



Treasury Board of Canada
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Secrétariat du Conseil du Trésor
du Canada

Canada

Forward Regulatory Plan: 2023 to 2025, Treasury Board of Canada Secretariat

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Forward Regulatory Plan: 2023 to 2025, Treasury Board of Canada Secretariat

From: Treasury Board of Canada Secretariat

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Spending oversight

There are no regulations currently associated with the Treasury Board of Canada Secretariat's spending oversight core responsibility.

Administrative leadership

Amending the *Government Contracts Regulations*

Title or working title of regulatory initiative

Amending the *Government Contracts Regulations*

Enabling act(s)

Financial Administration Act, section 41

Description

The amendments are intended to reduce the administrative burden associated with certain contracts and to reflect a title change. Specifically, they involve removing the requirement for Treasury Board to approve the timing and amounts of advance payments, updating the title of the

Intelligence Commissioner, and excluding service contracts for expert witnesses and contracts to implement settlement agreements or court orders in class proceedings from the requirement to solicit bids.

Key objective(s)

To reduce the administrative burden on departments, to make technical amendments, and to streamline the application of the Regulations.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not applicable in regard to this regulatory initiative.

Potential impacts on Canadians, including businesses

There would be no direct impact on Canadians, including businesses.

Consultations

All departments are being consulted on the proposed regulations.

No public consultations are planned as the proposed regulations are to reduce the administrative burden on departments, to make technical amendments, and to streamline the application of the regulations.

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For more information

Consult the Treasury Board of Canada Secretariat's [acts and regulations web page](#) for:

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- [Regulatory cooperation in Canada](#)

To learn about upcoming or ongoing consultations on proposed federal regulations, visit:

- [Consulting with Canadians](#)
- [Canada Gazette](#)

Amending the *Access to Information Regulations* (updated)

Title or working title of regulatory initiative

Amending the Access to Information Regulations

Enabling act(s)

Access to Information Act

Description

As a result of the coming-into-force of Bill C-58, *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts*, amendments to the *Access to Information Regulations* are necessary to ensure consistency with the amended *Access to Information Act*.

As a first step in updating the Regulations, the most urgent changes will be proposed such as the removal of all references to search and preparation fees and the addition of a clear authority for institutions to require adequate identification from requesters to confirm they have a right of access under the Act. The proposed changes published in the *Canada Gazette, Part I* (pages 6224 to 6233), on December 24, 2022, will bring the *Access to Information Regulations* in line with the current version of the *Access to Information Act*. The Access to Information Review launched in June 2020 examined the current and future state of access to information regime in Canada. This Access to Information Review, which recently concluded in December with the tabling of the report, is available at: *Access to Information Review Report to Parliament*.

Key objective(s)

To ensure consistency between the *Access to Information Regulations* and its enabling legislation.

To repeal regulatory provisions regarding search and preparation fees.

To add a regulatory authority for institutions to require adequate identification to confirm right of access and to protect privacy.

This regulatory initiative is included in the department's *Regulatory Stock Review Plan: 2020 to 2030*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not applicable as this initiative is specific to the federal access to information program and does not have any impact on the provinces, territories or international jurisdictions.

Potential impacts on Canadians, including businesses

Bill C-58 received Royal Assent on June 21, 2019, making important improvements to the openness and transparency of government. The amendments meant to improve the way government information is provided to Canadians and the regulations should be amended to meet the same objectives.

Consultations

Pre-publication of the draft amendments in the *Canada Gazette*, Part I, took place from December 24, 2022, to January 23, 2023.

Links to additional information

- [Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts](#)
- [Directive on Access to Information Requests](#)
- [Access to Information Review Report to Parliament](#)
- [Access to Information Review Indigenous-specific What We Heard Report](#)

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2016 to 2018*.

For more information

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Employer

Electronic Documents and Information Regulations for the purposes of the Public Service Superannuation Act (updated)

Title or working title of regulatory initiative

Electronic Documents and Information Regulations for the Purposes of the Public Service Superannuation Act

Enabling act(s)

Public Service Superannuation Act

Description

Public Services and Procurement Canada (PSPC) is updating their web application to expand and enable more digital services to plan members. Greater digital service delivery will reduce paper-based forms, refine or eliminate associated manual processes and introduce automation where possible to provide members with an improved online experience. This is a response to plan members' rising expectations to be able to receive online services, the Government of Canada's strategy on digital services, administrative pressures related to COVID-19, and PSPC's desire to continue to provide excellent cost-effective services to all plan members.

