

Memorandum

To: THE HUMAN RESOURCES & GOVERNANCE COMMITTEE OF
THE BOARD OF DIRECTORS
of the Independent Electricity System Operator

From: Liz Stokes
Senior Manager, Total Rewards

Date: August 29, 2017

Re: **Pension Amendment#30– Legislative and Housekeeping Changes**

Spousal Definition Change

Effective January 1, 2017, Ontario's Bill 28, *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016, amended the *Children's Law Reform Act* (CLRA) to modernize and establish new rules of parentage in Ontario. A corresponding amendment to the Ontario *Pension Benefits Act* (PBA), also effective January 1, 2017, has modified the definition of "spouse" as follows:

"spouse" means, except where otherwise indicated in this Act, either of two persons who,

- (a) are married to each other, or
- (b) are not married to each other and are living together in a conjugal relationship,
 - (i) continuously for a period of not less than three years, or
 - (ii) in a relationship of some permanence, ~~if they are the natural or adoptive parents of a child, both as defined in the *Family Law Act*~~ **if they are the parents of a child as set out in section 4 of the *Children's Law Reform Act***

This change provides a more detailed framework for establishing who qualifies as a parent of a child, which was rolled out across many statutes in Ontario. The change is intended to recognize the legal status of a parent regardless of how the child was conceived e.g. through assisted reproduction, such as use of a surrogate.

Since the definition of "spouse" for pension survivor eligibility determinations under the PBA was modified, it is necessary to amend the Plan's definition of "spouse" to ensure compliance.

A number of housekeeping amendments related to the earlier removal of the separate definition of “same-sex partner” were included in this amendment.

There is also a minor housekeeping amendment to delete a paragraph that was inadvertently retained in subrule 23(1a) when the “mix and match” amendment (options for members with pre-1987 service) was completed in Amendment 27. This is a clean-up of a redundant paragraph and has no substantive effect.

Regards,

Liz Stokes