

AMENDMENT NO. 22

RULES AND REGULATIONS FOR THE AMERICAN FEDERATION OF MUSICIANS' AND EMPLOYERS' PENSION WELFARE FUND (CANADA)

(As amended and restated effective January 1, 1988)

WHEREAS the Trustees of the American Federation of Musicians' and Employers' Pension Welfare Fund (Canada) (the "Pension Plan") have adopted Rules and Regulations for the Pension Plan (the "Rules and Regulations") in accordance with their powers under the Restated and Amended Agreement and Declaration of Trust dated February 28, 2006;

AND WHEREAS pursuant to section 8.01 of the Rules and Regulations the Trustees have the power to amend or modify the Rules and Regulations.

AND WHEREAS it has been the past practice of the Trustees to provide, from time to time, for *ad hoc* pension increases if they are satisfied that it is appropriate to do so taking into account all the relevant factors, including the funded status of the Plan;

AND WHEREAS the Trustees now wish to ensure that the above historical past practice be included in the Rules and Regulations;

AND WHEREAS the Trustees have resolved that the Pension Plan should permit for the continued remittance of contributions during certain approved leaves of absences;

AND WHEREAS the Trustees also wish to establish certain parameters for the remittance of contributions as they are permitted to do so pursuant to the Trust Agreement governing the Fund;

NOW THEREFORE the Trustees unanimously agree to amend the Rules and Regulations, as follows:

1. Effective January 1, 1975, Article 3 is amended by adding after Section 3.23, the following Section:

Section 3.24 Discretionary *ad hoc* Increases

The Trustees may in their sole discretion, from time to time, and with the advice of the Actuary, declare further bonuses or increases in payment and accrued pension credits, provided that such bonuses or

increases shall be in the form of lifetime pension payments and that their amount shall be so determined, on the basis of the Plan's financial position.

2. Effective, January 1, 2005:

- (a) **Article 1 is amended by renumbering Sections 1.04 to 1.23 as Sections 1.05 to 1.24, respectively and all references to these Sections elsewhere in the Plan are renumbered accordingly, and adding the following new Section 1.04:**

Section 1.04 Approved Leave of Absence

"**Approved Leave of Absence**" includes leaves of absence required by law to be granted to a Member and, subject to the provisions of the *Income Tax Act* (Canada), any other periods of unpaid leaves of absence, authorized by an Employer or a collective agreement.

- (b) **Article 1, is further amended by deleting Section 1.07, which has been renumbered as Section 1.08, the definition of "Contributions" and replacing it with the following:**

Section 1.08 Contributions

"**Contributions**" means the monies paid to the Trust Fund by Employers:

- (i) pursuant to collective agreements between the AFM and an Employer;
 - (ii) pursuant to collective agreements between a local union affiliated with the AFM and an Employer;
 - (iii) pursuant to local engagement contracts pursuant to which an Employer contributes to the Trust Fund and pursuant to the scales of the AFM or of a local affiliated with the AFM; or,
 - (iv) in respect of a Member who is Totally Disabled or on an Approved Leave of Absence.
- (c) **Article 1, is further amended by deleting Section 1.08, which has been renumbered as Section 1.09, the definition of "Covered Earnings" and replacing it with the following:**

Section 1.09 Covered Earnings

"**Covered Earnings**" means the earnings of an Employee on the basis of which Contributions are required to be paid to the Trust Fund.

With respect to a Member who is Totally Disabled or on an Approved Leave of Absence, Covered Earnings shall be calculated as the earnings the Member would have received from the Employer had the Member worked throughout the period when the Member is Totally Disabled or on an Approved Leave of Absence and shall be based on the average monthly earnings of the Member in the 12-month

period immediately preceding the period during which the Member is Totally Disabled or on an Approved Leave of Absence.

In no event, however, shall "Covered Earnings" exceed the limits set forth in the Regulations under the *Income Tax Act* (Canada).

- (d) **Article 1 is further amended by deleting Section 1.09(a), which has been renumbered as Section 1.10(a), and replacing it with the following:**

1.10 (a) A Canadian member of the AFM employed by an Employer to render service as a musician (including therein, a composer, arranger, copyist, proof-reader, librarian, instrumentalist, leader or contractor) pursuant to an agreement or scale referred to in Section 1.11; or

- (e) **Article 1 is further amended by renumbering Sections 1.19 to 1.23 (which has been respectively renumbered as Sections 1.20 to 1.24 pursuant to 2(a) above), as Sections 1.21 to 1.25, respectively and all references to these Sections elsewhere in the Plan are renumbered accordingly, and adding the following new Section 1.20:**

Section 1.20 Totally Disabled

"**Totally Disabled**" means, for the purposes of Sections 1.08 and 1.09 a physical or mental impairment which prevents a Member from performing the duties of employment in which the Member was engaged prior to the impairment and which is certified, in writing, as such, by a medical doctor licensed to practice in Canada.

3. Effective May 1, 2006:

- (a) **Article 1 is amended by adding the following clause at the end of Section 1.07, which has been renumbered as Section 1.08:**

"Contributions shall not exceed 12% of scale wages and the Trust Fund shall not accept any contributions made under any agreement or contract, which provides for contributions in excess of 12% of scale wages.

- (b) **Article 3 is amended by deleting subsection 3.03(a) and replacing it with the following:**

- (a) (i) **For Pensionable Service After April 30, 2006**

The monthly amount of the Normal Pension is \$3.70 for each \$100 of Contributions up to 10% of scale wages made to the Fund on the Member's behalf that were in respect of pensionable service after April 30, 2006. The monthly amount of the Normal Pension is \$2.00 for each \$100 of Contributions between 10% and 12% of scale wages made to the Fund on the Member's behalf that were in respect of pensionable service after April 30, 2006.

(ii) **For Pensionable Service After December 31, 1991 and Before May 1, 2006**

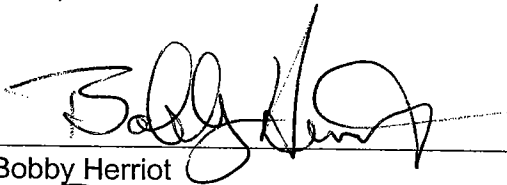
The monthly amount of the Normal Pension is \$3.70 for each \$100 of Contributions made to the Fund on the Member's behalf that were in respect of pensionable service after December 31, 1991 and before May 1, 2006.


(iii) **For Pensionable Service Before January 1, 1992**


The monthly amount of the Normal Pension is \$3.80 for each \$100 of Contributions made to the Fund on the Member's behalf that were in respect of pensionable service before January 1, 1992.

DATED AT Toronto this 23rd day of May, 2006.

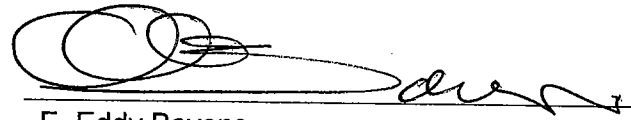

Witness


Bobby Herriot


Witness


Denis Bernier



Witness



E. Eddy Bayens

Witness

Pierre Racicot


Witness


Stanley Shortt


Witness


John Sinclair