

INDUSTRY COMMENTS ON THE DRAFT GUIDELINE ON COMMUNICATION WITH PENSION PLAN MEMBERS AND RESPONSES FROM THE CENTRAL BANK OF TRINIDAD & TOBAGO

Abbreviations

- CBTT – Central Bank of Trinidad & Tobago
 IA – Insurance Act, Chap 84:01
 OPPB – Occupational Pension Plans Bill Policy Proposal Document
 GCPPM – Draft Guideline on Communication with Pension Plan Members
 TD&R – Trust Deed and Rules
 DB – Defined Benefit
 DC – Defined Contribution

Reference in the Draft GCPPM	Draft GCPPM	Industry Comments	CBTT's Response
SECTION 1: Introduction			
Section 1.2, Page 3	Introduction	<p>Provide definition of "...persons having any rights" in Appendix I definitions.</p> <p>Definition of "Operators" should be provided in Appendix I definitions.</p>	<p>Section 1(j) of the Fourth Schedule of the IA states that "this Act shall make provisions for the supply (on demand) to every person having any rights in the plan, being a person who is or has been employed in the undertaking in connection with which the plan is established, a copy of the Rules of the plan and of all amendments thereof, and of the latest statements of accounts, balance-sheet and report prepared in accordance with the requirements of the Act." [emphasis ours].</p> <p>The CBTT is of the view the wording of Section 1(j) is self-explanatory. Requirements which are stipulated by legislation must be adhered to and included in the TD&R.</p> <p>The section of the GCPPM in which the word "operators" appears goes further to speak of the responsibilities of trustees and plan</p>

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			sponsors in communicating with pension plan members thereby giving meaning to the word “operators”. Therefore, CBTT does not consider that an amendment is necessary to include the suggested inclusion.
Section 1.3, Page 4	Introduction	<p>The Central Bank should clearly identify and assign the areas of the communication portfolio that should be the responsibility of the trustees and the plan sponsors.</p> <p>Be specific with the following:</p> <ul style="list-style-type: none"> • The deadline date when this agreement must be reached and agreed. • To whom this agreement should be communicated and by when (include all members in this communication and the Pension Plan Management Committee (PPMC)) • Who enforces or ensures this agreement and communication is done? 	<p>Trustees and Plan Sponsors should discuss and agree on which of them would be best suited to undertake the various communication tasks based on their available resources.</p> <p>The GCPPM is intended to encourage Trustees and Plan Sponsors to collaborate in reviewing and enhancing their communication practices. Decisions on the timeframe for implementing the GCPPM will be based on the unique circumstance of each pension plan and may involve considerations such as cost and the availability of resources to allocate to enhanced communication.</p> <p>However, the CBTT will review pension plans to determine whether the GCPPM is implemented.</p>

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SECTION 2: Purpose of the Guideline			
Section 2.2, Page 4	The Guideline should be used as a tool by which trustees and plan sponsors assess their communication practices and identify where enhancements are required.	Will the CBTT oversee these actions? What is the frequency of these actions and to whom and when are they communicated. This should be more specific/measurable.	As stated in Section 2.3, <i>"the Guideline will be used by the CBTT in its evaluation of a pension plan's communications policies and practices as we seek to encourage robust governance frameworks in all pension plans."</i> The CBTT intends to request feedback from pension plans on the implementation of the GCPPM for its own internal review. This may be done by way of a questionnaire.
Section 2.3, Page 5	The Guideline will be used by the Central Bank in its evaluation of a pension plan's communications policies and practice.	Will sponsors & Trustees be required to register a communication plan to be approved by CBTT?	There is no requirement for this in the current pension legislation or in the GCPPM.
SECTION 3: Characteristics of Disclosure Information			
Section 3.1.1, Page 5	Comprehensible – clearly presented so that it is easily understood by the recipients.	Who determines or reviews this? A process should be defined to ensure feedback from members can clarify what is communicated.	It is stated in section 4.1.4.1 of the GCPPM that <i>"Trustees and plan sponsors are encouraged to obtain feedback from members as to the layout and content of the benefit statements to ensure that they are meeting the members' information needs."</i> It is considered good governance practice that procedures for obtaining and acting on

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			<p>feedback from members be established, and adhered to by Trustees, Management Committees and Plan Sponsors. This is outlined in the CBTT's Guidelines on Pension Plan Governance issued in August 2019 which can be viewed on the Central Bank's website at:</p> <p>https://www.central-bank.org.tt/publications/legislations-and-guidelines/pension-sector-legislation-and-guidelines</p>
<p>Section 3.1.5, Page 5</p>	<p>Comparable – for example, financial information derived from a pension plan's audited financial statements and actuarial valuation reports should be presented in such a way as to enable comparative analyses to be made from year to year or period to period.</p>	<p>A template should be developed and approved to support this requirement.</p>	<p>CBTT considers that the wording of this section is suitable to give guidance on the manner in which the information should be presented.</p>

