

Provincial and Family Court Judges Supplementary Pension Rules

A Judge qualifies for a Judge's pension under the *Provincial Court Act* when one of the following criteria is met:

Eligibility for an Unreduced Pension

- At least 65 years of age with at least 5 years of service as a Judge
- At least 60 years of age with at least 20 years of service as a Judge

If neither of these criteria is met, the pension benefit and eligibility would be determined under the provisions of the Public Service Superannuation Plan (PSSP or Plan). See *the PSSP Pension Rules below*.

Calculation of Benefit

3.5% X Highest 3 Years Average Salary X Years of Service as a Judge (to a maximum of 20 years)

Note:

- At age 65, the pension benefit is recalculated as a result of integration with the Canada Pension Plan (CPP).
- Employment status at the time of retirement must be such that the Judge is retiring from a Judge's position.
- A Judge's total pension will be the greater of the benefit payable under the PSSP or the benefit payable under the *Provincial Court Act*.
- If applicable, the Province's General Revenue Fund will pay the difference between the pension payable under the *Provincial Court Act* and that payable under the PSSP.

PSSP Pension Rules

PSSP members, including Provincial and Family Court Judges, may qualify for pension benefits under the Plan.

Eligibility for a reduced pension

- At least 55 years of age, with 2 or more years of service

Eligibility for a unreduced pension

For Judges hired prior to April 6, 2010:

- At least 50 years of age, with age plus years of service equaling at least 80
- At least 60 years of age, with 2 or more years of service

For Judges hired on or after April 6, 2010:

- At least 55 years of age, with age plus years of service equaling at least 85
- At least 60 years of age, with 2 or more years of service

Calculation of Benefit

2% X Highest 5 Years Average Salary X Years of Pensionable Service

At age 65 the pension benefit is recalculated as a result of integration with the Canada Pension Plan (CPP).

Canada Pension Plan Benefits

CPP benefits may be drawn as early as age 60 at a reduced amount calculated by the Canada Pension Plan. For information, please contact the CPP at 1-800-277-9914.

The pension payable under the PSSP or the *Provincial Court Act* is not affected by the date the Judge elects to start drawing CPP benefits.

Survivor Benefits

● Surviving Spouse

Death before retirement

If a Judge dies before retirement and has at least two years of service, the surviving spouse is entitled to receive 100% of the pension benefit the Judge would have been entitled to receive. This amount is guaranteed for a period of five years. After the five-year guarantee period ends, the surviving spouse will receive 66⅔% of the pension benefit, payable for life.

Death after retirement

At retirement, a Judge must elect a form of pension that includes a survivor option and a guarantee period. The amount payable to a surviving spouse depends on the option selected at retirement.

If a Judge dies during the guarantee period, the surviving spouse will receive 100% of the Judge's pension for the remainder of the guarantee period. After the guarantee period ends, the surviving spouse will receive the percentage of pension elected at retirement, payable for life.

If a Judge dies after the guarantee period has ended, the surviving spouse will receive the percentage of pension elected at retirement, payable for life.

For more information, please visit the [Death Benefits section of the PSSP website](#).

● Surviving Children

Your eligible child(ren)

- A natural or adopted child for whom you are a legal guardian.
- An eligible child must be under age 18 or between 18 and 25 years of age if they are in continuous full-time attendance at a recognized educational institution. Continuous full-time attendance, as directed by the Income Tax Act, means there can be no break in attendance each school year and attendance must continue solely on a full-time basis.

For information on death benefits for surviving children, please visit the [Death Benefits section of the PSSP website](#).

● Surviving Dependants

A dependant is a person related to the Judge who was financially dependent on the Judge due to a physical or mental infirmity.

If there is no surviving spouse or eligible child, but there is one or more eligible dependant(s), the dependant(s) are entitled to receive the survivor benefit that would otherwise have been payable to a spouse, divided equally among them.

Survivor Benefits continued...

● No Surviving Spouse, Children or Dependents

Death before retirement

If a Judge dies while in service and is not survived by a spouse, child, or eligible dependant, the commuted value of the Judge's accrued pension benefit will be paid to the designated beneficiary or estate.

Death after retirement

If a retired Judge dies and there is no eligible survivor, the designated beneficiary or estate will receive a lump sum payment equal to the present value of any remaining payments, calculated at the time of death based on the form of pension elected at retirement and subject to a minimum of the Judge's contributions with interest.

Other Judge Benefits

Judges with between 5 and 10 years of service as a Judge who become disabled, or Judges with at least 10 years of service as a Judge who resign and whose resignation is deemed to be in the public interest or conducive to the better administration of justice, are entitled to receive a Judge's pension.


Contributions

There are two contribution rates

- 8.4% of pensionable earnings up to the year's maximum pensionable earnings (YMPE), and
- 10.9% of pensionable earnings above the YMPE.


The YMPE is set by the federal government and is used in determining the reduction to your pension at age 65. It changes every January 1 to reflect increases in the average wage. For more information on the YMPE, please visit: www.canada.ca


Contact us:

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