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**Editor**  
kpress@rmpublishing.com  
**Managing editor**  
**Associate editor**  
asharratt@rmpublishing.com  
**Contributing editor**  
ccakebread@rmpublishing.com  
**Art director**  
efenech@rmpublishing.com

**Publisher**  
pwilliams@rmpublishing.com  
**Associate publisher**  
lbak@rmpublishing.com  
**Associate publisher**  
awebb@rmpublishing.com  
**Account manager**  
pgreenhough@rmpublishing.com

**National account manager**  
cmitchell@rmpublishing.com  
**Account manager**  
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**Production supervisor**  
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**Assistant editor, conferences**  
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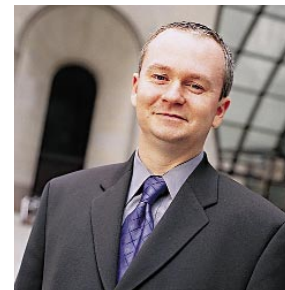
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# Polar opposites

*The surplus debate is doing plan members a disservice.*

As we reported in last month's issue, the surplus debate has re-emerged in Ontario. After a round of successful lobbying by the Association of Canadian Pension Management (ACPM), the provincial government here introduced what has been described as employer-friendly pension legislation as part of its omnibus Bill 198.

This touched off a firestorm among those who represent plan members in Ontario courts and at the province's bargaining tables. Murray Gold, a lawyer in Toronto with Koskie Minsky called the legislation "radical" in The Law column last month. The firm was among those that launched a media campaign to draw attention to what they considered unfair law making.

It worked. After we went to press with our December issue, Ontario Finance Minister Janet Ecker yanked the pension-related legislation from Bill 198. She also reneged—at a late hour—on a commitment to speak at an ACPM-sponsored breakfast on Dec. 2. For the record, we made two unsuccessful requests for an interview with Ecker.

ACPM president Keith Ambachtsheer shares his frustration in this month's Pension Planning column (see "Flip flop," page 17). Paul Litner of Osler, Hoskin & Harcourt in Toronto has more in The Law (see "Facts and figures," page 19).

As is often the case in debates like this one, both sides claim to be acting on behalf of plan members. ACPM raised a few eyebrows with a June 3, 2002 letter to the finance minister, in which the association says it "works on

behalf of over three million pension plan members across Canada."

I called Ambachtsheer to ask him about that line. He says that ACPM's role is to promote the growth and health of Canada's entire retirement system, and that the group's position on surplus is in fact in the best interest of plan members.

It's a claim those on the other side take issue with. The idea that a professional association can represent the interests of both employers and employees on the question of pension surplus is anathema to the labour movement.

I'd argue the debate over who represents whom serves only to distract us from the core issue. The big losers in the Bill 198 fiasco are plan members. Yet again, they're being ill served by an overly polarized debate. It is time to seek out middle ground on pension surplus. It is time for all industry professionals—regardless of their affiliations—to leave interests aside and do a better job of listening to one another. Canadians deserve nothing less than a carefully balanced compromise on this complex issue.

On a more positive note, our thanks to Morneau Sobeco for allowing us to shoot this month's cover photograph at their head office in Toronto. The firm's Allen Gates says there is 24 gigabytes of memory and 1,008 gigabytes of hard drive space on this server rack.

**Kevin Press**  
kpress@rmpublishing.com

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