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SECTION:	Annuities
INDEX NO.:	A600-951
TITLE:	Mortality Tables and Sex Discrimination - PBA s. 52 - Regulation 909 s. 21(3)
APPROVED BY:	Superintendent of Financial Services
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REPLACES:	A600-950

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This policy replaces A600-950 (Mortality Tables and Sex Discrimination) as of the effective date of this policy.

*Note: Where this policy conflicts with the Financial Services Commission of Ontario Act, 1997, S.O. 1997, c. 28 (FSCO Act), Pension Benefits Act, R.S.O. 1990, c. P.8 (PBA) or Regulation 909, R.R.O. 1990 (Regulation), the FSCO Act, PBA or Regulation govern.*

*Note: The electronic version of this policy, including direct access to all linked references, is available on FSCO's website at [www.fSCO.gov.on.ca](http://www.fSCO.gov.on.ca). All pension policies can be accessed from the **Pensions** section of the website through the **Pension Policies** link.*

**When funds are transferred from a locked-in retirement account, life income fund or locked-in retirement income fund for the purchase of a life annuity, can sex differentiated mortality tables be used in the calculation of the annuity?**

Subsection 21(3) of the Regulation specifically states that “an immediate or deferred life annuity that is purchased with funds from a life income fund, locked-in retirement income fund or locked-in retirement account shall not differentiate on the basis of the sex of the beneficiary if the commuted value of the pension benefit that was transferred into the life income fund, locked-in retirement income fund or locked-in retirement account was determined in a manner that did not differentiate on the basis of sex.”

Under section 52 of the PBA, discrimination on the basis of sex is prohibited in the determination of benefits and eligibility conditions for those benefits in relation to employment after December 31, 1986. As a result, only annuity factors that do not differentiate on the basis of sex of the member may be used in relation to employment after that date.

For employment up to December 31, 1986, however, benefits and eligibility conditions for those benefits may be determined on a sex-distinct basis. If the commuted value of benefits related to employment up to December 31, 1986 has been determined on a sex-distinct basis, the annuity factors may also differentiate on the basis of sex.