

Wind-up Guide

Guide to Assist the Resource Productivity and Recovery Authority in Evaluating an Industry Funding Organization Wind-Up Plan

Revised May 7, 2018



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Introduction

Resource Productivity and Recovery Authority (“RPRA” or the “Authority”) will be overseeing the wind-up of Ontario’s four waste diversion programs operated by Industry Funding Organizations (“IFOs”), consisting of Used Tires (“UT”), Waste Electrical and Electronic Equipment (“WEEE”), Blue Box (“BB”), and Municipal Hazardous or Special Waste (“MHSW”) when wind-up is directed by the Minister of the Environment and Climate Change (the “Minister”).

Each IFO will be expected to prepare and submit a Wind-Up Plan (the “Plan”) that addresses the items required by the *Waste Diversion Transition Act, 2016*, its regulations and communications from the Minister as interpreted by this Wind-Up Guide (the “Guide”). Following the submission of the Plan, the Authority will use the Guide to support evaluation of the IFO Wind-Up Plan.

This Guide is subject to change as additional information becomes available.

This Wind-up Guide is subject to the provisions of the *Waste Diversion Transition Act, 2016*, any regulations made thereunder, direction from the Minister to an IFO and any related policy direction issued by the Minister to the Authority. Nothing in this Wind-Up Guide fetters the discretion of the Minister or the Registrar in the exercise of their statutory authority or the Board of Directors of the Authority in approving or not approving a Wind-Up Plan.

Background

On June 9, 2016, Bill 151, An Act to enact the *Resource Recovery and Circular Economy Act, 2016* (“RRCEA”) and the *Waste Diversion Transition Act, 2016* (“WDTA”) received Royal Assent. This new legislation – called the *Waste-Free Ontario Act, 2016* – is designed to replace the *Waste Diversion Act, 2002* (“WDA”) with a new producer responsibility framework that makes producers individually responsible and accountable for their products and packaging at end of life. Upon proclamation of the *Waste-Free Ontario Act, 2016* on November 30, 2016, Waste Diversion Ontario became the Authority.

The Authority is responsible for developing and operating an electronic registry to effectively monitor producer performance and for compliance, including enforcement of producer requirements established by the Minister of the Environment and Climate Change. The Authority will collect fees to cover its costs.

The Authority is also responsible for oversight and compliance of the existing programs established under the WDA and continued under the WDTA until all programs have been wound-up. Under the WDTA, once an IFO receives written direction from the Minister to wind-up a waste diversion program, in full or in respect of a designated waste, and to wind-up the IFO itself, it shall develop a plan in accordance with the Act and submit this plan to the Authority for approval (the “Plan”).

Overall Guidelines

Per Section 14(12) of the WDTA, the Plan for each IFO must include:

1. A description of the designated waste that will no longer be included in the program;
2. A description of how the program will be operated while the plan is being implemented;
3. A proposed timeline according to which key aspects of the plan will be implemented;
4. A proposal for dealing with the affected assets, liabilities, rights and obligations of any affected industry funding organization;
5. A proposal for transferring or sharing data that is within the industry funding organization's custody or control and that relates to the waste that will no longer be included in the program;
6. A description of changes to the program that are anticipated to be necessary to implement the plan; and
7. Any other information the Minister specifies.

In developing this Plan, pursuant to sections 14(13) and 14(14) of the WDTA both the IFO and the Authority are required to independently consult with:

1. Representatives of municipalities;
2. Representatives of persons who are designated as stewards under the rules made by an industry funding organization under the WDTA section 33 or a regulation made under the WDTA subsection 73 (3) in respect of the designated waste to which the waste diversion program applies; and
3. Any other persons the industry funding organization or the Authority considers to be affected by the wind-up.

Wind-Up Guide Methodology

This Wind-Up Guide has been designed to assist the Authority in evaluating an IFO's Plan. The Guide can also be used by an IFO to inform its approach to developing its Plan to assist in capturing all relevant items and critical elements.

The Guide has been designed as follows:

Aspects

Thirteen areas have been identified as critical elements in a Wind-Up Plan, referred to as "Aspects". Each one of the Aspects must be sufficiently addressed as part of each IFO's Plan for the Plan to be considered complete and acceptable to the Authority.

