

ONTARIO SALES TAX ADMINISTRATION REFORM PENSION TRANSFER CLASS ACTION SETTLEMENT

RavenLaw is pleased to announce that the Ontario Superior Court has approved the settlement agreement reached in the class action involving employees who were required to pay higher pension transfer amounts because of a change in actuarial assumptions when they transferred from the Ontario Public Service to the Canada Revenue Agency as part of the Ontario Sales Tax Administration Reform (OSTAR) Process. This litigation and the resulting settlement agreement have been supported throughout by the Public Service Alliance of Canada (PSAC) and the Professional Institute of the Public Service of Canada (PIPSC).

At the following links you will find the Notice of the Settlement Approval, which provides more information and sets out next steps in this process, as well as other documents related to these proceedings:

Court Ordered Notices

- [Phase II Notice \(https://ravenlaw.com/wp-content/uploads/2024/07/Phase-II-Notice-Materials.pdf\)](https://ravenlaw.com/wp-content/uploads/2024/07/Phase-II-Notice-Materials.pdf)
- [Opt Out Form \(https://ravenlaw.com/wp-content/uploads/2024/07/Opt-Out-Form.pdf\)](https://ravenlaw.com/wp-content/uploads/2024/07/Opt-Out-Form.pdf)

Legal Documents

- [Final Settlement Agreement \(https://ravenlaw.com/wp-content/uploads/2024/07/24-04-03-FSA.pdf\)](https://ravenlaw.com/wp-content/uploads/2024/07/24-04-03-FSA.pdf)
- [Order of the Ontario Superior Court, dated June 17, 2024 \(https://ravenlaw.com/wp-content/uploads/2024/07/Thomas-et-al.-v-Attorney-General-et-al.-CV-14-62471-Signed-Order-RSJ-MacLeod-Jun.-17-2024.pdf\)](https://ravenlaw.com/wp-content/uploads/2024/07/Thomas-et-al.-v-Attorney-General-et-al.-CV-14-62471-Signed-Order-RSJ-MacLeod-Jun.-17-2024.pdf)
- [Endorsement of the Ontario Superior Court, dated June 12, 2024 \(https://ravenlaw.com/wp-content/uploads/2024/07/Thomas-et-al.-v-AG-of-Canada-et-al.-CV-14-62471-CP-Certification-Endorsement-RSJ-MacLeod-June-12-2024.pdf\)](https://ravenlaw.com/wp-content/uploads/2024/07/Thomas-et-al.-v-AG-of-Canada-et-al.-CV-14-62471-CP-Certification-Endorsement-RSJ-MacLeod-June-12-2024.pdf)
- Phase I Notice Materials (Expired)

We encourage you to review the Phase II Notice carefully. Below we also provide some additional information to respond to questions we have received from class members.

What is this Class Action About?

This class action relates to the transfer of employees from the Ontario Public Service to the Canada Revenue Agency as part of the OSTAR process. If you transferred your pension after November 1, 2012, from the Government of Ontario or OPSEU Pension Plan as part of that process, you may be eligible for compensation.

By way of background, employees who transferred from the Ontario Public Service to the Canada Revenue Agency received an initial estimate of the cost to transfer their pensionable service into the federal government pension plan. For many employees, however, the cost to transfer their pensionable service increased because they did not submit their Appendix B1 forms to the Government of Canada ("Canada") before November 1, 2012. Five employees initiated a class action lawsuit claiming the difference between the amount required by the federal pension plan on the basis of the November 1, 2012 actuarial assumptions and the amount that would have been required by the federal pension plan on the basis of the actuarial assumptions before November 1 2012.

The class is defined as:

All persons who became employed by the Canada Revenue Agency prior to November 1, 2012, as part of the Ontario Sales Tax Administration Reform ("OSTAR") process, who transferred their pensionable service from the OPSEU Pension Plan or the Public Service Pension Plan to the Public Service Superannuation Plan, and whose pension transfers were completed on the basis of the actuarial assumptions that took effect in the Public Service Superannuation Plan on November 1, 2012.

The class action only related to changes that occurred as a result of the change in actuarial assumptions on November 1, 2012. You may have experienced other changes to the calculation of your pension transfer that are not covered by this class action. Individuals who had their pension transfer calculated using the pre-November 1, 2012 actuarial assumptions are not eligible for compensation.

How does the Settlement Work?

The Plaintiffs have worked with the Defendants to create a list of affected individuals. **Notice has been sent to all individuals on that list by mail and email from Canada.**

Actuaries at the Pension Centre have created a calculator, which allows them to recalculate the pension transfer costs using the pre-November 1, 2012 actuarial assumptions, and have calculated these amounts for each class member.

Under the settlement, each class member will receive a payment based on the difference between the cost to transfer their pensionable service from the provincial pension plan to the federal pension plan that occurred as a result of the change in assumptions. Class members will be placed into one of three groups, based on the timing of their individual transfer, and will receive a different percentage of the difference on that basis.

The Group definitions are:

Group 1: Any Class Member who signed their Appendix B1 form before November 1, 2012, or, all else being equal, would have signed their Appendix B1 form before November 1, 2012 if all timelines under the Pension Transfer Agreement had been met by the Defendants. By way of example, a Class Member who signed their Appendix B1 form on November 9, 2012 but for whom one or more Defendants exceeded timelines in the Pension Transfer Agreements by a total of 10 days would fall into Group 1.

