Trends in Emerging Markets
(Atlantic & Caribbean Region)

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Government Employees Retirement System
US Virgin Islands
Agenda

- Pension Legislation and Regulation by Jurisdiction
- Regulatory Areas of Concern in the Region
- A Multi-Jurisdictional Supervisory Perspective
- Associations of Regulators and Supervisors
- Caribbean Association of Pension Supervisors (CAPS)
- Challenges for the Region
- A Comparison of Social Security Schemes in the Region
- Questions
Overview by Jurisdiction

- Eastern Caribbean Central Bank (ECCB)
- Antigua and Barbuda
- Barbados
- Bermuda
- Cayman Islands
- Guyana
- Jamaica
- St. Kitts and Nevis
- St. Vincent and the Grenadines
- Trinidad and Tobago
- Other Jurisdictions

Pension Legislation & Regulation – A Political & Social Necessity?
Eastern Caribbean Central Bank (ECCB)

- ECCB represents 8 jurisdictions
  - Anguilla, Antigua & Barbuda, Dominica, Grenada, Montserrat, St. Kitts & Nevis, St. Lucia, and St. Vincent & the Grenadines
  - Common currency union similar to the European Union

- ECCB developments on pension reform

- October 24, 2008 – First Interim Report
  - Focus on state provided pensions
  - Not focused on private pensions

- June 2009 Report

- Additional Focus on Private Pension Administration
Concern over private pension financing

"In traditional developed economies one can assume that the financial structure is well developed and regulated, economic management is adequate and the overall system is well integrated and coordinated. In economies like ours those assumptions cannot be made and in any case we would be reporting to the authorities that have responsibility for the social, real and financial sectors."
ECCB Conclusion on Private Plans

- Currently limited coverage
  - Large statutory bodies or employers with more than 100 employees
- DB arrangements with fixed employee contributions
- Unjust vesting requirements and limited portability
- Weak plan governance
- Lax supervisory and regulatory arrangements
Antigua and Barbuda

- Member of the Organization of Eastern Caribbean States (OECS)
- Pension plans covered in Part VIII of The Insurance Act, 2007
  - Effective April 2009
- Requires:
  - All private plans to be registered within 1 year of Act
  - All amendments must be registered to be valid
  - Payment of fees, penalties and annual reporting
  - Provides some enforcement powers to the Superintendent
Barbados

- Market for occupational pensions is unique
  - Highest combined employer & employee social security contribution rates
  - Most companies also offer occupational pension plans
- Formal regulation of occupation plans under tax law
- Pension legislation
  - Based on legislation in Ontario, Canada
  - Act has been adopted and is awaiting proclamation
  - Regulations are being finalized
  - Potential for future reform?
Bermuda

- National Pension Scheme (Occupational Pensions) Act, 1998
  - Came into effect on January 1, 2000
  - Mandatory system that cover private pension plans
  - Applies to self-employed persons
  - Penalties for non-compliance are stiff
  - Regulated by the Pension Commission
  - Public sector plans are exempt (covered by other Acts)

- Financial Institution Pension Plans offered by insurance companies cover the majority of citizens/long term residents

- Changes in legislation and regulations in 2010 to allow financial hardship
Cayman Islands

- National Pensions Law
  - Came into effect on June 1, 1998 (revised in 2000)
  - Mandatory system for private pension plans
  - Applies to self-employed persons
  - Covers non-Caymanians
  - Regulated by the National Pensions Office
  - Government employees covered by separate legislation
- MEPPs are offered by approved insurance companies
- Changes in legislation in 2010
  - Temporarily suspend contributions
  - Remove mandatory coverage for non-Caymanians
Guyana

- Pension plans covered in Part XVI of The Insurance Act, 1998
- Covers:
  - Registrations of plans and amendments
  - Plan wind ups
  - Statutory filing requirements
  - Pension fund investments
- Office of the Commissioner of Insurance
  - Regulates pension plans
Jamaica

- Legislation and Regulations adopted
  - Registration required under both the Income Tax Act and pension legislation
- Policies and procedures to assist staff and sponsors prepared
- Risk based supervision model
- Dedicated staff at the Financial Services Commission responsible for supervision
Jamaica (continued)