The Aspects are as follows:

1. Operating Plan
2. Implementation Plan and Timeline
3. Communication with Stakeholders
4. Financial Forecast and Budget
5. Assets
6. Liabilities
7. Cut-Off
8. Reserves
9. Data
10. Human Resources
11. Legal
12. Tax
13. Management of Other Risks

Criteria

For each Aspect, a series of Criteria have been described that form the main basis of evaluation of the Plan. Each Criterion addresses critical issues, based on the specific operating environment and related considerations for the IFOs, that may arise as part of the wind-up. Each of the Criteria (A, B, C, etc.) must be addressed in a Wind-Up Plan in order for the Plan to be considered complete.

Guidelines

The Guidelines have been included to provide more detail on the considerations, supporting analysis, and attributes that should be included (as applicable) in a Plan to effectively address each Criterion. The Guidelines should not be considered as a finite list of items to be addressed to develop a complete Wind-Up Plan but provide insights into the development of the Aspects and Criteria and what may be considered to be an acceptable

approach to address each Aspect and related Criteria.

This Guide including the Aspects, Criteria and Guidelines are subject to change as additional information becomes available.

Evaluation Metrics

Each Aspect and the related Criteria will be evaluated in accordance with the key business and regulatory considerations of the Authority. This Guide includes the following rating methodology for evaluating how the Plan addresses each of the Criteria:

1. Satisfactory – All elements of the Criteria for an Aspect were sufficiently addressed to meet the expectations of the Authority.
2. Partially Satisfactory – All elements of the Criteria for an Aspect were addressed, but some were not sufficiently addressed to meet the expectations of the Authority.
3. Unsatisfactory – Not all elements of the Criteria were addressed, or elements of the Criteria were not sufficiently addressed to meet the expectations of the Authority.

Guiding Principles

The following principles (the “Guiding Principles”) guide the Authority’s evaluation of each Aspect of an IFO’s Wind-Up Plan.

1. Fair and Equitable

The Plan must be fair and equitable. The implementation steps and procedures must be designed without favoritism or discrimination towards any stakeholder or group of stakeholders.

The Plan must be cost effective and efficient, while preserving and promoting competition and equal opportunity in the Ontario marketplace.

The interests of current and future consumers must be considered in the Plan approach.
2. Minimal Impact to Stakeholders

The Plan must minimize disruption to stakeholders during wind-up.

The Plan must provide that the IFO continues to abide by the relevant rules and regulations and applicable legal framework throughout the wind-up.

To the extent that there are credits/reserves/refunds/excess cash balances (“Excess Funds”), these Excess Funds must be allocated to the steward who paid the original fee that gave rise to those Excess Funds, in accordance with the applicable laws governing the transaction and to the extent feasibly possible.
3. Defined and Measurable Scope

The scope of the Plan must adequately address each requirement under Section 14 of the WDTA, Minister’s directives and applicable regulations, be clearly defined and applicable in practice.

The Plan must identify benchmarks and timelines to evaluate progress and determine completion. Financial implications of the Plan, such as costs or liabilities, must be appropriately estimated and assumptions identified.
4. Transparency

The public and affected stakeholders, including stewards, municipalities and service providers, must receive transparent communication during the development and implementation of the Plan.

Stakeholders must be consulted and have opportunities for meaningful engagement during the development of the Plan. The Plan must be clear and understandable to

- provide all stakeholders with predictability of actions, ability to monitor implementation and necessary knowledge to actively engage.
5. Commercial Reasonability The assets, liabilities, rights and obligations of the IFO must be dealt with in a commercially reasonable manner. Actions proposed in the Plan must be consistent with equitable access to assets, where appropriate, maximizing value for assets and mitigating liabilities and ongoing costs in respect of the IFO and Program, while acting in accordance with applicable laws and regulations.
6. Integrity and Protection of Data Data and information that are in the control or custody of the IFO shall be safeguarded and used solely for purposes of the operations of the IFO and Program during wind-up. Transfer of data to the Authority shall be managed to maintain data integrity and accessibility.
7. Independence and Professionalism Independence and professionalism must be maintained by all members of the IFO Board and by IFO management, staff and consultants.
- The Plan must be in accordance with all legal frameworks for the operation of the IFO and Program, including applicable laws, rules and regulations.
- The IFO shall prevent any real, potential or apparent conflict of interest when developing and implementing the plan.
8. Fiscal Responsibility and Operating Performance Targets must be achieved, or actual performance must be maintained or exceeded, whichever is higher, until the Program ceases to operate. Spending must be limited to necessary program expenditures and must be strictly controlled during and prior to the wind-up. All sources and uses of funds must be clearly outlined and reasonably supported in the Plan.
- Where relevant, accounting measures in the Plan must be consistent with the pre-wind-up basis of accounting applied by the IFO, including consistency with generally accepted accounting principles.