The *Electronic Documents and Information Regulations* are required to modernize the administration of the public service pension plan which otherwise expresses a bias towards the completion of administrative functions through paper-based processes. The *Public Service Superannuation Act* provides the authority to conduct business electronically, but there are no regulations that establish the parameters within which to provide and expand electronic service delivery.

Key objective(s)

To set parameters around the use of electronic technologies and processes in the administration of the public service pension plan.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the public service pension plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as they relate to the Treasury Board of Canada Secretariat's role as an employer.

Consultations

Consultations will be held with the Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives.

Public consultations are not applicable as this issue is internal to the management of the public service pension plan.

Links to additional information

- [Public Service Superannuation Regulations \(C.R.C., c. 1358\)](#)

Departmental contact information

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2019 to 2021*.

For more information

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Amending the *Pension Benefits Division Regulations* (Reserve Force Pension Plan)

Title or working title of regulatory initiative

Amending the *Pension Benefits Division Regulations* (Reserve Force Pension Plan)

Enabling act(s)

Pension Benefits Division Act

Description

The *Pension Benefits Division Act* (PBDA) applies to legislated federal public sector pension plans and provides a mechanism for the division of pension benefits upon marriage or common-law relationship breakdown.

Regulations made under the PBDA provide operational details, including form and manner of division applications, the calculation of the maximum transferable amount, and the adjustment of the member's pension benefit after a division has been made. The Reserve Force Pension Plan (RFPP) was established following the coming into force of *Pension Benefits Division Regulations* (PBDR). Amendments to these Regulations are required to provide direction with respect to the RFPP.

Key objective(s)

To expand the provisions of PBDR to cover pension benefits accrued under the RFPP.

This regulatory initiative is associated with the department's *Regulatory Stock Review Plan: 2022 to 2032*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the Reserve Force Pension Plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as these issues are internal to the government and would apply only to the affected members of the RFPP whose circumstances would be described in the amendments.

Consultations

Draft regulatory amendments will be pre-published in the *Canada Gazette*, Part I to provide an opportunity for public comment on proposed amendments.

Links to additional information

- [Pension Benefits Division Regulations \(SOR/94-612\)](#).

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2015 to 2017*.

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Amending the *Public Service Superannuation Regulations* (optional survivor benefit) (updated)

Title or working title of regulatory initiative

Amending the *Public Service Superannuation Regulations* (optional survivor benefit)

Enabling act(s)

Public Service Superannuation Act

Description

Amendments to the *Public Service Superannuation Regulations* are necessary as the regulations deal only with an election for the Optional Survivor Benefit (OSB) in respect of a legally married spouse. Statutory amendments to expand this OSB election opportunity to common-law relationships were enacted in 2012, but the supporting regulations have not been made.

Key objective(s)

To deal with the operational details for an OSB election in a common-law relationship situation.

This regulatory initiative is associated with the department's *Regulatory Stock Review Plan: 2022 to 2032*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the public service pension plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses as this issue is internal to the management of the public service pension plan.

Consultations

The Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives, has been consulted on this initiative.

Public consultations are not applicable as this issue is internal to the management of the public service pension plan.

Links to additional information

- Survivor benefit
- Public Service Superannuation Regulations (C.R.C., c. 1358)

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2015 to 2017*.

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Amending the *Public Service Superannuation Regulations* (adaptations for part-time service, medical and evidentiary requirements modernization) (updated)

Title or working title of regulatory initiative

Amending the *Public Service Superannuation Regulations* (adaptations for part-time service, medical and evidentiary requirements modernization)

Enabling act(s)

Public Service Superannuation Act

Description

Amendments to the *Public Service Superannuation Regulations* are necessary to modernize the treatment of part-time service under the public service pension plan, as well as various aspects of administrative pension processes, such as the provisions respecting documenting proof of age and relationships (marriage and common law relationships), and various provisions dealing with requirements for medical assessments.

Key objective(s)

To modernize and simplify the regulatory requirements to provide proof of age and proof of relationship to align with other government programs.

To amend the treatment of part-time service under the pension plan, including the method of calculation of the 35 years of pensionable service maximum to account for the pension benefit adjustments related to such service.

To modernize medical assessment requirements to permit greater administrative flexibility and align with comparator plans.

This regulatory initiative is associated with the department's *Regulatory Stock Review Plan: 2022 to 2032*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the public service pension plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses as this issue is internal to the management of the public service pension plan.

Consultations

The Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives, has been consulted on this initiative.

Public consultations are not applicable as this issue is internal to the management of the public service pension plan.