- Reaching out to the public
- Dedicated FSC website includes pension section
- Information available for:
  - Plan members
  - Plan sponsors
  - Plan administrators and investment managers
  - Plan trustees
St. Kitts and Nevis

- Member of the OECS
- Legislation came into effect in 2009
- Part VIII focus on Private Pension Plans
- Focus on:
  - Registration
  - Reporting requirements
  - Valuation reports
St. Vincent and the Grenadines

- Member of the OECS
- Insurance Act of 2004
  - Allows for regulation of private pension plans
- Ministry of Finance and Economic Planning given job of regulating industry
- 2008 budget address notes that there are compliance issues
- Focus to be on licensing, disclosure, governance and minimum capital requirements
Trinidad and Tobago

- Insurance Act – Part VI

- Requires:
  - Plan registration (done by Central Bank)
  - Amendment registration (done by Central Bank)
  - Fees
  - Annual reporting, actuarial valuations

- Proposal for the establishment of an occupational pension plans bill (Central Bank of TT – December 2009)
Other Jurisdictions

- Anguilla, Dominica, Montserrat, St. Lucia (OECS)
  - Legislation for private pensions is codified in the new insurance statute
  - Currently with Parliament and expected to be passed shortly
- Belize, British Virgin Islands, Turks and Caicos
  - No pension legislation for private plans currently
- Bahamas
  - Government appointed task force for pensions December 2008
- Grenada (OECS member)
  - New insurance legislation covering pension plans effective March 2010
  - Substantially similar to St. Kitts & Nevis
- US Virgin Islands
  - Mandatory pension coverage for government employees
  - No pension legislation for the private sector
Regulatory Areas of Concern in the Region

- Surplus & deficits on wind-up
- Going concern and solvency requirements
- Governance structure of pension plans
- Imposition of sanctions for non-compliance

- Liability of trustees
- Minimum pension benefits prescribed
- Capital requirements, if any
- Powers of enforcement
- Insolvent plan sponsors

Clear Responsibilities = Accountability
A Multi-Jurisdictional Supervisory Perspective

- Develop a regional body to formalize representation
- Cross-border supervision of pension plan administrators and service providers
- Cooperation in regional, and international pension regulatory matters
- Reciprocal agreements for portability of pensions between jurisdictions

- Sharing of policies, procedures & methodologies for supervision between jurisdictions
- Training & development opportunities for pension supervisory staff
- Identify emerging issues regarding supervision and coordinate regional efforts
- Promote education and industry seminars

Benefits of a Caribbean Association of Pension Supervisors
Associations of Pension Regulators and Supervisors

- Caribbean Association of Insurance Regulators (CAIR)
- International Organization of Pension Supervisors (IOPS)
- Caribbean Association of Pension Supervisors (CAPS)
  - Develop best practices in the region for private pension plan regulation and supervision
- Canadian Association of Pension Supervisory Authorities (CAPSA)
  - Harmonization of legislation between federal and provincial jurisdictions in Canada

Examples of Multi-Jurisdictional Supervision and Regulation
Caribbean Association of Pension Supervisors (CAPS)

- Political interest and support is required in each jurisdiction
- Recognition by CARTAC and World Bank (similar to CAIR)
- Open to all CARTAC Jurisdictions
- Mission statement: “A multi-jurisdictional association of pension supervisors whose mission is to facilitate an efficient and effective pension supervisory and regulatory system in and between member jurisdictions”
- Vision: “Establish an effective regulatory framework for the coordination and mutual cooperation of pension supervision between member jurisdictions”
- Intra-jurisdictional (within) versus inter-jurisdictional (between)

Quality and Effectiveness of Pension Supervision/Regulation
Challenges for the Region

- Need for pension legislation in the Caribbean region
  - Political will by government
  - Support by policy makers
  - Mandatory versus voluntary

- Supervision by existing agencies
  - Separate versus consolidated regulator

- Long term supervision challenges
  - Employee coverage versus employer compliance
  - Enforcement for delinquent employers
Challenges for the Region (continued)