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Section 3.17, Page 6	Accessible – documented information should be disseminated through mediums which ensure that members receive it. This may mean the distribution of either hard copy or electronic documents or both.	The Guideline states that the communication material issued to members “should” rather than “shall” include the information set out.	The CBTT will only mandate the implementation of any of the GCPPM's provisions where a provision is stipulated by legislation.
SECTION 4: Categories of Information for Disclosure			
Section 4.1.1	Statutory Requirements	Remove the words “upon request”. This should be provided to members or the process should be properly communicated to members on how to request this information.	The wording of the section is consistent with Part 1(j) of the Fourth Schedule of the IA.
Section 4.1.2 Pages 6 - 8	Summary of the Plan's Trust Deed and Rules.	<ul style="list-style-type: none"> The summary of the Plan's TD&R in Section 4.1.2 includes significantly more information than is currently provided in membership booklets which we believe provides sufficient information. In particular we do not believe that a summary of the Plan's Wind-up Rule is required. 	The Guideline itemises international best practices in communicating with pension plan members. Membership booklets which omit certain information should be examined to determine whether they can be amended to include the information recommended. Trustees and Plans Sponsors can utilise avenues to electronically disseminate additional information if printing revised

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		<ul style="list-style-type: none"> As the Plan Trustees can change frequently, we recommend that the Trustee(s) name(s) and contact information be provided by a supplemental sheet when Trustees are changed. This is viewed as a dynamic entry which can be updated periodically. 	<p>booklets is too costly. Trustees and Plan Sponsor can decide what is best based on their own plan's circumstances.</p>
		<ul style="list-style-type: none"> Change the word "should" to "shall / Also include who is responsible for this action (included in communication plan). Last line – Include Sponsor/ Sponsor Representative. Fifth to last line – Include Duties of Investment Manager. Asking trustees and/or sponsors to adhere to this guideline can be counterproductive and costly. Tasking the trustees or sponsor with summarizing trust deeds, which are typically written in legal language, is an unreasonable request, because it is likely to be beyond the competency of all but those in possession of relevant legal training and, therefore, risks misrepresenting and/or omitting, in the process, provisions of the trust deeds to members, unless paid legal advice is procured. 	<p>See the response to Section 3.17 above.</p> <p>Each pension plan's trustees and plan sponsor can decide whether the duties of the Investment Manager, or any other service provider such as the Actuary and Auditor, should be included in the Plan's summary.</p> <p>The Trustees and Plan Sponsors of a pension plan are legally obligated to adhere to the TD&R. Therefore, it is imperative that all Trustees and Plan Sponsors fully understand the content of their TD&R in totality. To this end, Trustees are strongly advised to remind themselves of the Fit and Proper and Knowledge Requirements for Trustees outlined in Appendix II & III of the Central Bank's Guideline on Pension Plan Governance issued in August 2019 which can be viewed on the Central Bank's website at: https://www.central-bank.org.tt/publications/legislations-and-guidelines/pension-sector-legislation-and-guidelines</p>

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Section 4.1.4 Pages 8 - 12	Member Specific Information-Benefit Statements	<ul style="list-style-type: none"> • The benefit statements required in section 4.1.4.1 includes details of any insurance benefit which the Pension Plan provides such as death benefits –Not sure what is required – Is it details of death benefits on death in service and death after retirement which is not usually insured? Once again this is not currently included in benefit statements but the details of these benefits are included in the membership booklets which should be sufficient – It is not practical to get feedback from Members on the layout and content of the benefit Statements since Members will have different requirements. • We believe that supplying the member's personal contact information in the Benefit Statement may not necessarily need to be included. 	<p>The Central Bank is cognisant of the fact that pension plans have differing benefit structures, administrative structures and communication strategies. Trustees and Plan Sponsors are expected to review the GCPPM to ascertain which aspects of the best practice recommendations apply to the unique circumstances of their pension plans.</p> <p>The Central Bank is aware of many instances where Trustees and Plan Sponsor have no or outdated contact information for members. It is therefore advisable that Members be periodically reminded of the contact information retained by the Trustees or the Plan Sponsor so that they can advise whether the information needs to be updated.</p>

