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SECTION:	Benefits
INDEX NO.:	B100-260
TITLE:	More Advantageous Pension Benefits or Ancillary Benefits Permitted - PBA ss. 5, 19(1) and (4)
APPROVED BY:	Superintendent of Financial Services
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REPLACES:	C100-700

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This policy replaces C100-700 (More Advantageous Pension Benefits or Ancillary Benefits Permitted) 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.*

The PBA and Regulation set minimum standards for pension plans that provide benefits for individuals who are employed in Ontario. No one can waive the minimum standards, including individual plan members or their union representatives.

The administrator of a pension plan (administrator) must ensure that the pension plan is administered in accordance with the PBA and Regulation (PBA, s. 19(1)), and should review the plan terms against legislative requirements on a regular basis. If there is a conflict between the plan terms and the legislative requirements, the pension plan must be administered in accordance with the PBA and Regulation (PBA, s. 19(4)). In this situation, the administrator should notify the plan sponsor that the plan terms must be amended to reflect these legislative requirements.

A conflict between the plan terms and the legislative requirements does not occur when the plan provides pension benefits or ancillary benefits that are more advantageous to members than those required by the PBA and Regulation. Section 5 of the PBA allows pension plans to provide greater pension benefits or ancillary benefits than are required by the minimum standards set out in the PBA and Regulation.