- Risk based approach to supervision
  - Develop internal procedures/manual for supervisory staff
  - Develop external policies for plan sponsors, employers, plan administrators, and trustees
  - Provide training and development for supervisory staff

- Ongoing education and communication to all stakeholders
A Comparison of Social Security Schemes in the Region

Comparative Financial Status 2003 - Caribbean & Bermuda Social Security Plans

Reserve/Expenditure Ratio

Surplus Rate

Bermuda (2007)
Bermuda (2005)
Bermuda (2006)
Bermuda (2003)
Anguilla
Grenada
Trinidad
St. Lucia
St. Kitts
BVI
Barbados
Jamaica
Bahamas
Turks
Antigua
Montserrat
St. Vincent
Guyana
Belize
Dominica
Montserrat
A Comparison of Social Security Schemes in the Region (continued)

Reserve/Expenditure Ratio

Social Security Schemes

Country

Reserve/Expenditure Ratio

Anguilla
Antigua Barbuda
Barbados
Bequia
British Virgin Islands
Dominica
Grenada
Guyana
Jamaica
Montserrat
St. Kitts Nevis
St. Lucia
St Vincent & The Grenadines
Trinidad and Tobago
US (2005)
US (2007)
St. Lucia

- National Insurance Fund - April 1979
- Effective April 1979
- Replaced National Provident Fund of 1970
- NIS operates as a statutory Corporation Administered by a Board, under the portfolio of the Minister of Finance.
Covers every person
- (a) between the ages of sixteen and sixty;
- (b) engaged in insurable employment;
- (c) registered
- (d) domiciled or residing in Saint Lucia;
- (e) employed outside Saint Lucia under certain conditions

Self-employed persons included
St. Lucia (continued)

- Benefits:
  - Old age pensions and old age grants
  - Invalidity (Disability) pensions and grants
  - Survivors pensions to dependents of the deceased instead of a named beneficiary.
  - Short term benefits: Sickness, maternity and employment injury
Antigua and Barbuda

- Social Security Scheme - July 11, 1972
- Effective April 2, 1973
- Replaced the Provident Fund of 1970, which was never implemented
- Regulated by the Social Security Board under the Ministry of Finance & Social Security
Every person is required to register before taking up employment.

Benefits:
- Age Benefits (Retirement Annuity)
- Survivor Benefit
- Invalidity Benefit (Disability)
- Short Term: maternity, sickness (n/a to government and statutory establishments)
- Funeral Benefit
Grenada

- National Insurance of Grenada, Carriacou and Petite Martinique April 4, 1983
- Compulsory for every working person within a stipulated age
- Self-employed persons can also participate
Grenada (continued)

- Benefits:
- Age, Invalidity, Survivors, Sickness, Maternity, Employment Injury, Funeral, Disablement, Constant Attendance
Belize

- Social Security Act, Chapter 44 of the Laws of Belize, Revised Edition 2000 to 2003
- All employees over the age of fourteen (14) years must register and contribute
- Self-employed persons can also register
Belize (continued)

- Pays benefits to insured persons, who are employees fourteen years and over, from "the womb to the tomb"
- Benefits: Funeral Grant, Injury Benefit, Medical Care, Disablement Benefit, Disablement Grant, Constant Attendance Allowance, Death Benefit and Maternity Benefits
Bahamas

- The National Insurance program established December 12, 1972
- Administered by the 11 member National Insurance Board (NIB) since October 7, 1974
- Regulated by the Minister of Government
Bahamas (continued)

- Employees must register and pay contributions
- Self employed are eligible to participate
- Employers pay contributions on behalf of workers, and are released from the obligation of paying full wages when employees are off sick or on maternity leave, and they are excused from liability for job-related injuries and diseases.
Benefits:

Sickness, Maternity, Funeral, Retirement, Invalidity (Disability), Survivorship, Unemployment, Injury, Disablement and Death. The assistances are the Old Age Non-Contributory Pension, Invalidity, Survivors’ and Sickness.
Barbados