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		<ul style="list-style-type: none"> • This guideline does not seem to be written with sufficient precision. It can be interpreted to permit any member at any time, whether or not the member is considering or pursuing a transfer, to request a statement of transfer value, which obliges its production irrespective of cost or administrative burden of this new requirement. 	<p>The right of a member to know a benefit to which he or she is entitled on leaving a pension plan should not be denied. Trustees and Plan Sponsor should note that pension portability is a legislated right of members as it is included in the Income Tax Act and therefore provisions must be made to ensure that members receive the information they request.</p>
		<ul style="list-style-type: none"> • Where deferred pensioners already receive benefit statements at a set frequency, say annually, wouldn't it be sufficient and more efficient to provide notice at that time? • The Central Bank, by this guideline, issues a guideline that ignores practical realities and cost. In practice, to minimize costs incurred in procuring expertise to calculate pensions payable, the calculations are only made after all contributions are paid, which is not a month prior to retirement. Performing the calculations beforehand, as is proposed, could compel plans to incur additional costs, possibly duplicating the costs of calculating pensions. • Page 9, 4th to last line – Change the word encouraged to “shall” ensuring the process for this feedback is communicated to the members. 	<p>The CBTT has not stated that where a pension plan already has regular and adequate practices for communicating with its membership, those practices should be altered and the GCPPM be adopted.</p> <p>Defined benefit pension plan benefits can be calculated as contemplated in the GCPPM.</p> <p>See the response to Section 3.17above.</p>

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		<ul style="list-style-type: none"> Page 13, 7th to last line – Plan sponsors “shall” and not should. 	See the response to Section 3.17above.
Section 4.1.5 Page 12	Annual Reports	<ul style="list-style-type: none"> Information requested in the Annual Reports under 4.1.5 should be upon request of the Members – Once again, it is not practical to get feedback on any such reports. While trustees and sponsors can accept feedback (or better yet “suggestions”) to reports, it should be clear that such suggestions and feedback is non-binding. We recommend that the requirement be amended to either provision of an annual report upon request or provision of access to an annual report. The suggested amendment 	<p>The GCPPM seeks to modernise and enhance the current communication practices of pension plans. Traditional methods of communication which require that pension plan members request information that should be given to them regularly in the interest of transparency into the operations of their plans and to increase their financial literacy is not considered best practice.</p> <p>It is considered good governance practice that procedures for obtaining and acting on feedback from members be established, and adhered to by Trustees, Management Committees and Plan Sponsors. This is outlined in the CBTT's Guidelines on Pension Plan Governance issued in August 2019 which can be viewed on the Central Bank's website at: https://www.central-bank.org.tt/publications/legislations-and-guidelines/pension-sector-legislation-and-guidelines</p> <p>As is stated in the GCPPM, Trustees and Plan Sponsors can explore utilising email and other electronic media to disseminate annual reports and all other pension plan information to members. This may be the most cost efficient</p>

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		<p>would assist in reducing the cost of distributing the information.</p> <ul style="list-style-type: none"> Some of the guidance on Annual Reports in 4.1.5, is already covered by statutory requirements, as is acknowledged in 4.1.1 of the Guidelines. Thus the additional guidance is superfluous or seeks, without justification, to alter the effect of the statutory requirements by making mandatory the provision of documents to which members already have access by law. Other guidance is new, yet will require the trustees and/or sponsors to procure expertise to satisfy them. Again, it is not clear sufficient regard has been paid to the costs and benefits of additional requirements proposed in the name of transparency. One wonders whether the pattern apparent in the guidelines circulated by the Central Bank of making additions to the administrative load and cost of pension plans will further weaken support for the plans by employers and further discourage participation by employees, who see their pension benefits, already reduced in a low interest rate environment, being further eroded by unjustified additions to the cost of administration for the immediate benefit of service providers. 	<p>method of distribution.</p> <p>One of the CBTT's mandates is to foster improved financial literacy throughout the population of Trinidad and Tobago. The GCPPM falls under the rubric of this mandate and is intended to inform all persons who have an interest in pension plans of the information of which they should be aware. It is not intended to place undue cost or burden on pension plans and its implementation is not mandatory.</p> <p>Trustees in particular should remember that they are accountable to the members of the pension plan and should devote some time to seriously considering whether they are doing all within their capabilities to adequately fulfil their duties.</p> <p>In addition to this, proper governance structures are essential to mitigate the risks inherent in a pension plans. Hence, a discerning examination of a pension plan's earnings and expenses is an essential and ongoing function which all Trustees and Plan Sponsors must undertake with a view to ensuring that they understand the sources of both and are prudently managing all service providers through service level agreements which should include fees. Trustees and Plan</p>

