

Regulations; reduction, limitation and alteration of compensation

18 (1) The Minister may make regulations governing the reduction, limitation and alteration of compensation due to an individual with respect to whom the following conditions are met:

1. The individual is employed or otherwise engaged by a post-secondary institution.
2. The individual has,
 - i. started to receive a pension under a pension plan, or
 - ii. exercised their entitlement to a transfer in accordance with section 42 of the *Pension Benefits Act* with respect to a pension or a deferred pension payable under a pension plan.
3. The years of membership or employment credited under the pension plan for the purposes of calculating the following are attributable, in whole or in part, to the employment of the individual by a post-secondary institution:
 - i. the pension referred to in paragraph 2, or
 - ii. the deferred pension referred to in paragraph 2.

Contents of regulation

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may,

(a) establish and govern procedures, rules and methods that a post-secondary institution shall use to reduce, including reducing to zero, limit or alter the amount, form or timing of compensation due to an individual referred to in subsection (1);

(b) establish and govern procedures, rules and methods for determining the amount or value of the pension or deferred pension to be used for the purposes of applying a reduction, limitation or alteration of compensation;

(c) provide that the regulations prevail over any collective agreement, contract of employment or any other contract, including any collective agreement, contract of employment or other contract that existed before the regulation was made;

(d) establish different classes of post-secondary institutions and different classes of individuals and provide for different procedures, rules and methods for reducing, limiting or altering the amount, form or timing of compensation with respect to those different classes;

(e) require a post-secondary institution to do or refrain from doing anything relating to or arising from the reduction, limitation or alteration of the compensation due to an individual referred to in subsection (1), or relating to or arising from the rules set out in the regulation;

(f) govern the use of any amounts saved by a post-secondary institution through the reduction, limitation and alteration of compensation required by the regulations and establish and govern procedures, rules and methods for calculating such amounts;

(g) assign functions, duties, or powers to a member of the Executive Council with respect to the oversight and administration of the regulation;

(h) authorize or require the disclosure, use and direct or indirect collection of personal information, including employment history and financial information, by the Minister, a post-secondary institution or any other person;

(i) govern such transitional matters as the Minister considers necessary or advisable to facilitate the implementation of this section;

(j) prescribe Acts for the purposes of subsection (3).

Conflict

(3) A regulation made under subsection (1) prevails over any provision of this Act or of any of the following Acts or regulations made under those Acts if the provision relates to the compensation of an individual referred to in subsection (1) and is specified in the regulation:

1. The *Broader Public Sector Accountability Act, 2010*.
2. The *Broader Public Sector Executive Compensation Act, 2014*.
3. The *Colleges Collective Bargaining Act, 2008*.
4. The *Employment Standards Act, 2000*.
5. The *Labour Relations Act, 1995*.
6. Any other Act, except the *Pension Benefits Act*, that is prescribed by the regulations.

Interpretation

(4) Expressions used in this section have the same meaning as in the *Pension Benefits Act*, unless the context requires otherwise.

(2) Paragraph 2 of subsection 18 (1) of the Act is amended by striking out “or” at the end of subparagraph i and by adding the following subparagraphs:

iii. started to receive variable benefits from a variable benefit account established under a defined contribution provision of a pension plan, or

iv. exercised their entitlement to a transfer in accordance with subsection 39.1 (4) of the *Pension Benefits Act*, with respect to a variable benefit account.

(3) Paragraph 3 of subsection 18 (1) of the Act is amended by striking out “or” at the end of subparagraph i, by adding “or” at the end of subparagraph ii and by adding the following subparagraph:

iii. funds in a variable benefit account referred to in paragraph 2.

(4) Subsection 18 (2) of the Act is amended by adding the following clause:

(b.1) establish and govern procedures, rules and methods for determining the amount or value of funds in a variable benefit account to be used for the purposes of applying a reduction, limitation or alteration of compensation;

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsections 4 (2) to (4) come into force on the later of the day section 2 of Schedule 34 to the *Building Ontario Up Act (Budget Measures), 2015* comes into force and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.