Definitions

General Definitions

Authority means the Resource Productivity and Recovery Authority continued under Part III of the RRCEA.

Budget means a summary of the total costs expected to be incurred as a result of performing the wind-up.

Collectors are responsible for accepting and storing waste until it can be picked up by haulers.

Closure Date is the date that program operations will cease as set out in the Minister's letter.

Designated Waste is waste identified by the Minister of the Environment and Climate Change as requiring a Wind-Up Plan.

Forecast means the weekly and/or monthly cash flow forecast for the wind-up period.

Government means the government of Ontario.

Haulers are responsible for picking up waste from collector sites and delivering it to processors (also known as transporters).

Industry Funding Organization or **IFO** has the meaning set out in section 2 of the *Waste Diversion Transition Act, 2016*, namely a corporation continued under section 15 of the *Waste Diversion Transition Act, 2016* as an industry funding organization that is designated for a waste diversion program.

Industry Stewardship Organization means an organization that operates an industry stewardship plan continued under section 36 of the *Waste Diversion Transition Act, 2016* or approved under section 37 of the *Waste Diversion Transition Act, 2016*.

Minister means the Ontario Minister of the Environment and Climate Change or such other member of the Executive Council as may be assigned the administration of the *Waste Diversion Transition Act, 2016* under the *Executive Council Act*.

Plan means the Wind-Up Plan submitted by an IFO, detailing the step by step process to wind-up the Program and the IFO.

Plan Submission Date is the date that the Plan is due to be submitted to the Authority as set out in the Minister's letter.

Processors are responsible for receiving the collected material and preparing it for conversion into recycled products.

Program means the system that is operated by the IFO including Used Tires ("UT"), Waste Electrical and Electronic Equipment ("WEEE"), Blue Box ("BB"), and Municipal Hazardous or Special Waste ("MHSW").

RPRA means the Resource Productivity and Recovery Authority.

Resource Recovery means the extraction of useful materials or other resources from things that might otherwise be waste, including through reuse, recycling, reintegration, regeneration or other activities.

RRCEA refers to the *Resource Recovery and Circular Economy Act, 2016*.

Steward means a person who is designated as a steward under the rules made by an IFO under the WDTA section 33 or a regulation made under subsection 73 (3) of the WDTA in respect of the designated waste to which the waste diversion program applies.

Waste Reduction means the minimization of waste generated at the end of life of products or packaging, including through activities related to design and manufacturing.

WDTA refers to the *Waste Diversion Transition Act, 2016*.

WDA refers to the *Waste Diversion Act, 2002*.

Wind-Up Start Date is the date on which the Plan is approved by the Authority.

Ontario Tire Stewardship (“OTS”) Definitions

RPMs means Recycled Product Manufacturers (RPMs) that manufacture raw materials into recycled products such as sports fields, playground surfacing and rubberized asphalt.

UT means Used Tires.

Stewardship Ontario (“SO”) Definitions

BB means Blue Box.

CSSA refers to Canadian Stewardship Services Alliance, a not-for-profit service provider under a services agreement with SO.

MHSW means Municipal Hazardous or Special Waste.

Ontario Electronic Stewardship (“OES”) Definitions

EPRA refers to Electronic Products Recycling Association, a not-for-profit service provider under a services agreement with OES.

WEEE means Waste Electrical or Electronic Equipment.

Aspects, Criteria and Guidelines

Note that any and all confidential information must be provided to the Authority as confidential appendices to the Plan and are to be excluded from the publicized Plan.

