

Human Resources Legislative Update

Ontario Introduces Bill 91, *Less Red Tape, Stronger Economy Act, 2023* and Announces Additional Amendments to Reduce Red Tape

Date: April 10, 2023

On April 3, 2023, the Ontario government [announced](#) a range of measures related to pensions and employment (amongst other matters) in the province. On the same day, the government introduced [Bill 91, *Less Red Tape, Stronger Economy Act, 2023*](#) (Bill 91) to implement some of those measures. Bill 91 and the additional measures are of interest to several stakeholders including pension plan administrators, employers and human resources professionals.

Changes Related to Pensions

Bill 91 proposes changes to section 30.1 of the *Pension Benefits Act* that would eliminate the requirement for pension plan administrators to provide reminder notices about communication forms to retired plan members. The changes would allow plan administrators who are already sending electronic communications to members to continue to do so without the need to send an additional paper or electronic reminder notice. Plan members may still instruct the plan administrator to send documents in a written form other than electronic at any time.

The government also announced that it is proposing regulatory amendments to improve the process for converting a single employer pension plans to a jointly sponsored pension plan (JSPP). If passed, the amendments would extend the deadlines for plan administrators to file conversion-related actuarial cost certificates, which would allow more time for filing in circumstances where assets are transferred early. The amendments would also remove the requirement for plan administrators to provide certified copies of member consent and objection forms and instead provide a prescribed certification form indicating how the plan member's consent threshold for the conversion to a JSPP has been met. The CEO of the Financial Services Regulatory Authority (FSRA) would have the authority to request consent and objection forms at any time. The amendments are not included in Bill 91 and, as of the date of writing, had not been published by the government.

Other Measures of Interest

The government announced several employment-related measures, but did not include them in Bill 91. They include changes to the regulation of mines and mining plants introduced in Ontario [Regulation 69/23](#) which was filed and published on April 6, 2023. These other measures of interest include:

- a plan to review the *Occupational Health and Safety Act* to clarify whether the definition of written records in the act can include electronic documents
- updates to the *Workplace Safety and Insurance Act* to change the definition of "survivor" to more closely align with modern family structures and relationships
- the above-noted amendments to provisions in Regulation 854, Mines and Mining Plants under the *Occupational Health and Safety Act* to update requirements for proceeding with changes to the construction or design of a mine, requiring mine design to be prepared under the direction of an engineer versus a "competent person," and enhanced safety requirements for ventilation systems and equipment, ground control and seismic risk, explosives, and the management of change procedures (further details on the changes can be found in [O. Reg. 69/23](#))

The Bill 91 amendments to the *Pension Benefits Act* are scheduled to come into force the day Bill 91 receives Royal Assent. The changes to the Mines and Mining Plants Regulation will mostly come into effect on either July 1, 2023 or September 1, 2023, and readers should consult O. Reg. 69/23 for details.



There are few details set out for other measures noted above, and we are awaiting the release of the corresponding regulations or bills for further information, including expected timelines for them to take effect. We will provide a more detailed summary of the measures in the coming days as more information becomes available.