

2004

CHAPTER W-17.2

An Act to implement Certain Provisions Respecting a Pension Plan for Employees of the Workers' Compensation Board and to make consequential amendments to other Acts

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(Assented to June 10, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Workers' Compensation Board Pension Implementation Act*.

Interpretation

2 In this Act:

(a) **“board”** means The Workers' Compensation Board continued pursuant to section 13 of *The Workers' Compensation Act, 1979*;

(b) **“disestablished fund”** means The Workers' Compensation Board Superannuation Fund disestablished by subsection 4(1);

(c) **“former Act”** means *The Workers' Compensation Board Superannuation Act*;

(d) **“former beneficiary”** means a person who, before the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*, had an obligation to participate in, an interest in or an entitlement to benefits or to a refund from the disestablished fund;

- (e) “**pension plan**” means the pension plan mentioned in section 3;
- (f) “**superannuation board**” means The Workers’ Compensation Superannuation Board established pursuant to section 3 of the former Act.

Pension plan

3 The board shall establish a pension plan pursuant to section 20.1 of *The Workers’ Compensation Act, 1979* to provide benefits to former beneficiaries.

Fund disestablished

4(1) On the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*:

- (a) The Workers’ Compensation Board Superannuation Fund established pursuant to the former Act is disestablished;
 - (b) the assets and liabilities of the disestablished fund are transferred to the pension fund of the pension plan;
 - (c) all agreements entered into by the superannuation board are assigned to the administrator of the pension plan; and
 - (d) the administrator of the pension plan is deemed to be the successor of the superannuation board for all purposes.
- (2) The administrator of the pension plan shall hold the assets of the disestablished fund, subject to the liabilities of the disestablished fund and the provisions of the pension plan, for the purpose of providing lifetime retirement benefits to former beneficiaries in accordance with the pension plan.
- (3) Without limiting the generality of this section, on and after the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*, all issues relating to any surplus of the pension plan, the disestablished fund or the superannuation plan established by the former Act, whether the issues arise before or after the registration of the pension plan, shall be determined in accordance with the pension plan.
- (4) No person, other than the administrator of the pension plan with respect to a claim or cause of action arising out of the transfer of assets and liabilities pursuant to subsection (1), has a claim and no action lies or shall be commenced against the board, the superannuation board, the Government of Saskatchewan or a member of the Executive Council or an officer, employee or agent of the board, the superannuation board, the Government of Saskatchewan or a member of the Executive Council arising out of any obligation, right, interest or entitlement of any person with respect to the disestablished fund or with respect to any issue that arises out of the disestablishment of the disestablished fund.

Application of *Pension Benefits Act*

5(1) Subject to this section, *The Pension Benefits Act, 1992* and the regulations made pursuant to that Act apply to the pension plan.

(2) Section 31 of *The Pension Benefits Act, 1992* applies only with respect to benefits that accrue on or after the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*.

(3) The superintendent of pensions shall not refuse to register the pension plan and shall not cancel the registration of the pension plan by reason of the operation of any provision of this section.

(4) No person has any right or claim against the pension plan, a fund established pursuant to the pension plan or the board solely on the basis that:

(a) the pension plan contains a provision consistent with this section that does not comply with *The Pension Benefits Act, 1992*; or

(b) the pension plan does not contain a provision required by *The Pension Benefits Act, 1992* that would conflict with this section.

R.S.S. 1978, c.W-19, repeal and transitional

6(1) *The Workers' Compensation Board Superannuation Act* is repealed.

(2) Notwithstanding the repeal of section 55 of *The Workers' Compensation Board Superannuation Act*, the board shall prepare and transmit to the minister responsible for that Act a report setting out the matters described in that section for the portion of a fiscal year that ends on the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*.

S.S. 1990-91, c.C-16.01, section 13 amended

7 Subsection 13(4) of *The Communications Network Corporation Act* is amended:

(a) by adding "or" after clause (c);

(b) by striking out "or" after clause (e); and

(c) by repealing clause (f).

S.S. 1993, c.C-50.101, section 26 amended

8 Subclause 26(2)(a)(vi) of *The Crown Corporations Act, 1993* is repealed.

S.S. 1993, c.F-13.4, section 8 amended

9 Clause 8(4)(t) of *The Financial Administration Act, 1993* is repealed.

R.S.S. 1978, c.L-19, section 29 amended

10 Subsection 29(2) of *The Liquor Board Superannuation Act* is amended:

(a) by striking out "or The Workers' Compensation Board"; and

(b) by striking out " , The Workers' Compensation Board Superannuation Fund".

S.S. 1979, c.M-11.1, section 68 amended

11 Clause 68(3)(l) of *The Meewasin Valley Authority Act* is repealed.

R.S.S. 1978, c.P-43, section 36 amended

12(1) *The Public Service Superannuation Act* is amended in the manner set forth in this section.

(2) Subsection 36(2) is amended:

(a) by striking out " , Saskatchewan Power Corporation or The Workers' Compensation Board" and substituting "or Saskatchewan Power Corporation"; and

(b) by striking out “, the Power Corporation Superannuation Fund or The Workers’ Compensation Board Superannuation Fund” **and substituting** “or the Power Corporation Superannuation Fund”.

(3) Subsection 36(3) is amended by striking out “or The Workers’ Compensation Board”.

S.S. 1994, c.S-32.11, section 14 amended

13 Subclause 14(2)(a)(vi) of *The Saskatchewan Opportunities Corporation Act* is repealed.

S.S. 1986-87-88, c.S-32.3, section 11 amended

14 Clause 11(3)(a) of *The Saskatchewan Property Management Corporation Act* is amended:

- (a) by adding “or” after subclause (iv);**
- (b) by striking out “or” after subclause (v); and**
- (c) by repealing subclause (vi).**

S.S. 2002, c.S-35.01, section 18 amended

15 Clause 18(2)(a) of *The Saskatchewan Water Corporation Act* is amended:

- (a) by adding “or” after subclause (iii);**
- (b) by striking out “or” after subclause (iv); and**
- (c) by repealing subclause (v).**

S.S. 2002, c.S-35.02, section 17 amended

16 Clause 17(2)(a) of *The Saskatchewan Watershed Authority Act* is amended:

- (a) by adding “or” after subclause (iii);**
- (b) by striking out “or” after subclause (iv); and**
- (c) by repealing subclause (v).**

R.S.S. 1978, c.S-64, section 2 amended

17 Subclause 2(k)(v) of *The Superannuation (Supplementary Provisions) Act* is repealed.

R.S.S. 1978, c.W-4, section 63 amended

18 Clause 63(2)(c) of *The Wascana Centre Act* is repealed.

S.S. 1979, c.W-17.1, new section 20.1

19 The following section is added after section 20 of *The Workers’ Compensation Act, 1979*:

“Pension plans and benefits programs

20.1(1) The board may establish, operate, administer and manage any pension plan or benefits program for all or any class of employees of the board.

(2) For the purposes of establishing, operating, administering and managing a pension plan or benefits program mentioned in subsection (1) or managing, investing or disposing of all or any part of the assets of any pension plan or benefits program, the board may:

- (a) enter into any agreements with any person;
- (b) engage the services of or retain any technical, professional or other advisers, specialists or consultants that the board considers necessary; and
- (c) do any other thing that the board considers necessary, incidental or conducive to those purposes”.

Coming into force

20(1) Subject to subsection (2), this Act comes into force on assent.

(2) Sections 5 to 18 of this Act come into force on the day on which the pension plan is registered pursuant to *The Pension Benefits Act, 1992*.