1. Operating Plan
2. Implementation Plan and Timeline
3. Communication with Stakeholders
4. Financial Forecast and Budget
5. Assets
6. Liabilities
7. Cut-Off
8. Reserves
9. Data
10. Human Resources
11. Legal
12. Tax
13. Management of Other Risks

Aspects	Criteria	Guidelines
1. Operating Plan	<p>1.1 Operating Plan</p> <p>A. The Plan must outline how the Program will be operated during the wind-up with minimal disruption to the public and stakeholders</p> <p>B. The Plan must outline how the IFO plans to meet its reporting obligations during program wind-up and during corporation wind-up.</p>	<p>1.1 Operating Plan</p> <p>A. The Plan should include a detailed, step-by-step operating plan which includes the following:</p> <ol style="list-style-type: none"> 1. A list of the designated waste that will be covered by the Plan as directed by the Minister (note that the Plan should describe all designated waste included in the Program when the Program commenced including identification of any designated waste currently managed by an industry stewardship plan); 2. A description of the operational changes that will be made to the current Program to effect the wind-up, with an aim to minimize the impact of the wind-up on the public and stakeholders; 3. An explanation as to how the IFO plans to ensure that services will be offered without disruption to the public and stakeholders; 4. Activities to deliver program performance or achieve targets (whichever is higher); 5. A timeline with clear, precise dates as to when all key functions will end, how cut-off will be determined, the expected date of corporate wind-up, and any other relevant facts; and 6. Details to address all components of the IFO's day to day operations. <p>B. The Plan should outline how the IFO plans to meet its reporting obligations during the wind-up, including the expected timing for the final annual report with audited financial statements.</p>

Aspects	Criteria	Guidelines
OTS	<p>1.2 Rules</p> <p>A. Provide revised Rules for Stewards for the wind-up period and submit the Rules to the Authority for review prior to being published and then for approval in accordance with the RPRA-OTS Program Agreement.</p> <p>1.3 Targets and Performance</p> <p>A. Program must continue to meet current performance levels and achieve or exceed targets, whichever is higher, throughout wind-up.</p>	<p>1.2 Rules</p> <p>A. The Plan should include a draft version of the revised Rules for Stewards to govern stewards during the wind-up period.</p> <p>1.3 Targets and Performance</p> <p>A. The Plan should deliver current program performance or targets, whichever is higher. When determining current program performance, the previous annual report shall be used.</p>

Aspects	Criteria	Guidelines
OTS	<p>1.4 Educational Programs</p> <p>A. Educational programs/initiatives must be identified and a plan must be developed for their wind-up.</p> <p>1.5 Market Development</p> <p>A. Market development initiatives/programs must be identified and a plan must be developed for their wind-up.</p> <p>B. All studies, reports, data, market information that have been collected, compiled or funded by the IFO must be transferred to the Authority.</p>	<p>1.4 Educational Programs</p> <p>A. The Plan should describe the educational programs/initiatives that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these programs, including how the Plan will ensure that the funds are used for their designated purpose or be managed as Excess Funds. Programs should include:</p> <ol style="list-style-type: none"> 1. Rethink Tires Road Trip; 2. Retail Rebate Program; and 3. Student Design Challenge. <p>1.5 Market Development</p> <p>A. The Plan should describe the investments and/or partnerships that are currently in place and should outline how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these investments, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds.</p> <p>B. The Plan should describe how the IFO will ensure that all studies, reports, data, and market information that have been collected, compiled or funded by the IFO will be transferred to the Authority during the wind-up.</p>

Aspects	Criteria	Guidelines
OES	<p>1.2 Rules</p> <p>A. Provide revised Rules for Stewards for the wind-up period and submit the Rules to the Authority for review prior to being published and then for approval in accordance with the RPRA-OES Program Agreement.</p>	<p>1.2 Rules</p> <p>A. The Plan should include a draft version of the revised Rules for Stewards to govern stewards during the wind-up period.</p>
	<p>1.3 Targets and Performance</p> <p>A. Program must continue to meet current performance levels and achieve or exceed targets, whichever is higher, throughout wind-up.</p>	<p>1.3 Targets and Performance</p> <p>The Plan should deliver current program performance or targets, whichever is higher. When determining current program performance, the previous annual report shall be used.</p>
OES	<p>1.4 Educational Programs</p> <p>A. Educational programs/initiatives must be identified and a plan must be developed for their wind-up.</p>	<p>1.4 Educational Programs</p> <p>A. The Plan should describe the educational programs/initiatives that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these programs, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds. Programs should include:</p> <ol style="list-style-type: none"> 1. Digital marketing;

