

## **SCHEDULE "A"**

### **AMENDMENT NO. 38 TO THE RULES AND REGULATIONS OF THE MULTI-SECTOR PENSION PLAN**

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**WHEREAS** the Trustees of the Multi-Sector Pension Plan (the "Trustees") have adopted the Rules and Regulations of the Multi-Sector Pension Plan (the "Rules and Regulations");

**AND WHEREAS** the Trustees want to amend the Rules and Regulations to permit, where permitted by applicable law, any Employee of a new Contributing Employer who is age 65 or older on the date that their employer commences Employer Contributions to make an irrevocable election not to become a Participant;

**AND WHEREAS** pursuant to Section 7.01 of the Rules and Regulations, the Trustees have the power to amend or modify the Rules and Regulations;

**NOW THEREFORE** the Rules and Regulations are hereby amended as follows effective January 1, 2023:

1. Paragraph (iv) of subsection (a) of Section 2.01 of the Rules and Regulations is deleted and replaced with the following:

- (iv) participation in the Plan is compulsory for all Employees covered by the Collective Agreement, subject to the following exceptions:
  - a. a category of Employees that the Trustees agree to permit to be excluded; and
  - b. an Employee who elects not to become a Participant in accordance with Section 2.09.

2. Section 2.06 of the Rules and Regulations is deleted and replaced with the following:

#### **Section 2.06 Participant**

Subject to Section 2.09, an Employee shall become a Participant on the later of January 1, 2002 and the first day of the month following completion of 500 hours of employment with a Contributing Employer, unless the Trustees agree to a different commencement date for participation.

**Modified by Schedules A, B, C, D, E, F, G and H for Participants and Former Participants governed by the pension laws of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Saskatchewan and Canada, respectively.**

3. Section 2.08 is deleted and replaced with the following:

**2.08 Reinstatement of Employee Participation**

Subject to Section 2.09, an Employee who has terminated participation in the Pension Plan pursuant to Section 2.07 shall again become a Participant by subsequently completing the requirement for participation pursuant to Section 2.06.

4. The Rules and Regulations are amended by adding the following Section 2.09 after Section 2.08:

**2.09 Election not to become a Participant**

An Employee

- (a) who is employed by an employer that is accepted by the Trustees as a Contributing Employer on or after January 1, 2023; and
- (b) who was age 65 or older as of the date that Employer Contributions by their employer referenced in subsection (a) commence,

shall not be required to become a Participant if such Employee elects not to become a Participant by completing the form prescribed by the Trustees and filing it with the Trustees within 30 days after the Trustees issue such form to the Employee. All elections made in accordance with this Section 2.09 are irrevocable.

No Employee Contributions or Employer Contributions will be accepted by the Plan in respect of an Employee who elects not to become a Participant in accordance with this Section 2.09.

**Modified by Schedule C for Employees governed by the pension laws of Manitoba.**

5. Paragraph 3 of Schedule "A" – Alberta of the Rules and Regulations is deleted and replaced with the following:

**3. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of Alberta shall become a Participant on the first day of the month following the earlier occurrence of the following:

- (a) the Employee's completion of 500 hours of employment with a Contributing Employer,
- (b) the Employee's completion of 350 hours of employment with one or more Contributing Employers during two consecutive calendar years, or

- (c) the Employee having earned at least 35% of the YMPE in each of two consecutive calendar years for hours of work in Covered Employment.

6. Paragraph 2 of Schedule "B" – British Columbia of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of British Columbia shall become a Participant on the first day of the month following the earlier of the following dates:

- (a) the date the Employee has completed 500 hours of Covered Employment with a Contributing Employer, or
- (b) the date the Employee has earnings for hours of work in Covered Employment of not less than 35% of the YMPE in each of two consecutive Calendar Years,

unless the Trustees agree to a different commencement date for participation.

7. Schedule "C" – Manitoba of the Rules and Regulations is amended by adding the following paragraph 2.1 following paragraph 2:

**2.1 Section 2.09 – Election not to Become a Participant**

For greater certainty, Section 2.09 does not apply to an Employee subject to the pension laws of Manitoba.

8. Paragraph 2 of Schedule "D" – New Brunswick of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of New Brunswick shall become a Participant on the first day of the month following the earliest occurrence of:

- (a) the Employee's completion of 500 hours of Covered Employment with a Contributing Employer, or
- (b) the Employee's completion of 350 hours of Covered Employment with one or more Contributing Employers during two consecutive calendar years in which the Employee has earnings of not less than 35% of the YMPE in each year,

unless the Trustees agree to a different commencement date for participation.

9. Paragraph 2 of Schedule "E" – Newfoundland and Labrador of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of Newfoundland and Labrador shall become a Participant on the first day of the month following the earliest occurrence of:

- (a) the Employee's completion of 500 hours of Covered Employment with a Contributing Employer, or
- (b) the Employee having earned from Covered Employment with one or more Contributing Employers not less than 35% of the YMPE in each of two consecutive calendar years,

unless the Trustees agree to a different commencement date for participation.

10. Paragraph 2 of Schedule "F" – Nova Scotia of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of Nova Scotia shall become a Participant on the first day of the month following the earliest occurrence of:

- (a) the Employee's completion of 500 hours of Covered Employment with a Contributing Employer, or
- (b) the Employee's completion of 350 hours of Covered Employment with one or more Contributing Employers during two consecutive calendar years in which the Employee has earnings of not less than 35% of the YMPE in each year,

unless the Trustees agree to a different commencement date for participation.

11. Paragraph 2 of Schedule "G" – Saskatchewan of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of Saskatchewan shall become a Participant on the first day of the month following the earliest occurrence of:

- (a) the Employee's completion of 500 hours of Covered Employment with a Contributing Employer, or

- (b) the Employee's completion of 350 hours of Covered Employment with one or more Contributing Employers during two consecutive calendar years in which the Employee has earnings of not less than 35% of the YMPE in each year,

unless the Trustees agree to a different commencement date for participation.

12. Paragraph 2 of Schedule "H" – Canada of the Rules and Regulations is deleted and replaced with the following:

**2. Section 2.06 – Participant**

Subject to Section 2.09, an Employee subject to the pension laws of the federal government of Canada shall become a Participant on the first day of the month following the earliest occurrence of:

- (a) the Employee's completion of 500 hours of Covered Employment with a Contributing Employer, or
- (b) the Employee having earned from Covered Employment with one or more Contributing Employers not less than 35% of the YMPE in each of two consecutive calendar years,

unless the Trustees agree to a different commencement date for participation.