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*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 on the left side of each page.*

### **Failure to Remit Member Contributions to the Pension Fund**

There have been reports of sponsors of contributory plans deducting member contributions and not depositing them in the pension fund. Instead, member contributions are being appropriated by the sponsor and member contributions are being funded from surplus.

If the plan requires member contributions and these are deducted from member earnings but not remitted to the pension fund, **the practice is unlawful**. The Superintendent will be monitoring plans to identify any such practice and if identified, appropriate action will be taken. The Canadian Institute of Actuaries and the Institute of Chartered Accountants of Ontario also have been informed.