Aspects	Criteria	Guidelines
	<p>1.5 Market Development</p> <p>A. Market development initiatives/programs must be identified and a plan must be developed for their wind-up.</p> <p>B. All studies, reports, data, market information that have been collected, compiled or funded by the IFO must be transferred to the Authority.</p>	<p>2. Science center exhibits;</p> <p>3. Elementary school events;</p> <p>4. Free downloadable curriculum; and</p> <p>5. University campus tour.</p> <p>1.5 Market Development</p> <p>A. The Plan should describe the investments and/or partnerships that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these investments, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds.</p> <p>B. The Plan should describe how the IFO will ensure that all studies, reports, data, and market information that have been collected, compiled or funded by IFO will be transferred to the Authority during the wind-up.</p>
<p>SO – Blue Box</p>	<p>1.2 Rules</p> <p>A. Provide revised Rules for Stewards for the wind-up period and submit the Rules to the Authority for review prior to being published and then for approval in accordance with the RPRA-SO Program Agreement for Blue Box</p>	<p>1.2 Rules</p> <p>A. The Plan should include a draft version of the revised Rules for Stewards to govern stewards during the wind-up period.</p>

Aspects	Criteria	Guidelines
	Waste.	
	1.3 Targets and Performance	1.3 Targets and Performance
	A. Program must continue to meet current performance levels and achieve or exceed targets, whichever is higher, throughout wind-up.	A. The Plan should deliver current program performance or targets, whichever is higher. When determining current program performance, the previous annual report shall be used.
	1.4 Educational Programs	1.4 Educational Programs
	A. Educational programs/initiatives must be identified and a plan must be developed for their wind-up.	A. The Plan should describe the educational programs/initiatives that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these programs, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds. Programs should include: <ol style="list-style-type: none"> 1. Out of home and transit advertising; and 2. Focus on bathroom packaging.
SO – Blue Box	1.5 Market Development	1.5 Market Development
	A. Market development initiatives/programs must be identified and a plan must be developed for their wind-up.	A. The Plan should describe the investments and/or partnerships that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these investments, including how the Plan will ensure that the funds or assets are used for their designated purpose or be

Aspects	Criteria	Guidelines
	<p>B. All studies, reports, data, market information that have been collected, compiled or funded by the IFO must be transferred to the Authority.</p>	<p>managed as Excess Funds.</p> <p>B. The Plan should describe how the IFO will ensure that all studies, reports, data, and market information that have been collected, compiled or funded by IFO will be transferred to the Authority during the wind-up.</p>
<p>SO – MHSW</p>	<p>1.2 Rules</p> <p>A. Provide revised Rules for Stewards for the wind-up period and submit the Rules to the Authority for review prior to being published and then for approval in accordance with the RPRA-SO Program Agreement for MHSW.</p>	<p>1.2 Rules</p> <p>A. The Plan should include a draft version of the revised Rules for Stewards to govern stewards during the wind-up period.</p>
<p>SO – MHSW</p>	<p>1.3 Targets and Performance</p> <p>A. Program must continue to meet current performance levels and achieve or exceed targets, whichever is higher, throughout wind-up.</p>	<p>1.3 Targets and Performance</p> <p>The Plan should deliver current program performance or targets, whichever is higher. When determining current program performance, the previous annual report shall be used.</p>

SO – MHSW

1.4 Educational Programs

- A. Educational programs/initiatives must be identified and a plan must be developed for their wind-up.

1.5 Market Development

- A. Market development initiatives/programs must be identified and a plan must be developed for their wind-up.

- B. All studies, reports, data, market information that have been collected, compiled or funded by the IFO must be transferred to the Authority.

1.4 Educational Programs

- A. The Plan should describe the educational programs/initiatives that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these programs, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds. Programs should include:
 1. Positives outweigh negatives battery campaign;
 2. Out of home & transit campaigns;
 3. Radio;
 4. Weather network advertising; and
 5. Municipality resources and downloads.

1.5 Market Development

- A. The Plan should describe the investments and/or partnerships that are currently in place and how they will be wound-up. Reference should be made to the use of funding and/or restricted assets for these investments, including how the Plan will ensure that the funds or assets are used for their designated purpose or be managed as Excess Funds.

- B. The Plan should describe how the IFO will ensure that all studies, reports, data, and market information that have been collected, compiled or funded by IFO will be transferred to the Authority during the wind-up.