Links to additional information

- [Survivor benefit](#)
- [Public Service Superannuation Regulations \(C.R.C., c. 1358\)](#)

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- [Canada Gazette](#)

Amending the *Supplementary Death Benefit Regulations*

Title or working title of regulatory initiative

Amending the *Supplementary Death Benefit Regulations*

Enabling act(s)

Public Service Superannuation Act

Description

Amendments to the *Supplementary Death Benefit Regulations* are required as certain aspects related to naming and changing beneficiaries under the Supplementary Death Benefit (SDB) plan no longer align with industry standards, plan member needs or technological advancements. Regulatory amendments will allow plan participants to name multiple beneficiaries and streamline the designation process by allowing plan participants to designate beneficiaries using electronic means in the future.

Key objective(s)

To modernize administration of the SDB plan to provide greater flexibility to better meet plan members' needs and align with industry standards.

This regulatory initiative is associated with the department's *Regulatory Stock Review Plan: 2022 to 2032*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the SDB plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as the issue is internal to the management of the SDB plan.

Consultations

The Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives, has been consulted on this initiative.

Public consultations are not applicable as this issue is internal to the management of the SDB plan.

Links to additional information

- [Supplementary Death Benefit Regulations \(C.R.C., c. 1360\)](#)
- [Supplementary Death Benefit](#)

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2015 to 2017* and updated in the *Forward Regulatory Plan: 2019 to 2021*.

For more information

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- Regulatory cooperation in Canada

To learn about upcoming or ongoing consultations on proposed federal regulations, visit:

- Consulting with Canadians
- Canada Gazette

Amending operational service provisions under the *Public Service Superannuation Regulations*

Title or working title of regulatory initiative

Amending operational service provisions under the *Public Service Superannuation Regulations*

Enabling act(s)

Public Service Superannuation Act

Description

The *Jobs and Growth Act, 2012*, implemented changes to the public service pension plan. Among the changes, a 50/50 employer/employee cost-sharing ratio was introduced and retirement age thresholds for new members (Group 2) joining the plan on or after January 1, 2013, increased by five years, which also included the thresholds for early retirement eligibility.

Several consequential regulatory amendments are required to the operational service provisions under the *Public Service Superannuation Regulations* to incorporate the Group 2 provisions under the *Public Service Superannuation Act*.

Key objective(s)

To align the operational service provisions under the *Public Service Superannuation Regulations* with amendments introduced via the *Jobs and Growth Act, 2012*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the public service pension plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as this issue is internal to the management of the public service pension plan.

Consultations

Consultations have been initiated with the Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives.

Public consultations are not applicable as this issue is internal to the management of the public service pension plan.

Links to additional information

- [Operational service provisions](#)
- [Public Service Superannuation Regulations](#)

Departmental contact information

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- [Canada Gazette](#)

Regulations deeming basic pay (salary) for the purposes of the *Public Service Superannuation Act* (updated)

Title or working title of regulatory initiative

Regulations deeming basic pay (salary) for the purposes of the *Public Service Superannuation Act*

Enabling act(s)

[*Public Service Superannuation Act*](#)

Description

The definition of salary under the *Public Service Superannuation Act* has evolved over time and was last amended in 1975 to encompass the basic pay received for the performance of the regular duties of a position or office, exclusive of any amount received as allowances, special remuneration, payment for overtime, other compensation or gratuities, unless that amount is deemed to be or to have been included in that person's basic pay pursuant to regulation. No regulations have been made in this regard. Given that basic pay has evolved over time, a regulatory framework is now required to standardize the forms of remuneration that are considered to constitute basic pay and to modernize pension plan provisions accordingly.

Key objective(s)

To introduce regulations deeming certain forms of remuneration to form part of basic pay (pensionable salary) for the purposes of the public service pension plan, thereby providing greater clarity, standardization of application and ease of administration.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not required as this initiative is internal to the management of the public service pension plan.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as this issue is internal to the management of the public service pension plan.

Consultations

Consultations have been initiated with the Public Service Pension Advisory Committee, comprised of employer, employee and retiree representatives.

Public consultations are not applicable as this issue is internal to the management of the public service pension plan.

Departmental contact information

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- [Canada Gazette](#)

Amending the *Regulations Establishing Periods of Probation and Periods of Notice of Termination of Employment During Probation*

Title or working title of regulatory initiative

Amending the *Regulations Establishing Periods of Probation and Periods of Notice of Termination of Employment During Probation*

Enabling act(s)

Public Service Employment Act

Description

Amendments to the *Regulations Establishing Periods of Probation and Periods of Notice of Termination of Employment During Probation* are necessary to reflect decisions by the Federal Public Sector Labour Relations Board with regard to leave without pay, as well as to align with the *Accessible Canada Act*, jurisprudence and the government priority to provide a work environment that is healthy, safe, barrier-free, respectful, fair and modern.

