

## Canadian Submission

### Office of the United Nations High Commissioner for Human Rights Report of the Independent Expert on Human Rights and Extreme Poverty Social Protection of Older Persons from a Human Rights Perspective

Thank you for the invitation to input into the research being undertaken by the Independent Expert on the Question of Human Rights and Extreme Poverty on the issue of social protection of older persons from a human rights perspective.

The Government of Canada recognizes the importance of economic security and well-being for all Canadians, including seniors and has invested in several programmes to support income of seniors. The Canadian Pension Plan Retirement Pension, the Old Age Security Pension, the Guaranteed Income Supplement and the Allowance/Allowance for survivor programmes are highlighted below in response to the questionnaire provided.

#### **Programme: Canada Pension Plan Retirement Pension**

##### **I. The Legal and Institutional Framework**

1. *Provide details of the legal framework by which the programme(s) is established:*

- a. *Please indicate the retirement age/eligibility age for the pension and if it takes into account the nature of the occupation (e.g. formal or informal employment) of the potential beneficiaries.*

The Canada Pension Plan (CPP) is an earnings-based, contributory social insurance plan. Those who have made at least one valid contribution to the CPP qualify for a CPP retirement pension. Contributors can begin receiving their CPP retirement pensions as early as age 60. The normal age of retirement is 65 and the CPP retirement pension is decreased if it is taken prior to age 65 and increased if it is taken after age 65 (up to age 70).

The CPP (or the Quebec Pension Plan in Quebec) covers most employed and self-employed persons in Canada between the ages of 18 and 70 who earn more than the basic exempted amount (frozen at \$3,500 per year since 1998). Membership in the Plan is mandatory for virtually all workers in Canada.

- b. *Are there any restrictions, including a qualification period for receiving pensions?*

See Q1a. A single valid contribution to the CPP is required in order to qualify for a CPP retirement pension.

In addition to the retirement pension, the CPP also offers supplemental benefits (disability benefit, survivor pension, benefits for children of deceased and disabled contributors, and a lump sum death benefit). Various eligibility criteria apply for these benefits, including contributions to the Plan for a minimum number of years.

*c. Please indicate whether it is a contributory or a non-contributory programme.*

The CPP is a contributory plan. All costs are covered by the contributions paid by employees, employers and self-employed workers, and from revenue earned on CPP investments.

*2. In the event that the programme is not established by law, please provide details of the administrative regulations or other relevant programmatic document available that are at the origin of its implementation.*

The CPP was enacted in 1965 and came into force on January 1, 1966. The legislation has been amended several times since.

*3. Please describe the institutional framework used to implement the programme:*

*a. Please indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local levels were involved in the design, implementation and monitoring of the programme(s).*

The CPP has been under the joint stewardship of federal and provincial governments since its inception.

As joint stewards of the CPP, federal and provincial Finance Ministers review the Plan's financial state every three years and make recommendations as to whether benefits and/or contribution rates should be changed. They base their recommendations on a number of factors, including the results of an examination of the Plan by the Chief Actuary. The Chief Actuary is required under the legislation to produce an actuarial report on the CPP every three years (in the first year of the legislated ministerial triennial review of the Plan).

Changes to the CPP legislation governing the general level of benefits, the rate of contributions or the investment policy framework can be made only through an Act of Parliament. All such changes require the agreement of at least two-thirds of the included provinces, representing at least two-thirds of the population. The changes come into force only after two years' notice, unless all the provinces waive this requirement, and after Provincial Orders-in-Council confirming the

changes have been passed. Quebec participates in decision making regarding changes to the CPP legislation, even though it administers its own plan, to ensure the portability of QPP and CPP benefits across Canada.

- b. Were civil society organizations involved in the elaboration of the legal framework, the implementation and monitoring of the programme(s)? If yes, please describe their role.*

Consultations were undertaken during the study of the Bill through which the CPP was implemented. Letters were sent to provincial premiers and numerous organizations to inform them of the details of the Bill and invite the submission of briefs. Many witnesses, including representatives from a variety of public and private organizations, were heard. Following this, a number of amendments to the Bill were recommended, which were considered during the subsequent clause-by-clause debate of the Bill in the House of Commons.

There have also been consultations undertaken in conjunction with the regular Plan reviews conducted by the federal and provincial governments. For example, in 1996, public consultations were held in every province and territory, at which hundreds of individuals made formal presentations or provided written submissions on behalf of their organizations or themselves. In addition, a telephone information line that had been established for this reason received thousands of inquiries and comments. The issues and views represented during the public consultations were summarized in a report and presented to Ministers for their consideration as they carried out their review of the CPP and arrived at a series of reforms to the Plan.

## **II. Programme Costs and Coverage**

- 4. Please indicate the number of beneficiaries of the programme(s) (annually)? If available, please provide details on their profile (e.g. sex, age, ethnicity, origin...).*

For 2008-09, there were 3.6 million CPP retirement pensioners of which approximately 51% were female.

The total number of CPP beneficiaries, including supplemental benefits, was 4.4 million in 2008-09 (not including lump sum death benefits).

- 5. Which geographical areas are covered by the programme in the country (national, regional, local)?*

The CPP is a joint federal-provincial plan that operates throughout Canada except in Quebec, which has a sister plan, the Quebec Pension Plan (QPP). The two plans work together to ensure that all contributors are protected, no matter where they live.

6. *What is the annual budget of the programme(s)? What is the percentage of the GDP does this constitute?*

CPP expenditures (including supplemental benefits) for 2008-09 were \$29 B, including CPP retirement expenditures of \$21.1 B.

CPP expenditures (including supplemental benefits) constitute 1.8% of 2008 GDP (\$1.6 trillion).