Evaluation Metrics

- Satisfactory:** The Plan includes a detailed and complete operating plan that describes how the IFO will continue operations throughout the wind-up to minimize disruption to the public and stakeholders. The operating plan adequately addresses all of the five key components listed above, including how the IFO will maintain current performance or achieve targets (whichever is higher), while winding up educational and market development programs and remaining in compliance with the program agreement. Operating plan is detailed, complete, and reasonable.
- Partially Satisfactory:** The Plan includes a detailed and partially complete operating plan that describes how the IFO will continue operations throughout the wind-up to minimize disruption to the public and stakeholders. The operating plan adequately addresses at least three of the five key components listed above, including how the IFO will maintain current performance or achieve targets (whichever is higher), while winding up educational and market development programs and remaining in compliance with the program agreement. Operating plan is not complete and/or reasonable.
- Unsatisfactory:** The Plan does not include a detailed and/or complete operating plan, adequately addresses less than three of the five key components listed above, and/or does not include plans to maintain current performance or achieve targets (whichever is higher). Operating plan is not complete and/or reasonable.

Aspects	Criteria	Guidelines
<p>2. Implementation Plan and Timeline</p>	<p>2.1 Implementation Plan and Timeline</p> <p>A. The Plan must include a detailed timeline for execution of the Plan that:</p> <ul style="list-style-type: none"> • Includes milestone check-ins for status updates. • includes performance metrics to measure completion. • identifies personnel responsible for each task included in the timeline. • identifies a project manager to manage and oversee the wind-up. • includes all major components of the operating plan, post-program wind-up activities, Forecast and Budget. • includes the last date for which each key transaction in the business cycle will take place (as discussed in the Cut Off Aspect below), both pre and 	<p>2.1 Implementation Plan and Timeline</p> <p>A. The Plan should include a detailed, step-by-step timeline for execution of the wind-up including implementation dates, touchpoints, and hard deadlines for completion of tasks. The wind-up of operations should be completed on the date specified by the Minister and the wind-up of the corporation should be completed on the earliest date that is feasibly possible in accordance with the regulations.</p> <p>The Plan should define milestones and should provide for regular check-ins with the Authority to discuss status and potential issues.</p> <p>The Plan should include a description of the performance metrics that will be used to measure performance in accordance with the timeline.</p> <p>The timeline should include a description of the personnel responsible for completion of the tasks by the deadline.</p> <p>The Plan should provide for a project manager who is responsible for overseeing the progress of the wind-up including tracking progress of the Plan as a whole and providing progress reports against key performance indicators.</p> <p>The timeline should include all major components of the operating plan and the other Aspects and should be consistent with the Forecast and Budget.</p> <p>The timeline should include the last date for which each key transaction in the business operating cycle (finance,</p>

Aspects	Criteria	Guidelines
	<p>post-program wind-up.</p> <p>B. The Plan must identify how the IFO will comply with regulations under the WDTA as they pertain to a wind-up.</p> <p><i>*Consider whether a Liquidator is necessary to perform this role.</i></p>	<p>operational, regulatory, finance, etc.) will take place, both pre and post program wind-up, including when these dates will be communicated to stakeholders.</p> <p>B. The Plan should address how the IFO intends to comply with the regulations under the WDTA and the Corporations Act as they pertain to a wind-up, specifically referring to the nature and type of wind-up and whether a third-party liquidator will be engaged or assigned. Revisions may be required to the Plan if new information becomes available</p>

Aspects	Criteria	Guidelines
OTS	<p>2.2 Key Dates</p> <ul style="list-style-type: none"> A. The Plan must be submitted to the Authority at the required due date. B. The Plan must include key dates for the start and completion of each wind-up task, completion of wind-up of the program and expected completion of wind-up of the IFO. 	<p>2.2 Key Dates</p> <ul style="list-style-type: none"> A. The Plan must be submitted to the Authority at the required due date. B. Key dates are as follows: <ol style="list-style-type: none"> 1. The Plan should be submitted to the Authority no later than November 30, 2017; and 2. The Plan should specify how OTS will initiate the wind-up process when the Plan is approved by the Authority and cease Program operations by December 31, 2018. The expected timing of the IFO wind-up should be included the Plan.
	2.3 Other	<p>2.3 Other</p> <ul style="list-style-type: none"> A. In addition to the above guidelines, the timeline should reflect: <ol style="list-style-type: none"> 1. The termination notice periods specified in the agreements with collectors, haulers, processors and RPMs; 2. Collector, hauler, processor and RPM activity deadlines; 3. Reporting and claims submission deadlines for collectors, haulers, processors and RPMs; 4. Stewards' reporting and payment deadlines; and 5. OTS deadlines for claims processing.

