

# Legal lessons in plan member communications

APRIL 1, 2019 1 MIN READ

## Related Expertise

- [Employment and Labour](#)
- [Pensions and Benefits](#)

Author: Jana Steele

While employers may understand that the legal framework for pensions generally includes pension standards laws, the *Income Tax Act*, common law and plan documents, they may not be aware that member communications can also be a part of this complex legal matrix — and that issues related to member communications may lead to potential legal risk, irrespective of the nature of the communications.

In her recent article “Legal lessons in plan member communications” published in *Plans & Trusts*, [Jana Steele](#), a partner in Osler’s [Pensions and Benefits Group](#), provides helpful information and considerations for employers regarding the possible legal implications of member communications, such as member booklets, plan summaries, annual statements and other administrative communications.

Using examples from relevant jurisprudence, Jana discusses the main categories of legal claims related to member communications, which include negligent misrepresentation/breach of fiduciary duty to communicate; creation or modification of contractual rights; and breach of statutory requirements. She also provides key takeaways and best practices regarding member communications based on learnings from the case law.

For more information, [login to the International Foundation of Employee Benefit Plans’ website](#) to read Jana’s full article “Legal lessons in plan member communications” published in *Plans & Trusts*, Vol. 37, No. 2, March/April 2019 edition, pages 9-13.