(Sources: *The CPP and OAS Stats Book 2009*

<http://www.hrsdc.gc.ca/eng/isp/statistics/pdf/statbook.pdf> and Statistics

Canada's table <http://www40.statcan.ca/101/cst01/econ04-eng.htm> )

7. *Please give details and indicate the sources of funding utilised for the programme(s) and the main costs involved at the various stages of implementation. In particular, is the programme operated with national, regional, local public resources? Are external resources used for this programme?*

See Q1c. The CPP is a contributory plan. All costs are covered by the financial contributions of employees, employers, and self-employed workers, and from revenue earned on CPP investments. Contributions are made only on annual earnings between a minimum and a maximum level (these are called "pensionable" earnings). The minimum level is frozen at \$3,500. The maximum level is adjusted each January, based on increases in the average wage. In 2009, the maximum level is \$46,300. The contribution rate is 9.9% of pensionable earnings, split equally between employees and employers so that the maximum amount paid by employees and employers per year is \$2,118.60 each (2009). The self-employed pay both the employee and employer share of the contributions (maximum contribution of \$4,237.20 in 2009).

When it was introduced in 1966, the CPP was designed as a pay-as-you-go plan, with a small reserve. The federal and provincial governments introduced "steady-state" financing as part of a 1997 reform agreement. This requires that contribution rates be set no lower than the lowest rate expected to ensure the long-term financial stability of the Plan without recourse to further rate increases. Funds not immediately required to pay benefits are invested by an investment board managed independently of the CPP.

8. *Please indicate approximately how many potential beneficiaries were not reached by the programme. Have studies been undertaken to assess the reasons for coverage gaps? Please provide details of their profile (e.g. sex, age, ethnicity, origin...) if available.*

The CPP retirement pension does not start automatically. Contributors must apply for it (unless they already receive a CPP disability benefit and reached 65,

at which time the disability benefit automatically changes to a retirement pension). The vast majority of contributors apply by age 70. Some analysis of CPP take-up has been undertaken by the Office of the Chief Actuary that suggests that many who have not applied have made minimal contributions to the Plan. Some may be migrant workers no longer living in Canada.

9. *What is the average amount of the pensions in relation with the national average income or minimum salary? How is the pension calculated?*

The CPP retirement pension is designed to replace about 25% of the earnings on which a person's contributions were based.

In 2009, the maximum CPP retirement pension (at age 65) is \$908.75 (about 25% of the year's maximum pensionable earnings of \$46,300). The average CPP retirement pension (at age 65) for July 2009 was \$472.36. (Source: <http://www.servicecanada.gc.ca/eng/isp/pub/factsheets/rates.shtml> )

The CPP retirement pension is based on how much, and for how long, one contributed to the Plan. The pension is calculated as follows:

- Determine the Average Monthly Pensionable Earnings (AMPE) for the contributory period (from the month after the 18th birthday to retirement date or age 70) with wages adjusted for inflation.
- Exclude from this average any months a person is deemed disabled for a CPP disability pension, as well 15% of months with lowest earnings.
- If it would benefit the average amount, also exclude any months spent raising a child aged 7 or below.
- The basic retirement monthly amount is equal to 25% of AMPE.
- This amount is then adjusted based on the age of the retiree, by subtracting 0.5% per month before age 65 (up to -30% at age 60), or adding 0.5% per month after it (up to +30% at age 70).

### **III. Implementation Procedures**

10. *What procedures are utilized in order to pay the beneficiaries?*

Direct deposit has been available in Canada since November 1990. We have expanded this service to the United States in 1995 and to [other countries](#) since September 2005. Since then, direct deposit has become our standard way for delivering payments to people who receive Canada Pension Plan benefits in Canada and abroad. Payment is made monthly.

11. *What procedures are utilized in order to inform beneficiaries about the programme? Is information made available in more than one language?*

Information about the CPP is available online in English and French. In addition, every effort is made to communicate with individuals and to ensure they have all of the information they need to make a decision to apply for their benefits in a timely fashion.

- Providing information inserts about benefits with Old Age Security and Canada Pension Plan income tax slips each year.
- Providing CPP contributors with information inserts with their Statements of Contributions.
- Sending an application for Canada Pension Plan retirement pensions to contributors eleven months before their 65th birthday.
- Mailing applications directly to contributors over the age of 65 who have not applied for CPP retirement benefits.
- Making presentations at retirement seminars, to senior groups and at senior residences.

Other recent initiatives include:

2005: The Canada Pension Plan - It's There for Workers - a simplified fact sheet designed to reach people whose first language is not English or French. This fact sheet was available in English, French, Cantonese, Inuktitut and Plains Cree and distributed during Outreach events by regional staff across the country. One of the key messages in the fact sheet was the option of First Nations workers on reserve to contribute to CPP on their own if their employer chose not to participate.

2005 - 2006: Regional Outreach Officers also distributed a Service Canada fact sheet on Canada Pension Plan benefits for the self employed, to inform self-employed people of the benefits of contributing to the CPP.

*12. Were other services (such as social work, subsidised services) provided to the beneficiaries in connection to the pension? If yes, please describe them.*

No, but in addition to the retirement pension, the CPP provides the following benefits to eligible contributors or their families:

- Disability benefits for those under age 65 who cannot work at any job because of a severe and prolonged disability.
- Survivor benefits to spouses/common-law partners of deceased contributors.
- Benefits for children of deceased and disabled contributors up to age 18 or age 25 if in full-time school attendance.
- Death benefit in the form of a one-time payment to, or on behalf of, the estate of a deceased contributor.

13. *Do beneficiaries of the programme access other public services at special conditions, in particular for health services?*

CPP legislation does not specify how or if its benefits should be integrated with other programs, but CPP benefits may affect the amount received from other programs.

#### **IV. Monitoring Mechanisms and Complaints Procedures**

14. *Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.*

See Q3a. The CPP is reviewed every three years by federal, provincial, and territorial Finance Ministers. Changes to benefit levels, contribution rates, CPP financing and investment policy require formal approval by Parliament, and two-thirds of the provinces with two-thirds of the population.

15. *Are there any complaints mechanisms or procedures attached to the programme. Which are available to the beneficiaries? If yes, please describe them.*

Applicants may request an explanation or a reconsideration of any decision that affects their eligibility or the amount of the Canada Pension Plan benefit. The request for reconsideration must be made in writing to the Minister of Human Resources Development Canada within 90 days after receiving a decision. If applicants disagree with the decision of the Minister, they may appeal, again within 90 days, to the Office of the Commissioner of Review Tribunals. A request to appeal a decision of the Review Tribunal may be made to the Pension Appeals Board within 90 days by the Minister or the applicant. The Pension Appeals Board can either refuse or grant Leave to Appeal.