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		Against this backdrop, the Central Bank in the guidelines reminds trustees, without a sense of irony, that they have a fiduciary duty to ensure that expenses charged are reasonable and appropriate.	Sponsors must also seek to enhance their own capabilities through training which could reduce reliance on external service providers and thereby reduce costs. Further, with modern communication tools such as email, company intranets and video conferencing, Trustees and Plan Sponsors can devise creative solutions to cost effectively enhance their communication methods.
Section 4.1.6 Page 13	Communication on wind-up of a pension plan	The Guideline states that the plan sponsor rather than the trustee will be responsible for initial communications with members of a plan in wind-up. If the plan sponsor still exists, this may be feasible but in many cases it is the trustee that oversees the wind-up, including providing information to members.	The CBTT does not consider that an amendment to the GCPPM is required. Most pension plans' TD&R state that it is the Plan Sponsor which notifies the members and Trustees of the plan's winding-up. The CBTT expects the Plan Sponsor to adhere to the requirements of their TD&R at all times. If, for some reason, the Plan Sponsor cannot adhere to the requirements of the TD&R in informing the members that the plan is being wound-up, it would naturally fall to the Trustees to notify members.
SECTION 5: Methods of Information Dissemination			
Section 5, Page 14	Trustees and plan sponsors who employ electronic methods to communicate with plan	Security for manual methods should also be included in this statement.	The CBTT does not consider that an amendment to the GCPPM is required.

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	members should ensure that sufficient security arrangements are in place to preserve the integrity and confidentiality of documents being transmitted especially with respect to benefit and exit statements.		
SECTION 6: Communication Expenses			
Section 6, Page 15	Trustees have a fiduciary duty to account for the use of all plan funds and should have adequate controls in place to ensure that the expenses charged are reasonable and appropriate.	Account to whom? CBTT? PPMC? Members?? How will this value be measured?	For guidance on the responsibilities and accountabilities of Trustees, see the CBTT's Guideline of Pension Plan Governance issued in August 2019 and published on the CBTT's website at: https://www.central-bank.org.tt/publications/legislations-and-guidelines/pension-sector-legislation-and-guidelines

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General Comments on GCPPM			
	Timelines for Implementation of the Guideline	<ul style="list-style-type: none"> • We recommend that Sponsors/Trustees be given an implementation period of three months subsequent to the issuance of the final Guideline to identify and address any deficiencies within their current processes. • We believe that at least 12 to 18 months would be required to develop and deploy an efficient Communication Compliance Monitoring System under these guidelines. This area represents an opportunity for the Central Bank to provide templates and or locate and promulgate best practise examples across organisations. 	See the response to Section 3.17above.
	Non-compliance	<ul style="list-style-type: none"> • The Central Bank must clearly state what the consequences are if the various pension plan stakeholders do not follow some or all of the requirements set out in the Guideline on Communication with Pension Plan Members and the other Guidelines that cover registered pension plans. • Whilst we expect pension plans to follow the Guideline as closely as possible, there are some items of information that may be difficult. For example, the accumulated contributions with interest for a member in a defined benefit plan may not be readily available and in many such plans this amount is not relevant to the member's retirement 	<p>See the response to Section 3.17above.</p> <p>Trustees and Plan Sponsor are expected to provide information to members which is accurate, timely and relevant to their needs.</p>

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		<p>benefit. We expect that in such cases, appropriate judgment can be used to determine if the cost of collating such data and including it in the statement is worthwhile.</p> <ul style="list-style-type: none"> • Is there an intention to audit Pension Plans for compliance with these guidelines? 	<p>See the responses to Sections 2.2 and 3.17 above.</p>
	Administrative Cost	<ul style="list-style-type: none"> • The relative administrative burden for small plans will still be higher than for larger plans. When formulating the requirements, did the Central Bank carry out a study of the typical costs that plans of different sizes will incur as a result of implementing the communication requirements? If not, will one be done? • These recommendations if implemented in their entirety will result in direct additional costs to pension funds which may be passed on to the Plan Sponsors (depending on the funding status of the respective Plan). 	<p>No study was done on the possible cost which plans may incur in enhancing their communication practices. The Central Bank has stated in the GCPPM that Trustees and Plan Sponsor should examine the possibility of utilising electronic means of providing information to members which may be the most cost effective.</p> <p>The GCPPM is not intended to place undue cost or burden on pension plans. The purpose of this Guideline is to encourage transparency in the operations of pension plans. Trustees and Plan Sponsors are expected to review the GCPPM to ascertain which aspects of the best practice recommendations apply to the unique circumstances of their pension plans.</p>

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	Updating of contact information	<ul style="list-style-type: none"> • The onus should be placed on persons with rights under a registered pension plan to update their personal and contact info including beneficiaries to the Plan Sponsor and Trustee. • Failure to communicate the death of a pensioner should be strongly discouraged. 	<p>Trustees and Plan Sponsor can decide what is best based on their own plan's circumstances.</p> <p>Proper procedures should be established to be notified upon the death of a pensioner.</p>
	Other	<ul style="list-style-type: none"> • The guideline does not reference the requisite accountability for confidentiality in the context of increased communication of sensitive information. • Consideration should be given to clearly demarcate guideline regarding statutory requirements from best practices recommendations. 	<p>The CBTT will not prescribe accountabilities for confidentiality as these would be unique to the circumstance of each pension plan.</p> <p>The statutory communication requirement is stated at section 4.1.1 of the GCPPM.</p>