amounts as of July 2010 are as follows:

- **For one-child families:** \$2,088 minus 12.2% of the net family income exceeding \$23,855.
- **For two-children families:** \$3,936 minus 23.0% of the net family income exceeding \$23,855.
- **For families with three or more children:** \$3,936 for the first two children plus \$1,758 for each additional child, the result being reduced by 33.3% of the net family income exceeding \$23,855.



**5**

## **WORKERS' COMPENSATION**

### **5.1 WORKPLACE HEALTH, SAFETY AND 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 2010 are \$51,235.

### **5.3 INCOME REPLACEMENT BENEFIT**

Since January 1, 1998, a benefit representing 80% of the worker's net eligible income, 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.

### **5.4 BODILY INJURY BENEFIT**

A lump-sum benefit is paid to a worker who sustains permanent impairment or disfigurement, based on a rating schedule approved by the WCB.

- **Maximum:** \$51,235
- **Minimum:** \$1,000

### **5.5 DEATH BENEFITS**

Death benefits are paid in lump sums.

- **Funeral expenses:** up to \$5,000
- **Cost of transportation of remains:** 100%
- **Remarriage allowance:** Benefit continues to be paid after remarriage

### **5.6 SURVIVOR'S PENSION**

#### **Spouse**

A pension equal to 80% of the deceased worker's average weekly earnings less the CPP survivor pension is payable to the surviving spouse until the worker would have reached 65 years of age.

If the worker is 63 years old at the time of death, compensation is provided for a maximum of two years.

In addition, the spouse receives an immediate lump-sum payment of 26 times the worker's average weekly net earnings or \$15,000, whichever is greater.

#### **Orphans**

Benefits are payable only when a worker is survived by one or more dependent children without being survived by his/her spouse. Each child is entitled to an equal portion of the amount of the pension and lump sum payable to the spouse. Benefits are payable up to age 18, or up to age 25 in the case of a full-time student.

Effective September 1998, the burial expense is \$5,000 maximum with or without a spouse for accidents/deaths, which occur after May 28, 1998.

### **5.7 FINANCING**

The cost of the plan is paid in full by the employer. The estimated average provincial rate for 2010 is \$2.75 per \$100 of insurable earnings. However, this varies from one employer to the next, depending on the type of business and claims experience of the employer.



## HEALTH INSURANCE

### 6.1 ELIGIBILITY

Coverage is available to all residents and their eligible dependents, regardless of their age, health status or financial status, provided that they are registered with the Newfoundland and Labrador Medical Care Plan (MCP).

- Persons must reside within the province for a minimum of four consecutive months each year to qualify for coverage. However, persons temporarily absent from the province may be granted an extension of 12 months' coverage, providing satisfactory evidence is given that they intend to return.
- Temporary residents (tourists, foreign students, etc.) are not eligible for coverage. After a certain period of time, residents living outside the province will cease to be eligible. Further details can be obtained from the MCP.

### 6.2 INSURED SERVICES

#### Hospitalization

The following services are insured:

- Room and board in a public ward, with no limit as to the number of days (private and semi-private rooms are provided for medical reasons or if standard unavailable).
- Required nursing care
- Approved drugs administered in a hospital
- Medical and surgical supplies
- Use of operating rooms, labour and delivery
- Laboratory, radiology and diagnostic services (i.e. EKG, nuclear medicine, respiratory therapy)
- Use of radiotherapy facilities and radioactive isotopes, where available
- Rehabilitative services (i.e. physiotherapy, occupational therapy, audiology, speech language pathology)

Out-patient services include laboratory, radiology and other diagnostic procedures (i.e. EKG, nuclear medicine, respiratory therapy), rehabilitative services; anti-rejection drugs for transplant patients, AZT for AIDS patients and surgical and medical day care procedures.

#### Laboratory and X-rays services outside a hospital

Diagnostic and therapeutic services in facilities approved by the MCP are covered.

#### Physicians

The following services are insured:

- Surgical, diagnostic and therapeutic procedures, including anaesthesia.
- Visits in a doctor's office, hospital or patient's home
- Pre- and post-operative care.
- Complete maternity care.
- Dental surgeries medically necessary to be performed in hospital.
- Radiology interpretive services.

#### Dental care

- Children aged 12 or under are covered for the following: examinations (at 6-month intervals); cleanings (at 12-month intervals); fluoride applications (at 12-month intervals for ages 6 to 12), except in areas where the School Rinse Program is in place); X-rays (with some limitations); routine fillings and extractions; sealants; other specific procedures which require approval before treatment. If there is a private insurance, the private plan is first payor.
- Services are also available to recipients from age 13 to 17 in families with low incomes or receiving income support; examinations (every 24 months); x-rays (with some limitations); routine fillings and extractions; emergency examinations when patient seen for pain, infection or trauma.
- Adult recipients of social assistance are eligible for emergency examination as a result of pain, infection or trauma and extractions only.
- Services are only covered if received in Newfoundland and Labrador.



## **Drugs**

All approved drugs administered in a hospital are covered for all residents. Otherwise, the Newfoundland and Labrador Prescription Drug Program (NLPDP) includes four programs:

### ***Foundation Plan***

The Foundation Plan provides 100 per cent coverage of eligible prescription drugs for persons and families in receipt of income support benefits through the Department of Human Resources, Labour and Employment, and certain individuals receiving services through the Regional Health Authorities, including children in the care of Child, Youth and Family Services, and individuals in supervised care. Enrolment is automatic with receipt of the above noted services.

### ***Access Plan***

The Access Plan provides coverage for low income individuals and families. Enrolment is required. Co-payments vary between 20% and 70% depending on net income level and family status. The program is available to families with children, including single parents, with net annual incomes of \$30,000 or less; couples without children with net annual incomes of \$21,000 or less and single individuals with net annual incomes of \$19,000 or less.