Following is a more detailed description of each stage:

**Reconsideration** - is a written request to the Minister of Human Resources Development Canada to review a decision. The request for reconsideration must be submitted within 90 days of receiving the decision. A review of the file is carried out by a government officer who was not involved in making the initial decision.

**First-level appeal** - if applicants disagree with the reconsideration, they may then submit a written request, within 90 days of receiving the decision, to the Office of the Commissioner of Review Tribunals. The Review Tribunal is an independent body and does not act on behalf of the applicant, the Minister or any other party to the appeal. Each Review Tribunal consists of three qualified

persons selected by the Commissioner of Review Tribunals. The chairperson is always a member of the legal profession. If a disability benefit is involved, at least one of the other members is a health care professional.

**Second-level appeal** - is a written request made by the Minister or applicant, within 90 days of receiving the decision of the Office of the Commissioner of Review Tribunals, to the Pension Appeals Board for Leave to Appeal. The Board consists of a panel of judges (normally three) of the Federal Court or a Provincial Court. If Leave to Appeal is granted, the Board will meet to hear the appeal in the area in which the applicant lives. The decision of the Pension Appeals Board (PAB) is final, but subject to judicial review by the Federal Court of Appeal. The Federal Court either upholds a decision or returns it to the PAB for a new review.

*16. Have there been instances when any legal action was taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal actions and the basis for the complaint(s)?*

The majority of Judicial Reviews relate to the CPP Disability benefit and whether or not an individual qualifies for the benefit. There has, however, been other litigation on various aspects of the CPP, including challenges under the *Canadian Charter of Rights and Freedoms* on survivor's pension related to age, marital status and eligibility for survivor's benefits to same-sex partners of deceased contributors who died between the date of the equality rights in the *Charter* (1985) and January 1, 1998.

#### **V. Existing Studies and Evaluations of Old Age Pensions**

*17. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).*

In 1958, the federal government commissioned a study that included a comprehensive analysis of both public and private pensions in Canada and the United States and arguments for and against universal and contributory pensions. Following this paper, the federal government set out in 1962 to establish a contributory pension plan for Canada and an Interdepartmental Committee on Pensions was set up to explore a variety of issues. In addition, several white papers were prepared and extensive federal-provincial negotiations undertaken to arrive at what would ultimately become the CPP.

*18. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).*

An evaluation report from 1995 is available online:

<http://www.servicecanada.gc.ca/eng/cs/sp/edd/reports/1995-000362/prb.pdf>

## Programme: Guaranteed Income Supplement

### *I. Legal and Institutional Framework*

*1. Provide details of the legal framework by which the programme(s) is established:*

*a. Please indicate the retirement age/eligibility age for the pension and if it takes into account the nature of the occupation (e.g. formal or informal employment) of the potential beneficiaries.*

The Old Age Security (OAS) program, the cornerstone of Canada's retirement income system, includes the basic OAS pension, which is paid to all persons aged 65 or over who meet the residence requirements, **the Guaranteed Income Supplement (GIS)** for low-income OAS pensioners, and the Allowances for low-income Canadians aged 60 to 64 who are the spouses or common-law partners of GIS recipients, or survivors.

Benefits are not linked to labour force participation, nor does a person need to be retired to receive benefits.

*b. Are there any restrictions, including a qualification period for receiving pensions?*

To receive the GIS benefit, a person must be eligible for the OAS pension and meet its residency requirement which is a minimum of 10 years of Canadian residence after the age of 18. The amount to which a person is entitled depends on his or her marital status and income. The annual income of the applicant or, in the case of a couple, the combined income of the applicant and his or her spouse or common-law partner, cannot exceed certain limits.

*c. Please indicate whether it is a contributory or a non-contributory programme.*

The GIS is a non-contributory benefit.

*2. In the event that the programme is not established by law, please provide details of the administrative regulations or other relevant programmatic document available that are at the origin of its implementation.*

The *Old Age Security Act*, which came into force in 1952, established Canada's statutory federally funded public pension. An amendment to this legislation in 1967 established the GIS benefit.

*3. Please describe the institutional framework used to implement the programme:*

*a. Please indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local levels were involved in the design, implementation and monitoring of the programme(s).*

The Department of Human Resources and Skills Development (HRSDC) is responsible for policy development and program implementation. The Income Security and Social Development (ISSD) Branch is responsible for program policy, while Service Canada delivers OAS program benefits through regional offices located in each province and territory. The International Operations Division in Ottawa is responsible for benefits stemming from Canada's International Social Security Agreements.

*b. Were civil society organizations involved in the elaboration of the legal framework, the implementation and monitoring of the programme(s)? If yes, please describe their role.*

A number of seniors organizations such as the Canadian Association of Retired Persons (CARP) and La Fédération de l'Âge d'Or du Québec (FADOQ) as well as academic think tanks, such as the Caledon Institute, the Fraser Institute and the C.D. Howe Institute engage the government and Members of Parliament in the discussion of public pensions.

The Government of Canada takes into consideration the views and suggestions of citizens and organizations as part of its pre-budget consultations process. For example, pre-budget consultations in 2008 asked citizens: What steps should the Government take in Budget 2008 (and beyond) to ensure that Canada is prepared to deal with the implications of an aging population? In what areas should the Government focus its resources in Budget 2008 (and beyond)? If resources need to be redirected from other areas, what areas should these be? What other issues would you like to address?

The Minister of HRSDC regularly receives correspondences from seniors, interest groups and Members of Parliament regarding the OAS program which may be taken into consideration when making policy and program changes.

## **II. Programme Costs and Coverage**

*4. Please indicate the number of beneficiaries of the programme(s) (annually)? If available, please provide details on their profile (e.g. sex, age, ethnicity, origin...).*

In 2008-2009, there were 1.6 million GIS beneficiaries, of which approximately 64% were female.

*5. Which geographical areas are covered by the programme in the country (national, regional, local)?*

The GIS is a national benefit, covering all eligible OAS pensioners residing in Canada. Payments may be made to pensioners outside of Canada, only for the month of a pensioner's departure from Canada and for six additional months, after which payment is suspended.

