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10 DIVISION OF BENEFITS ON MARITAL BREAKDOWN

Your spouse is someone you are married to and have not been separated from for more than two years, or someone you have been living with in a marriage-like relationship for at least two years.

A pension is presumed by law to be a family property, which means that it may be divided when a marriage breaks down. The *Family Law Act* governs how a pension may be divided between a plan member and their spouse when they separate or divorce. Both parties should consider obtaining legal advice about dividing matrimonial property. The WorkSafeBC Pension Plan cannot provide advice about dividing pensions.

For further information, see the website worksafe.pensionsbc.ca.

10.1 Determining the value of the pension

The WorkSafeBC Pension Plan is a defined benefit plan, meaning that retirement benefits are based on a formula of years worked, earnings and retirement age. The plan member's contributions do not represent the entire value of the pension. If the member's former spouse is considering a cash payment rather than a pension split, it may be necessary to determine the value of the pension in order to divide it fairly. This is called a valuation. If one of your plan members or their former spouse requires a valuation, they should consult an actuary.

A former spouse can protect their entitlement to a share of the pension by submitting a *Form P1: Claim and Request for Information and Notice*, indicating when they and the plan member started living together, when they were married (if they were married) and when they separated. After the *Form P1* is submitted, the plan will notify the former spouse of any subsequent significant transactions affecting the pension and can release to the former spouse the information necessary for an actuary to calculate the value of the pension. A court order or separation agreement is not required to submit the *Form P1*.