It is anticipated that members of Group 1 will receive approximately 85% of the difference between the amount required by the federal pension plan to transfer their pensionable service on the basis of the November 1, 2012 actuarial assumptions and the amount that would have been required by the federal pension plan on the basis of the actuarial assumptions before November 1 2012, as at the Payment Date.

Group 2: Any Class Member who is not part of Group 1 and whose Appendix B1 form was issued before November 1, 2012, or, all else being equal, whose Appendix B1 form would have been issued before November 1, 2012 had all timelines under the Pension Transfer Agreement been met by the Defendants. By way of example a Class Member whose Appendix B1 form was issued on November 9, 2012 but for whom one or more Defendants exceeded timelines in the Pension Transfer Agreements by a total of 10 days would fall into Group 2.

It is anticipated that members of Group 2 will receive approximately 65% of the difference between the amount required by the federal pension plan to transfer their pensionable service on the basis of the November 1, 2012 actuarial assumptions and the amount that would have been required by the federal pension plan on the basis of the actuarial assumptions before November 1 2012, as at the Payment Date.

Group 3: Members who do not fall into one of the above categories.

It is anticipated that members of Group 3 will receive approximately 50% of the difference between the amount required by the federal pension plan to transfer their pensionable service on the basis of the November 1, 2012 actuarial assumptions and the amount that would have been required by the federal pension plan on the basis of the actuarial assumptions before November 1, 2012, as at Payment Date.

The settlement is capped at \$2.8 million. The Plaintiffs have calculated that this amount will mostly cover the amounts determined for the known class members. Before payments are made, however, an adjustment will be applied to the calculations to bring the amount in line with the settlement cap. This could result in either a small increase or a small decrease in the settlement payment.

How do I know if I am included in the Class?

If you received one or more notices directly from the Government of Canada, either by mail or email, you are already on the list of known class members.

There is a small group of people who are known class members who may not have been reached by Canada. Efforts are being made to update the contact information for those people.

I think I should be included but have not received a Notice, what do I do?

Send an email to pensiontransferclassaction@ravenlaw.com (<mailto:pensiontransferclassaction@ravenlaw.com>).

Please include:

- Your name
- Contact information (email, phone, address)
- PRI Number
- A brief summary of the information you have about your pension transfer.

If you are on the list of known class members, we will update your contact information.

If not, RavenLaw will add you to a list of people who believe they should be included in the Class Action.

During the implementation process, there is a step where the Parties will investigate and decide whether any individuals who have come forward fall within the definition of the class. You may be asked to provide more information to facilitate this process.

- If the Plaintiffs and the Defendants agree that you are not included in the class, you will receive an explanation as to why.
- If the Plaintiffs and the Defendants agree that you are included in the class, you will be eligible for compensation.
- If the Plaintiffs and Defendants cannot agree, there is a process for binding resolution.

PLEASE DO NOT CONTACT THE PENSION CENTRE ABOUT THIS CLASS ACTION. RAVENLAW WILL COMMUNICATE WITH THE PENSION CENTRE ON YOUR BEHALF AT THE APPROPRIATE TIME

What should I do with the Opt Out Form?

If you want to receive compensation as part of the settlement, **DO NOT** complete the Opt Out Form.

You can, however, opt out of the Settlement if you want to be able to start your own action, or do not wish to participate for any other reason. If you want to opt out, you must complete the Opt Out Form by September 12, 2024.

If you opt out, you will **NOT** be eligible to receive any money from this settlement, and if you wish to start your own action you will be responsible for: the running of all limitation periods, hiring your own lawyer (at your own expense) and for any adverse costs if you lose.

If you have questions about whether to opt out, or the Opt Out Form, we encourage you to contact class counsel

What happens next?

The information in the table below provides **an estimate** of when the various steps in the implementation process are likely to be completed. Dates are subject to change based on the actual completion of the previous step and other contingencies:

September 12, 2024 – End of Opt-Out Period and Implementation Date

September 12, 2024 to November 11 2024 – Grouping of Known Class Members

January 10, 2025 – Deadline for Issuance of Notice Initial of Estimate of payment to Known Class Members

March 11, 2025 – Deadline for Known Class Members to dispute proposed grouping

May 10, 2025 – Deadline for individuals who are not known class members to come forward

May 10, 2025 to June 9, 2025 – Period for Plaintiffs and Defendants to make determinations about potential new class members

October 7, 2025 -Expected deadline for final payments to Class Members.

I still have questions – who should I contact?

All inquiries regarding the class action and settlement must be directed to:

RavenLaw LLP
1600-220 Laurier Ave W
Ottawa, ON K1P 5Z9

[613-567-2901 \(tel:613-567-2901\)](tel:613-567-2901)

[pensiontransferclassaction@ravenlaw.com \(mailto:pensiontransferclassaction@ravenlaw.com\)](mailto:pensiontransferclassaction@ravenlaw.com)

You should only contact the Pension Centre if you need to update your address.

[Contact Us \(/contact/\)](/contact/)

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