*6. What is the annual budget of the programme(s)? What is the percentage of the GDP does this constitute?*

In 2008-2009, \$7.5 Billion in GIS benefits were paid, representing approximately 0.46% of GDP.

*7. Please give details and indicate the sources of funding utilised for the programme(s) and the main costs involved at the various stages of implementation. In particular, are the programmes operated with national, regional, local public resources? Are external resources used for this programme?*

The GIS is financed from the Government of Canada's Consolidated Revenues Fund.

*8. Please indicate approximately how many potential beneficiaries were **not** reached by the programme. Have studies been undertaken to assess the reasons for coverage gaps? Please provide details of their profile (e.g. sex, age, ethnicity, origin...) if available.*

A longitudinal study by Statistics Canada, the "GIS Update," identified a 3% increase in GIS take-up rates from 87.0% in 2000 to 89.9% in 2006. As such, approximately 10% of potential beneficiaries were not reached by the program. For women, the GIS take-up rate had increased to 90.9% in 2006 from 88.7% in 2000. Improved rates were also seen for immigrants.

An evaluation on barriers to GIS take-up and the GIS take-up measures is expected to be released in 2010. It will provide further information on the coverage gaps and assess take-up measures for this benefit.

*9. What is the average amount of the pensions in relation with the national average income or minimum salary? How is the pension calculated?*

The average GIS benefit in 2008-2009 was \$396.17 per month, representing approximately 11% of the average industrial wage.

The GIS is an income-tested benefit provided to OAS pensioners who receive little or no income other than the OAS pension. The applicant's previous year's income or, in the case of a couple, their combined income, is considered. With no other income, seniors receive the maximum GIS benefit. However, for every \$2 of other income the maximum GIS benefits are reduced by \$1. While receiving other income does reduce the amount of GIS benefit an individual receives, seniors with other income are generally better off as the GIS is only partially reduced.

In some situations, such as when one stops working or when other pension income drops, HRSDC can calculate one's benefits by estimating income for the current year, instead of using the previous year's income. If a person, their spouse or common-law partner has a lower income in the current year, they are invited to inform HRSDC. Benefits could increase after one's new situation are taken into account.

### ***III. Implementation Procedures***

#### *10. What procedures are utilized in order to pay the beneficiaries?*

Cheques or direct payments are emitted by the Government of Canada and sent by mail or deposited every month. Payments usually arrive in the last three banking days of each month.

GIS payments are stopped if:

- The recipient does not re-apply by filing a tax return by April 30 of each year or does not submit an application form when asked to do so;
- Their income, or the total income for them and their spouse or common-law partner, is more than the maximum amount allowed;
- They leave Canada for more than six months in a row; or,
- They die. If their spouse or common-law partner is receiving the GIS or Allowance, payments may continue, based on his or her income.

#### *11. What procedures are utilized in order to inform beneficiaries about the programme? Is information made available in more than one language?*

Service Canada provides Canadians with one-stop, personalized service they can access in a number of ways - by telephone (1-800 O Canada), in person, on the internet ([servicecanada.gc.ca](http://servicecanada.gc.ca)), or by mail.

Since 1999, successive governments have taken a series of steps to ensure that all potentially eligible seniors are able to apply for and receive the benefits to which they are entitled. For example;

- Information on programs and benefits are inserted in mailings to groups who are likely to include significant numbers of potential beneficiaries.
- The application process has been simplified and forms have been reduced in length.
- Outreach initiatives are targeted to populations that are hard to reach through conventional channels; these include low-income seniors, homeless and near-homeless persons, immigrants, persons living with a disability, and Aboriginal seniors. To do this, partnerships are established with organizations such as First Nations band offices, settlement agencies, food banks and homeless shelters.

Information is available through the Government of Canada websites and is available in both English and French along with fact sheets on pensions and other programs in 11 Aboriginal and 12 foreign languages.

*12. Were other services (such as social work, subsidised services) provided to the beneficiaries in connection to the pension? If yes, please describe them.*

OAS legislation does not specify how or if benefits should be integrated with other programs. However, the majority of provinces and territories do provide income supplements to low-income GIS recipients.

*13. Do beneficiaries of the programme access other public services at special conditions, in particular for health services?*

Federal and provincial governments also support seniors by providing personal tax relief and in-kind benefits or subsidies related to public programs such as Medicare, disability and long-term care, and pharmaceutical purchases.

#### **IV. Monitoring Mechanisms and Complaints Procedures**

*14. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.*

HRSDC continuously monitors and collects data on the OAS program, and each of its benefits. Results on a set of indicators, such as: expenditure, number of beneficiaries, take-up and prevalence in low income, are regularly reported to the public (see <http://www.tbs-sct.gc.ca/est-pre/index-eng.asp> ).

In compliance with the timing and information requirements of the *Public Pensions Report Act*, the Chief Actuary prepares a triennial actuarial report on the benefits under the various parts of the *Old Age Security Act* (basic OAS

pension, GIS and Allowances). The report informs the general public of the current and projected financial status of the OAS program, and provides information to evaluate the program's financial situation of a long period.

*15. Are there any complaints mechanisms or procedures attached to the programme, which are available to the beneficiaries? If yes, please describe them.*

OAS clients may request an explanation or a reconsideration of any decision that affects their eligibility or the amount of their GIS benefit. This request must be made in writing to their Regional Director of Income Security Programs within 90 days of receiving a decision. If not satisfied with the decision of the Regional Director, the client may appeal, again within 90 days, to a Review Tribunal. If the grounds of appeal are income related, the appeal will be referred to the Tax Court of Canada for a decision.

*16. Have there been instances when any legal action was taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal actions and the basis for the complaint(s)?*

The provisions of the *Old Age Security Act* grant individuals appeal rights in respect of their benefit applications or decisions taken by the Minister. This ongoing litigation includes appeals to the Office of the Commissioner of Review Tribunals, appeals to the Tax Court of Canada, and requests for Judicial Review to the Federal Court and the Federal Court of Appeal.