- NATIONAL INSURANCE SCHEME
- Established under the provisions of the National Insurance and Social Security Act, 1966.
- Effective June 5, 1967
- Governed by a 9 member Board, under the Office of the Minister responsible for Social Security
Barbados (continued)

- Covers all working people who are sixteen (16) years of age and under sixty-five (65), whether they are self-employed or engaged under contract of service in Barbados. Persons who are under sixteen (16) or over sixty-five (65) are covered only for employment injury.
Barbados (continued)

- Benefits:
- Sickness, Maternity, (Grant or Benefit), Invalidity (Grant or Pension), Unemployment, Employment Injury (Injury benefit, Disablement benefit, Medical Expenses, Funeral grant, Death benefit), Funeral Grant, Old Age Contributory (Grant or Pension), Survivors’ (Grant or Pension)
Bermuda

- The Contributory Pensions Act 1970 & Regulations
- Under the direction of the Ministry of Finance
- Requires all employed and self-employed persons to contribute until the age of 65
Bermuda (continued)

- Benefits include:
- Pensions, disability, and survivor benefits. The scheme is commonly referred to as "Social Insurance"
Trinidad and Tobago

- National Insurance System (NIS)
- Responsibility for the NIBTT lies ultimately with Parliament through the Ministry of Finance
- Governed by the 10 member National Insurance Board of Trinidad and Tobago (NIBTT) effective 1972
Trinidad and Tobago (continued)

- Mandatory: Working persons who earn $120.00 or more per week
- Benefits: Invalidity (Disability), Retirement, Survivors Benefit, Injury Allowance, Medical Expenses, Disablement (Pension or Grant), Death Benefit, Sickness, Maternity, Special Maternity Grant, Funeral Grant
Caricom Agreement on Social Security

- Reciprocal agreements with Caricom countries, signed 9th November 1998
- Participating Countries: Governments’ of Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago
The agreement was contracted to foster unity among peoples and functional co-operation in the area of Social Security. It is based on the principles of equality of treatment for residents of parties under their Social Security legislation as well as the maintenance of such rights notwithstanding changes of residence among their respective territories.
Agreements provide for continuity of coverage for workers assigned or transferred by their employers from one country to another by pooling insurance periods served in various countries, and for the payment of benefits by one or more of the Social Security Schemes once an applicant has qualified.
Agreement applies to the following payments of social security:

- a. invalidity pensions;
- b. disablement pensions;
- c. old age or retirement pensions;
- d. survivors' pensions, and
- e. death benefits in the form of pensions
Example: To qualify for Age pension at 60 in Grenada and St. Vincent requires five hundred, (500) weekly contributions. A worker, insured for 300 weeks in St. Vincent and insured 200 weeks in Grenada will qualify for pension in both countries at rates proportional to the insured person's period worked in each country.
Employees Retirement System of the Government of the Virgin Islands – June 24, 1959

Effective October 1, 1959

Mandatory for all Employees of central government and independent instrumentalities

Employees of non-profit corporations 75% financed by federal or local funds
U.S. Virgin Islands (continued)

- Independent Instrumentality of the Virgin Islands Government.
- Governed by a seven member Board of Trustees.
- Benefits:
  - Retirement annuity
  - Duty-connected death annuity
  - Duty disability annuity
  - Non-duty disability annuity
- Survivor benefit.
U.S. Virgin Islands (continued)

- System financed in accordance with actuarial reserve requirements from contributions by members, contributions by the employer, interest income, and other income accruing to the system
- Members also eligible to collect Social Security Benefits
- Annuity is exempt from levy and/or judicial execution
Mandatory legislation for private sector pensions proposed, but rejected.
Thank you

Questions?
References

- “Social Security in the Caricom Single Market & Economy” by Derek Osborne, June 2004
- “Development of Pension Legislation and Supervision in the Caribbean Region” by Jason Eatock, Tejash Modi and Al Kiel, presentation to the International Organisation of Pension Supervisors and CARTAC, October 2009
- “Caribbean Association of Pension Supervisors” by Al Kiel, presentation to the World Bank, Caribbean Association of Insurance Regulators and CARTAC, June 2009