



SECTION: Spousal Rights

INDEX NO.: S500-300

TITLE: Joint and Survivor Requirement and Waiver

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EFFECTIVE DATE: February 1990 (As amended June 13, 2005)
[No longer applicable - replaced by S500-306 - July 2015]

Taken from the "Your Questions Answered" column published in the PCO Bulletin. Please see the disclaimer at the beginning of the directory.

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: Bill 171, the Spousal Relationships Statute Law Amendment Act, 2005 (S.O. 2005, c. 5) and Ontario Regulation 324/05 amended the definition of "spouse" in section 1 of the PBA and removed reference to "same-sex partner" from the PBA and the Regulation as of June 13, 2005. This policy has been updated solely for purposes of deleting the note referring to same-sex partners. For further details see policy S500-101. No other changes to this policy have been made since the effective date.

A plan member asks: What is the purpose of the "joint and survivor" provision? Can it be waived?

The purpose of this provision is to ensure there is continuing pension income for a surviving spouse when the pensioner dies. The widow or widower must receive an amount not less than 60% of the monthly pension payable prior to the pensioner's death. If the marriage breaks down, the joint and survivor protection can be waived by filing a court order or a domestic contract. In addition, a spouse can give up his or her joint and survivor rights at the time of the member's retirement by signing a waiver form. Both spouses must sign the form and be fully informed of what rights are being waived.