## ***V. Existing Studies and Evaluations of Old Age Pensions***

*17. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).*

Studies, public engagement and social values have influenced retirement income policy development. In 1951, the principle of universality was considered to be the most important aspect of the new OAS program. In the late 1960s, a series of government reports, including a federal White Paper called *Income Security for Canadians* (1970), argued that Canada's public pension system did not go far enough to address low-income rates. Canadians began to call for a new public pension program that would provide seniors with an income on which they could live. The federal government made changes to the OAS legislation concerning the GIS and the Allowances with an aim to help those with the greatest need.

More recently, the National Seniors Council, an advisory body of the Government of Canada, examined the issue of low income among seniors. In 2007, the Council examined the income, wealth, and expenditure patterns of seniors, and reviewed the public pension system. In 2008, the Council held roundtables with

seniors and seniors' organizations. This culminated in a report to Ministers in January 2009 and helped to inform the federal government on suggestions for addressing low income among seniors (see [www.seniorscouncil.gc.ca](http://www.seniorscouncil.gc.ca)).

*18. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).*

An evaluation of GIS Take up and Outreach measures as well as one on the OAS program overall are currently underway.

An Evaluation of GIS and the Allowances benefits (2004) confirmed relevance for these benefits especially for women and unattached individuals (not available on-line).

There have also been several other evaluations relating to income security programs and retirement. Please note that evaluations concerning the GIS and the Allowances also concern a segment of low-income OAS pensioners or their spouses/common-law partners.

Formative Evaluation of Income Security Programs - Outreach <a href="#">SP-AH153-09-02E</a>	<a href="#">PDF</a>	September 2002
Income Security Programs - Evaluation of Public and Private Financial Incentives for Retirement <a href="#">SP-AH087-05-01E</a>	<a href="#">PDF</a>	May 2001
Income Security Programs - Literature Review of Public and Private Financial Incentives for Retirement <a href="#">SP-AH083-05-01E</a>	<a href="#">PDF</a>	May 2001
Income Security Programs - The Interaction of Public Pensions and Retirement Decisions in Canada <a href="#">SP-AH065-05-01E</a>	<a href="#">PDF</a>	May 2001

## Programme: Old Age Security Pension

### *I. The Legal and Institutional Framework*

*1. Provide details of the legal framework by which the programme(s) is established:*

*a. Please indicate the retirement age/eligibility age for the pension and if it takes into account the nature of the occupation (e.g. formal or informal employment) of the potential beneficiaries.*

The Old Age Security (OAS) program, the cornerstone of Canada's retirement income system, includes **the basic OAS pension**, which is paid to all persons aged 65 or over who meet the residence requirements, the Guaranteed Income Supplement (GIS) for low-income OAS pensioners, and the Allowances for low-income Canadians aged 60 to 64 who are the spouses or common-law partners of GIS recipients, or survivors.

Benefits are not linked to labour force participation, nor does a person need to be retired to receive benefits.

*b. Are there any restrictions, including a qualification period for receiving pensions?*

The OAS pension is a monthly benefit available to all Canadians 65 years of age or over, who meet the residence requirements.

To qualify for an OAS pension, a person must be 65 years of age or over, and

1. must be a Canadian citizen or a legal resident of Canada on the day preceding the application's approval; or
2. if no longer living in Canada, must have been a Canadian citizen or a legal resident of Canada on the day preceding the day he or she stopped living in Canada.

A minimum of 10 years of residence in Canada after reaching age 18 is required to receive a pension in Canada. Seniors who come from a country with which Canada has a Social Security Agreement may count years of residence or contributions in that country's pension system towards the eligibility requirements under the *Old Age Security Act*. Canadians working outside Canada for Canadian employers, such as the armed forces and banks, may also have their time working abroad counted as residence in Canada. Under certain conditions, this provision may also apply to spouses and dependants and Canadians working abroad for international organizations.

*c. Please indicate whether it is a contributory or a non-contributory programme.*

The OAS pension is non-contributory.

*2. In the event that the programme is not established by law, please provide details of the administrative regulations or other relevant programmatic document available that are at the origin of its implementation.*

The *Old Age Security Act*, which came into force in 1952, established Canada's statutory, federally funded, public pension. The legislation has been amended several times.

*3. Please describe the institutional framework used to implement the programme:*

*a. Please indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local levels were involved in the design, implementation and monitoring of the programme(s).*

The Department of Human Resources and Skills Development (HRSDC) is responsible for policy development and program implementation. The Income Security and Social Development (ISSD) Branch is responsible for program policy, while Service Canada delivers OAS program benefits through regional offices located in each province and territory. The International Operations Division in Ottawa is responsible for benefits stemming from Canada's International Social Security Agreements.

*b. Were civil society organizations involved in the elaboration of the legal framework, the implementation and monitoring of the programme(s)? If yes, please describe their role.*

A number of seniors organizations such as the Canadian Association of Retired Persons (CARP) and La Fédération de l'Âge d'Or du Québec (FADOQ) as well as academic think tanks, such as the Caledon Institute, the Fraser Institute and the C.D. Howe Institute engage the government and Members of Parliament in the discussion of public pensions.

The Government of Canada takes into consideration the views and suggestions of citizens and organizations as part of its pre-budget consultations process. For example, pre-budget consultations in 2008 asked citizens: What steps should the Government take in Budget 2008 (and beyond) to ensure that Canada is prepared to deal with the implications of an aging population? In what areas should the Government focus its resources in Budget 2008 (and beyond)? If resources need to be redirected from other areas, what areas should these be? What other issues would you like to address?

The Minister of HRSDC regularly receives correspondence from seniors, interest groups and Members of Parliament with regards to the OAS program which may be taken into consideration when making policy and program changes.

## **II. Programme Costs and Coverage**

*4. Please indicate the number of beneficiaries of the programme(s) (annually)? If available, please provide details on their profile (e.g. sex, age, ethnicity, origin...).*

In 2008-2009, there were 4.5 million beneficiaries, of which approximately 56% were female.

*5. Which geographical areas are covered by the programme in the country (national, regional, local)?*

The OAS pension is a national benefit, covering all eligible individuals across Canada. Payments can also be made to people living outside of Canada if the pensioner has lived in Canada for at least 20 years after reaching 18 years of age. Otherwise, payment may be made only for the month of a pensioner's departure from Canada and for six additional months, after which payment is suspended. The benefit may be reinstated if the pensioner returns to live in Canada and meets all conditions of eligibility.