### ***Assurance Plan***

This plan offers protection for individuals and families income under \$150,000 against the financial burden of eligible high drug costs, whether be it from the cost of one extremely high cost drug or the combined cost of different drugs. Enrolment is required. Depending on income level, individuals and families have their annual out-of-pocket eligible drug costs capped at either 5, 7.5 or 10 per cent of their net family income.

## ***65 Plus Plan***

This plan provides coverage to residents 65 years of age and older who receive Old Age Security benefits and the Guaranteed Income Supplement (GIS). Co-payments are equal to the dispensing fees. Enrolment is automatic with receipt of the above noted benefits.

The NLPDP also provides 100% coverage for disease specific medications and supplies for patients with Cystic Fibrosis and Growth Hormone Deficiency. The NLPDP is second payer to private insurance plans.

## **Outside-of-province covered expenses**

**In Canada** – When a Newfoundland and Labrador resident is in another province, all hospital expenses covered, in addition to all medical fees covered by the province concerned, are reimbursed up to the maximum rates for standard ward established under that province's health insurance plan.

**Outside Canada** – Hospitalization is covered up to \$350 per day for community or regional hospitals and \$465 per day in tertiary or specialized hospitals. Coverage for outpatient care is limited to \$62 per day. Coverage for haemodialysis is limited to \$220 per day. Insured services received outside Canada because they are not available in Canada are payable at the rate established for the Newfoundland and Labrador Medical Care Plan. Prior approval is recommended.

## **6.3 FINANCING**

The Newfoundland and Labrador Medical Care Plan is funded through employers' contributions. Employer with payroll in excess of \$1,000,000 contributes 2% tax on payroll in excess of \$1,000,000. A percentage of this payroll tax is also used for education. No individual premiums are required.



## PRIVATE PENSION PLANS

### 7.1 INTRODUCTION

- Participants must be informed of their rights and obligations under the plan.
- The funds committed must be sufficient to enable the plan to meet its obligations.
- Integration of benefits with the CPP is limited to 1/35 per year of credited service. Integration with the OAS pension is limited to 1/35 per year of credited service before 1997.
- In the event of a marriage breakdown, the splitting of pension benefits is limited to 50% of their commuted value.
- The minimum interest rate applied to employee contributions to a defined benefit plan is the rate of return of the pension fund less the investment fees, or the average on 12 months of the five-year personal term deposits, if greater.
- The law recognizes same-sex spouses.

### 7.2 ELIGIBILITY

A full-time employee is eligible after 24 months of continuous employment. A part-time employee is eligible after 24 months of continuous employment if his/her earnings have reached at least 35% of the YMPE in each of the two preceding calendar years.

### 7.3 VESTED PENSIONS

- Pensions accrued after 1996 are vested and locked in after two years of plan membership. The employer must finance at least 50% of the value of the contributory pension vested and accrued after 1996, in the event of retirement, termination of employment or death. The excess contributions are reimbursable.
- Pensions accrued before 1997 are vested and locked in if the participant has completed at least 10 years of service or plan membership and has attained at least age 45.
- It is possible to transfer the commuted value of the vested pension in the event of termination of employment prior to eligibility for early retirement.

- Refund of 100% of the commuted value of the pension if the annual pension is less than 4% of the YMPE or the commuted value of the pension is less than 10% of the YMPE.

### 7.4 DEATH BEFORE RETIREMENT

In the event of death before retirement, the commuted value of the pension vested and accrued after 1996 may be transferred or paid to the surviving principal beneficiary (i.e. the spouse or the cohabiting partner) in the form of a life annuity in the event of death prior to reaching the age of eligibility for early retirement. Moreover, the surviving principal beneficiary is eligible for the reimbursement of excess contributions.

If the participant was eligible for early retirement at the time of death, the surviving principal beneficiary receives a life annuity equal to 60% of the participant's anticipated benefit. In the absence of a surviving principal beneficiary, benefits are paid to the participant's estate.

### 7.5 RETIREMENT PENSION

- Upon retirement, the participant who has a principal beneficiary must choose a joint and survivor annuity payable to the principal beneficiary. The annuity must provide for the payment of at least 60% of the pension to the principal beneficiary in the event of the death of the participant. An actuarial reduction is allowed. The participant may be exempted from this obligation by presenting a written waiver signed by the principal beneficiary.
- The survivor pension must be maintained in the event of remarriage.
- Early retirement must be permitted at any time on or after the date on which the participant attains age 55. An actuarial reduction is allowed.



- In the event of continued employment after normal retirement age, the participant may continue to participate in the plan and to accrue benefits as before. If the participant continues employment but decides to cease to accrue benefits after normal retirement age, the plan

may provide for pension adjustment on the deferred retirement date or for commencement of pension payment while continuing in employment.

## 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 \$66,733 in 2010 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 CANADA CHILD TAX BENEFIT

The benefit is not taxable and is not recovered by the government when income tax returns are filed.

### 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.
- **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:

- Life annuity 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 \$22,450 in 2010.



### Deferred profit-sharing plans (DPSPs)

Employer contributions may not exceed the lesser of 18% of remuneration and \$11,225, 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 (RRSPs)

For this year, RRSP contributions are limited to the lesser of \$22,000 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. 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 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 \$20,000 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
2008	\$21,000	\$10,500	\$20,000
2009	\$22,000	\$11,000	\$21,000
2010	\$22,450	\$11,225	\$22,000



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

Canadian residents aged 18 or older can contribute up to \$5,000 to a TFSA in 2010, plus any unused TFSA contribution room at the end of 2009. 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.

## **8.11 INSURANCE PREMIUM SALES TAX**

An 8% sales tax is applied to the group insurance premiums.