



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

December 19, 2008

David Wild, Chair
CAPSA Secretariat
5160 Yonge Street,
17th Floor, Box 85
North York, ON M2N 6L0

Dear Mr. Wild,

Re: Registered Pension Plans for Self-Employed Individuals

I am writing for the Canadian Bar Association's National Pensions and Benefits Law Section concerning registered pension plans for self-employed individuals.

The federal *Income Tax Act* and pension benefits legislation, both federal and as enacted by nine provinces, allows registration of employer sponsored pension plans. However, an inequity occurs because no parallel provision exists for self-employed people. The CBA therefore urges CAPSA to support appropriate amendments to pension standards legislation and to the federal *Income Tax Act* to extend the ability to sponsor registered pension plans to self-employed individuals. A recent resolution of the CBA National Council to this effect is attached.

I hope that CAPSA will give this issue due consideration and look forward to working with you in this regard. Please feel free to contact me, should you have questions or concerns.

Yours very truly,

(Original signed by Gaylene Schellenberg for Barbara J. Austin)

Barbara J. Austin,
Chair, National Pensions and Benefits Law Section

cc Diane Lafleur, Financial Sector Policy Branch, Department of Finance

Registered Pension Plans for Self Employed Individuals

WHEREAS the federal *Income Tax Act* and the pension benefit standards legislation enacted by the federal government and nine provinces permit registration of pension plans sponsored by employers, but not by self employed persons;

WHEREAS allowing self employed individuals to sponsor registered pension plans would require significant amendments to pension benefit standards legislation and also raises a number of policy issues;

WHEREAS the provincial and federal authorities that administer pension standards legislation are members of the Canadian Association of Pension Supervisory Authorities (CAPSA);

BE IT RESOLVED THAT that the Canadian Bar Association and its respective Branches urge the federal and provincial governments and the members of CAPSA to support appropriate amendments to pension standards legislation and to the federal *Income Tax Act* to extend to self employed individuals the ability to sponsor a registered pension plan.

Certified true copy of a resolution carried by the Council of the Canadian Bar Association at the Annual Meeting held in Québec, QC, August 16-17, 2008.

Régimes de pension agréés à l'intention des travailleurs autonomes

ATTENDU QUE la *Loi de l'impôt sur le revenu* canadienne et les lois sur les normes de prestations de retraite édictées par le gouvernement fédéral et neuf provinces prévoient l'agrément des régimes de pension offerts par les employeurs, mais non ceux des travailleurs autonomes;

ATTENDU QUE le fait de permettre l'agrément des régimes de pension des travailleurs autonomes entraînerait des modifications importantes aux lois sur les normes de prestations de retraite et soulèverait de nombreuses questions de politique;

ATTENDU QUE les autorités provinciales et fédérales chargées de l'application des lois sur les normes de prestations de retraite sont membres de l'Association canadienne des organismes de contrôle des régimes de retraite (ACOR);

QU'IL SOIT RÉSOLU QUE l'Association du Barreau canadien et ses divisions exhortent les gouvernements fédéral et provinciaux, ainsi que les membres de l'ACOR à appuyer les modifications qui s'imposent aux lois sur les normes de prestations de retraite et à la *Loi de l'impôt sur le revenu* afin de permettre aux travailleurs autonomes de souscrire à un régime de pension agréé.

Copie certifiée d'une résolution adoptée par le Conseil de l'Association du Barreau canadien, lors de son Assemblée annuelle, à Québec, QC, les 16 et 17 août 2008