*6. What is the annual budget of the programme(s)? What is the percentage of the GDP does this constitute?*

In 2008-2009, \$25.3 Billion in OAS pension were paid, representing approximately 1.55% of GDP.

*7. Please give details and indicate the sources of funding utilised for the programme(s) and the main costs involved at the various stages of implementation. In particular, is the programmes operated with national, regional, local public resources? Are external resources used for this programme?*

The OAS pension is financed from the Government of Canada's Consolidated Revenues Fund.

*8. Please indicate approximately how many potential beneficiaries were **not** reached by the programme. Have studies been undertaken to assess the reasons for coverage gaps? Please provide details of their profile (e.g. sex, age, ethnicity, origin...) if available.*

Approximately 96.3% of eligible individuals age 65 and over were receiving the OAS pension in 2009. No extensive study into the 3.7% coverage gap is currently available although an evaluation on the OAS program is underway.

*9. What is the average amount of the pensions in relation with the national average income or minimum salary? How is the pension calculated?*

The average OAS pension benefit in 2008-2009 was \$485.84 a month, representing approximately 14% of the average industrial wage.

Normally, the full OAS pension is paid to those who meet the 40-year residence requirement. Eligible persons with less than 40 years of residence in Canada are granted a partial pension at the rate of 1/40 of a full pension benefit for each complete year of residence. Once a partial pension has been approved, it may not be increased as a result of additional years of residence in Canada. Benefits qualify for any cost-of-living increases.

### **III. Implementation Procedures**

*10. What procedures are utilized in order to pay the beneficiaries?*

Cheques or direct payments are emitted by the Government of Canada and sent by mail or deposited every month. Payments usually arrive in the last three banking days of each month.

*11. What procedures are utilized in order to inform beneficiaries about the programme? Is information made available in more than one language?*

Service Canada provides Canadians with one-stop, personalized service they can access in a number of ways - by telephone (1-800 O Canada), in person, on the internet ([servicecanada.gc.ca](http://servicecanada.gc.ca)), or by mail.

Since 1999, successive governments have taken a series of steps to ensure that all potentially eligible seniors are able to apply for and receive the benefits to which they are entitled. For example;

- Applications for the Canada Pension Plan (CPP) and OAS program are now sent to people who are presumed to be eligible for those programs.
- Information on programs and benefits are inserted in mailings to groups who are likely to include significant numbers of potential beneficiaries.
- The application processes has been simplified and forms have been reduced in length.

- Outreach initiatives are targeted to populations that are hard to reach through conventional channels; these include low-income seniors, homeless and near-homeless persons, immigrants, persons living with a disability, and Aboriginal seniors. To do this, partnerships are established with organizations such as First Nations band offices, settlement agencies, food banks and homeless shelters.

Information is available through the Government of Canada websites and is available in both English and French along with fact sheets on pensions and other programs in 11 Aboriginal and 12 foreign languages.

*12. Were other services (such as social work, subsidised services) provided to the beneficiaries in connection to the pension? If yes, please describe them.*

OAS legislation does not specify how or if benefits should be integrated with other programs. However, the majority of provinces and territories do provide other programs and services to OAS pensioners.

*13. Do beneficiaries of the programme access other public services at special conditions, in particular for health services?*

Federal and provincial governments also support seniors by providing personal tax relief and in-kind benefits or subsidies related to public programs such as Medicare, disability and long-term care, and pharmaceutical purchases.

#### ***IV. Monitoring mechanisms and complaints procedures***

*14. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.*

HRSDC continuously monitors and collects data on the OAS program, and each of its benefits. Results on a set of indicators, such as: expenditure, number of beneficiaries, take-up and prevalence in low income, are regularly reported to the public (see <http://www.tbs-sct.gc.ca/est-pre/index-eng.asp> ).

In compliance with the timing and information requirements of the *Public Pensions Report Act*, the Chief Actuary prepares a triennial actuarial report on the benefits under the various parts of the *Old Age Security Act* (basic OAS pension, GIS and Allowances). The report informs the general public of the current and projected financial status of the OAS program, and provides information to evaluate the program's financial situation of a long period.

*15. Are there any complaints mechanisms or procedures attached to the programme, which are available to the beneficiaries? If yes, please describe them.*

OAS clients may request an explanation or a reconsideration of any decision that affects their eligibility or the amount of their OAS pension. This request must be made in writing to their Regional Director of Income Security Programs within 90 days of receiving a decision. If not satisfied with the decision of the Regional Director, the client may appeal, again within 90 days, to a Review Tribunal. If the grounds of appeal are income related, the appeal will be referred to the Tax Court of Canada for a decision.

*16. Have there been instances when any legal action was taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal actions and the basis for the complaint(s)?*

The provisions of the *Old Age Security Act* grant individuals appeal rights in respect of their benefit applications or decisions taken by the Minister. This ongoing litigation includes appeals to the Office of the Commissioner of Review Tribunals, appeals to the Tax Court of Canada, and requests for Judicial Review to the Federal Court and the Federal Court of Appeal.

#### ***V. Existing studies and evaluations of old age pensions***

*17. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).*

Studies, public engagement and social values have influenced retirement income policy development. In 1951, the principle of universality was considered to be the most important aspect of the new OAS program. In the late 1960s, a series of government reports, including a federal White Paper called *Income Security for Canadians* (1970), argued that Canada's public pension system did not go far enough to address low-income rates. Canadians began to call for a new public pension program that would provide seniors with an income on which they could live. The federal government made changes to the OAS legislation concerning the GIS and the Allowances with an aim to help those with the greatest need.

More recently, the National Seniors Council, an advisory body of the Government of Canada, examined the issue of low-income among seniors. In 2007, the Council examined the income, wealth, and expenditure patterns of seniors, and reviewed the public pension system. In 2008, the Council held roundtables with seniors and seniors' organizations. This culminated in a report to Ministers in January 2009 and helped to inform the federal government on suggestions for addressing low income among seniors (see [www.seniorscouncil.gc.ca](http://www.seniorscouncil.gc.ca)).

18. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).

An evaluation of GIS Take up and Outreach measures as well as one on the OAS program overall are currently underway.

An Evaluation of GIS and the Allowances benefits (2004) confirmed relevance for these benefits especially for women and unattached individuals (not available on-line).

There have been several other evaluations relating to income security programs and retirement. Please note that evaluations concerning the GIS and the Allowances also concern a segment of low-income OAS pensioners or their spouses/common-law partners.

Formative Evaluation of Income Security Programs - Outreach <a href="#">SP-AH153-09-02E</a>	<a href="#">PDF</a>	September 2002
Income Security Programs - Evaluation of Public and Private Financial Incentives for Retirement <a href="#">SP-AH087-05-01E</a>	<a href="#">PDF</a>	May 2001
Income Security Programs - Literature Review of Public and Private Financial Incentives for Retirement <a href="#">SP-AH083-05-01E</a>	<a href="#">PDF</a>	May 2001
Income Security Programs - The Interaction of Public Pensions and Retirement Decisions in Canada <a href="#">SP-AH065-05-01E</a>	<a href="#">PDF</a>	May 2001

## **Programme: Allowance and the Allowance for the Survivor Program**

### ***I. The Legal and Institutional Framework***

*1. Provide details of the legal framework by which the programme(s) is established:*

*a. Please indicate the retirement age/eligibility age for the pension and if it takes into account the nature of the occupation (e.g. formal or informal employment) of the potential beneficiaries.*

The Old Age Security (OAS) program, the cornerstone of Canada's retirement income system, includes the basic OAS pension, which is paid to all persons aged 65 or over who meet the residence requirements, the Guaranteed Income Supplement (GIS) for low-income OAS pensioners, and **the Allowances** for low-income Canadians aged 60 to 64 who are the spouses or common-law partners of GIS recipients, or survivors.

Benefits are not linked to labour force participation, nor does a person need to be retired to receive benefits.

*b. Are there any restrictions, including a qualification period for receiving pensions?*

Low-income Canadians aged 60 to 64 may qualify for the Allowance if they have a low income and their spouse or common-law partner receives or is eligible for the GIS, or if their spouse or common-law partner has died, and they have not remarried or entered into a new common-law relationship for more than 12 months.

To qualify for the Allowance or the Allowance for the Survivor, one must:

1. be 60 to 64 years old;
2. be a Canadian citizen or legal resident when their benefit is approved (or have been one when they last lived in Canada); and
3. have lived in Canada for at least 10 years after turning 18; and
4. have an annual income below the prescribed limit (if applying for the Allowance, both them and their spouse's or common-law partner's combined incomes must be below the prescribed limit).

If one has not lived in Canada for at least 10 years since they turned 18, but have lived or worked in a country that has an international social security agreement with Canada, they may still qualify.

*c. Please indicate whether it is a contributory or a non-contributory programme.*

The Allowance and Allowance for the Survivor are non-contributory benefits.

*2. In the event that the programme is not established by law, please provide details of the administrative regulations or other relevant programmatic document available that are at the origin of its implementation.*

The *Old Age Security Act*, which came into force in 1952, established Canada's statutory federally funded public pension. An amendment to this legislation introduced the Allowance benefit in 1975 and extended benefits to survivors in 1985.

*3. Please describe the institutional framework used to implement the programme:*

*a. Please indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local levels were involved in the design, implementation and monitoring of the programme(s).*

The Department of Human Resources and Skills Development (HRSDC) is responsible for policy development and program implementation. The Income Security and Social Development (ISSD) Branch is responsible for program policy, while Service Canada delivers OAS program benefits through regional offices located in each province and territory. The International Operations Division in Ottawa is responsible for benefits stemming from Canada's International Social Security Agreements.

*b. Were civil society organizations involved in the elaboration of the legal framework, the implementation and monitoring of the programme(s)? If yes, please describe their role.*

A number of seniors organizations such as the Canadian Association of Retired Persons (CARP) and La Fédération de l'Âge d'Or du Québec (FADOQ) as well as academic think tanks, such as the Caledon Institute, the Fraser Institute and the C.D. Howe Institute engage the government and Members of Parliament in the discussion of public pensions.

The Government of Canada takes into consideration the views and suggestions of citizens and organizations as part of its pre-budget consultations process. For example, pre-budget consultations in 2008 asked citizens: What steps should the Government take in Budget 2008 (and beyond) to ensure that Canada is prepared to deal with the implications of an aging population? In what areas should the Government focus its resources in Budget 2008 (and beyond)? If resources need to be redirected from other areas, what areas should these be? What other issues would you like to address?

The Minister of HRSDC regularly receives correspondences from seniors, interest groups and Members of Parliament with regards to the OAS program which may be taken into consideration when making policy and program changes.

## **II. Programme Costs and Coverage**

*4. Please indicate the number of beneficiaries of the programme(s) (annually)? If available, please provide details on their profile (e.g. sex, age, ethnicity, origin...).*

In 2008-2009, there were 93,000 beneficiaries, of which approximately 91% were female.

*5. Which geographical areas are covered by the programme in the country (national, regional, local)?*

The Allowances are a national benefit, covering all eligible individuals across Canada. Payments may be made outside of Canada only for the month of a recipient's departure from Canada and for six additional months, after which payment is suspended.

*6. What is the annual budget of the programme(s)? What is the percentage of the GDP does this constitute?*

In 2008-2009, \$531 Million in Allowance benefits were paid, representing approximately 0.03% of GDP.

*7. Please give details and indicate the sources of funding utilised for the programme(s) and the main costs involved at the various stages of implementation. In particular, is the programmes operated with national, regional, local public resources? Are external resources used for this programme?*

The Allowances are financed from the Government of Canada's Consolidated Revenues Fund.

*8. Please indicate approximately how many potential beneficiaries were **not** reached by the programme. Have studies been undertaken to assess the reasons for coverage gaps? Please provide details of their profile (e.g. sex, age, ethnicity, origin...) if available.*

Not Available

*9. What is the average amount of the pensions in relation with the national average income or minimum salary? How is the pension calculated?*

The average Allowance benefit in 2008-2009 was \$477.48 a month, representing approximately 13.5% of the average industrial wage.