The regulations are under the *Public Service Employment Act* and establish periods of probation and periods of notice of termination of employment during probation.

Key objective(s)

To amend the provisions related to leave without pay to ensure all types of unpaid leave are excluded from the probationary period.

To amend the regulations so that they apply to all employees who require accommodation.

This regulatory initiative is associated with the department's *Regulatory Stock Review Plan: 2020 to 2030*.

Regulatory cooperation efforts (domestic and international)

Regulatory cooperation is not applicable in regard to this regulatory initiative as it is internal to the management of the public service.

Potential impacts on Canadians, including businesses

There are no expected impacts on Canadians, including businesses, as they relate to the Treasury Board of Canada Secretariat's role as an employer.

Consultations

Consultations may be held with employee representatives.

Public consultations are not applicable as this issue is internal to the management of the public service.

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2016 to 2018*.

For more information

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Regulatory oversight

Amending the *Red Tape Reduction Regulations* (updated)

Title or working title of regulatory initiative

Amending the *Red Tape Reduction Regulations*

Enabling act(s)

[*Red Tape Reduction Act*](#)

Description

The *Red Tape Reduction Act* (RTRA), enacted in 2015, sets out requirements for federal departments and agencies to control the growth of administrative burden on business when developing regulations (that is, the one-for-one rule). The RTRA stipulates that a review of the Act must be

caused five years after coming into force. This review has been completed and the report is available at [Report on the internal review of the Red Tape Reduction Act](#).

The *Red Tape Reduction Regulations* (RTRR) set out the requirements for calculating administrative burden, reconciliation timelines, exemptions and public reporting. In 2018, through the *Budget Implementation Act*, changes were made to the RTRA for the one-for-one rule to take into account regulatory cooperation between the Government of Canada and other jurisdictions. However, the amendment to the RTRA must be brought into force and the RTRR must be updated to reflect these changes.

Proposed amendments to the RTRR would allow Canadian regulators to bank/offset administrative burden reductions resulting from other jurisdictions' regulatory amendments (for example, amendments to a regulation in the U.S.) if those reductions are a result of regulatory cooperation undertaken by the Canadian regulator. Additionally, the Treasury Board would be granted the authority to exempt, on a case-by-case basis, new regulatory proposals brought forward as a result of a formal regulatory cooperation initiative from the one-for-one rule.

The proposed non-substantive technical amendments would include updating the price year used to calculate administrative costs when applying the rule; the regulations currently use 2012 as the reference year. As well, the reference in the Regulations to the Statistics Canada table that sets out the Consumer Price Index (CPI) would be updated to reflect its new title.

Key objective(s)

The key objective of these proposed changes is to encourage Canadian regulators to pursue formal domestic and international regulatory cooperation arrangements to the benefit of Canadians and Canadian

business. It is also to reflect and recognize the cost savings that are a result of these arrangements, when applying the one-for-one rule. Minor technical changes aim to, for instance, bring the calculation references up to date so that the values presented by the rule are more relevant to the current year.

Regulatory cooperation efforts (domestic and international)

The proposed changes relate to advancing and recognizing regulatory cooperation across the federal government.

Potential impacts on Canadians, including businesses

The RTRR sets out requirements to apply the one-for-one rule. As this regulation is internally facing to federal regulators, the changes are not expected to have direct impacts on Canadians or Canadian businesses. However, regulatory cooperation activities ultimately have a positive impact on businesses and consumers. Businesses benefit from cost savings and increased efficiencies as regulatory cooperation activities aim to eliminate duplicative requirements, streamline processes and adopt common standards across jurisdictions. Regulatory cooperation also increases consumer choice while maintaining or enhancing standards for environmental protection, public health and safety.

The planned technical changes are non-substantive as they relate to how regulators express the estimated cost of administrative burden on business. The amendments would have no impact on Canadians or Canadian businesses.

Consultations

Once proposed regulatory changes are determined, stakeholders will be invited to provide comments before or during a pre-publication of the draft regulations in *Canada Gazette*, Part I.

Links to additional information

- [Developing and improving federal regulations](#)
- [Red Tape Reduction Act](#)
- [Changes to the Red Tape Reduction Act amended by Parliament](#)
- [Annual Report for the 2021 to 2022 Fiscal Year: Federal Regulatory Management Initiatives](#)

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This regulatory initiative was first included in the *Forward Regulatory Plan: 2018 to 2020*.

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To learn about upcoming or ongoing consultations on proposed federal regulations, or on initiatives seeking to improve Canada's regulatory system, visit:

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- [Let's Talk Federal Regulations](#)

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