

Retirement Age

Pension Valuers of Canada

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Retirement Age?

A pension valuation report will normally show three or four different possible values.

- The value assuming retirement at the normal retirement age.
- The value assuming retirement at the earliest date of unreduced pension.
- The value assuming retirement midway between these two ages.
- The value based on actual retirement date (if known).

Which value should be used in the NFP? This will depend on which retirement age is assumed. Averaging the values is in all probability not fair to either party.

The earliest date of unreduced pension should not automatically be assumed. Please see, Kennedy v. Kennedy [(1996) 89 O.A.C. 257].

In Kennedy v. Kennedy, the lower court had concluded that if there is conflicting argument or evidence over the retirement age to assume, the court should always adopt the age at which the person would first qualify for an unreduced pension. For example this would be the "85 factor" for a teacher. The Court of Appeal disagreed and said, "...that date is a question of fact to be determined on a case by case basis upon consideration of all of the relevant evidence." The Court then proceeded to consider even post-separation events in making their determination.

The actual retirement age should not be used necessarily either. Please see, Best v. Best [(1999) 49 R.F.L. (4th) 1.]

In Best v. Best, Mr. Best actually retired in 1996 (before the Supreme Court decision). However, the Court used the value assuming retirement in 1992, saying, "The result urged by the appellant would enable spouses with pensions to reduce the amount of their equalization payments, and profit from the length of divorce proceedings by delaying their retirement until after the close of all proceedings. We do not support a rule to encourage that."

The choice of which value to use in the NFP depends on all of the facts of the case, not just when the member says or has said that they plan to retire. You and your client must be prepared to provide evidence to support the value that you chose.

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Ergonomics: Don't Slouch!

"If you're slouching, that puts stress on your lower back, you overuse those muscles and then you become fatigued and have soreness and discomfort," says Charles Kopin, ergonomic specialist for Industrial Health Care in Waterbury, Conn.

According to the Occupational Health and Safety administration, an estimated 1.8 million employees each year—many of them professionals performing what appear to be benign, low-impact desk jobs—report musculoskeletal disorders caused by work spaces, tasks, or habits that aren't suited to their bodies' physical limitations.

For example, a keyboard set up improperly may require the user to twist and bend the wrist, forcing the hand out of its neutral position (that is, the position requiring the least amount of effort). That causes irritation and strain to muscles, ligaments and tendons.

Lessons in Ergonomics - Discovery Health.
<http://health.discovery.com>

Did you know? Apples, not caffeine, are more efficient at waking you up in the morning.

Computer tip: To change from lower case to upper case letters in Word (or the reverse), put your cursor at the beginning of the text, hold down the Shift Key, and press F3.

Email: jernst@pension.ca

Phone: (800) 891-9122

Fax: (705) 749-6762

Mail: 785 The Kingsway, Peterborough, ON K9J 6W7

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