The Allowances are income-tested benefits. The previous year's income of the applicant or, in the case of a couple, their combined income, is considered. With no other income, applicants receive the maximum benefit. Most applicants get less than the maximum amounts because they have income from other sources. While receiving other income does reduce the amount of benefit an individual receives, individuals with other income are generally better off as the Allowances are only partially reduced.

In some situations, such as when one stops working or when other pension income drops, HRSDC can calculate one's benefits by estimating income for the current year, instead of using the previous year's income. If a person, their spouse or common-law partner have a lower income in the current year, they are invited to inform HRSDC. Benefits could increase after one's new situation is taken into account.

### ***III. Implementation Procedures***

#### *10. What procedures are utilized in order to pay the beneficiaries?*

Cheques or direct payments are emitted by the Government of Canada and sent by mail or deposited every month. Payments usually arrive in the last three banking days of each month

HRSDC stops paying the Allowance and the Allowance for the Survivor if:

- One does not reapply for the benefit for the coming year;
- One's income, or the total income of them and their spouse or common-law partner, is above a certain level;
- One leaves Canada for more than six months in a row;
- If one qualifies for the Allowance for the survivor because their spouse or common-law partner died, then remarry or begin living in a common-law relationship; or,
- If they die.

At the age of 65, most people who receive the Allowance or the Allowance for the Survivor have their benefit automatically changed to an OAS pension. At this point, they may also be eligible for the GIS.

#### *11. What procedures are utilized in order to inform beneficiaries about the programme? Is information made available in more than one language?*

Service Canada provides Canadians with one-stop, personalized service they can access in a number of ways - by telephone (1-800 O Canada), in person, on the internet (servicecanada.gc.ca), or by mail.

Since 1999, successive governments have taken a series of steps to ensure that all potentially eligible seniors are able to apply for and receive the benefits to which they are entitled. For example;

- Information on programs and benefits are inserted in mailings to groups who are likely to include significant numbers of potential beneficiaries.
- The application process has been simplified and forms have been reduced in length.
- Outreach initiatives are targeted to populations that are hard to reach through conventional channels; these include low-income seniors, homeless and near-homeless persons, immigrants, persons living with a disability, and Aboriginal seniors. To do this, partnerships are established with organizations such as First Nations band offices, settlement agencies, food banks and homeless shelters.

Information is available through the Government of Canada websites and is available in both English and French along with fact sheets on pensions and other programs in 11 Aboriginal and 12 foreign languages.

*12. Were other services (such as social work, subsidised services) provided to the beneficiaries in connection to the pension? If yes, please describe them.*

OAS legislation does not specify how or if benefits should be integrated with other programs. However, the majority of provinces and territories do provide other programs and services.

*13. Do beneficiaries of the programme access other public services at special conditions, in particular for health services?*

Federal and provincial governments also support beneficiaries by providing personal tax relief and in-kind benefits or subsidies related to public programs such as Medicare, disability and long-term care, and pharmaceutical purchases.

#### **IV. Monitoring mechanisms and complaints procedures**

*14. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.*

HRSDC continuously monitors and collects data on the OAS program, and each of its benefits. Results on a set of indicators, such as: expenditure, number of beneficiaries, take-up and prevalence in low income are regularly reported to the public (see <http://www.tbs-sct.gc.ca/est-pre/index-eng.asp> ).

In compliance with the timing and information requirements of the *Public Pensions Report Act*, the Chief Actuary prepares a triennial actuarial report on the benefits under the various parts of the *Old Age Security Act* (Basic OAS pension, GIS and Allowance). The report informs the general public of the current and projected financial status of the OAS Program, and provides information to evaluate the Program's financial situation of a long period.

*15. Are there any complaints mechanisms or procedures attached to the programme, which are available to the beneficiaries? If yes, please describe them.*

Clients may request an explanation or a reconsideration of any decision that affects their eligibility or the amount of their benefit. This request must be made in writing to their Regional Director of Income Security Programs within 90 days of receiving a decision. If not satisfied with the decision of the Regional Director, the client may appeal, again within 90 days, to a Review Tribunal. If the grounds of appeal are income related, the appeal will be referred to the Tax Court of Canada for a decision.

*16. Have there been instances when any legal action was taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal actions and the basis for the complaint(s)?*

The provisions of the *Old Age Security Act* grant individuals appeal rights in respect of their benefit applications or decisions taken by the Minister. This ongoing litigation includes appeals to the Office of the Commissioner of Review Tribunals, appeals to the Tax Court of Canada, and requests for Judicial Review to the Federal Court and the Federal Court of Appeal.

## ***V. Existing Studies and Evaluations of Old Age Pensions***

*17. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).*

Studies, public engagement and social values have influenced retirement income policy development. In 1951, the principle of universality was considered to be the most important aspect of the new OAS program. In the late 1960s, a series of government reports, including a federal White Paper called *Income Security for Canadians* (1970), argued that Canada's public pension system did not go far enough to address low-income rates. Canadians began to call for a new public

pension program that would provide seniors with an income on which they could live. The federal government made changes to the OAS legislation concerning the GIS and the Allowances with an aim to help those with the greatest need.

More recently, the National Seniors Council, an advisory body of the Government of Canada, examined the issue of low income among seniors. In 2007, the Council examined the income, wealth, and expenditure patterns of seniors, and reviewed the public pension system. In 2008, the Council held roundtables with seniors and seniors' organizations. This culminated in a report to Ministers in January 2009 and helped to inform the federal government on suggestions for addressing low income among seniors (see [www.seniorscouncil.gc.ca](http://www.seniorscouncil.gc.ca)).

*18. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).*

An evaluation of GIS Take up and Outreach measures as well as one on the OAS program overall are currently underway.

An Evaluation of GIS and the Allowances benefits (2004) confirmed relevance for these benefits especially for women and unattached individuals (not available on-line).

There have also been several other evaluations relating to income security programs and retirement. Please note that evaluations concerning the GIS and the Allowances also concern a segment of low-income OAS pensioners or their spouses/common-law partners.

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