Aspects	Criteria	Guidelines
OES	<p>2.2 Key Dates</p> <ul style="list-style-type: none"> A. The Plan must be submitted to the Authority at the required due date. B. The Plan must include key dates for the start and completion of each wind-up task, completion of wind-up of the program and expected completion of wind-up of the IFO. 	<p>2.2 Key Dates</p> <ul style="list-style-type: none"> A. The Plan must be submitted to the Authority at the required due date. B. Key dates are as follows: <ol style="list-style-type: none"> 1. The Plan should be submitted to the Authority no later than the Plan submission date specified by the Minister; and 2. The Plan should specify how OES will initiate the wind-up process when the Plan is approved by the Authority and cease Program operations by the Closure Date. The expected timing of the IFO wind-up should be included the Plan.
	2.3 Other	<p>2.3 Other</p> <ul style="list-style-type: none"> A. In addition to the above guidelines, the timeline should reflect: <ol style="list-style-type: none"> 1. The termination notice periods specified in the agreements with stewards, collectors, transporters, recyclers/processors and reusers/refurbishers; 2. Collectors, transporters, recyclers/processors and reusers/refurbishers activity deadlines; 3. Reporting and claims submission deadlines for collectors, transporters, recyclers/processors and reusers/refurbishers; 4. Stewards' reporting and payment deadlines; and 5. OES deadlines for claims processing.

Aspects	Criteria	Guidelines
SO – Blue Box	<p>2.2 Key Dates</p> <p>A. The Plan must be submitted to the Authority at the required due date.</p> <p>B. The Plan must include key dates for the start of each wind-up task, completion of wind-up of the program and expected completion of wind-up of the IFO.</p>	<p>2.2 Key Dates</p> <p>A. The Plan must be submitted to the Authority at the required due date.</p> <p>B. Key dates are as follows:</p> <ol style="list-style-type: none"> 1. The Plan should be submitted to the Authority no later than the Plan submission date specified by the Minister; and 2. The Plan should specify how SO will initiate the wind-up process when the Plan is approved by the Authority and cease Program operations by the Closure Date. The expected timing of the IFO wind-up should be included the Plan.
	2.3 Other	<p>2.3 Other</p> <p>A. In addition to the above guidelines, the timeline should reflect:</p> <ol style="list-style-type: none"> 1. Stewards reporting and payment deadlines; and 2. SO deadlines for payments to municipalities.

Aspects	Criteria	Guidelines
SO – MHSW	<p>2.2 Key Dates</p> <p>A. The Plan must be submitted to the Authority at the required due date.</p> <p>B. The Plan must include key dates for the start of the wind-up, completion of wind-up of the program and expected completion of wind-up of the IFO.</p>	<p>2.2 Key Dates</p> <p>A. The Plan must be submitted to the Authority at the required due date.</p> <p>B. Key dates are as follows:</p> <ol style="list-style-type: none"> 1. The Plan should be submitted to the Authority no later than the Plan submission date specified by the Minister; and 2. The Plan should specify how SO will initiate the wind-up process when the Plan is approved by the Authority and cease Program operations by the Closure Date. The expected timing of the IFO wind-up should be included the Plan.
	2.3 Other	<p>2.3 Other</p> <p>A. In addition to the above guidelines, the timeline should reflect:</p> <ol style="list-style-type: none"> 1. The termination notice periods specified in the agreements with collectors, transporters and recyclers/processors; 2. Collectors, recyclers/processors, and transporters activity deadlines; 3. Reporting and claims submission deadlines for collectors, transporters and recyclers/processors; 4. Stewards’ reporting and payment deadlines; and 5. SO deadlines for claims processing.

Evaluation Metrics

- Satisfactory: The Plan includes a comprehensive, step-by-step timeline that outlines exactly what the IFO intends to do at which dates to effectively wind-up operations. The Plan includes benchmarks and completion deadlines to ensure the process remains on track. The Plan assigns (or provides for) a project manager to oversee the wind-up process.
- Partially Satisfactory: The Plan includes a timeline that outlines some components of the wind-up plan but does not include all relevant tasks and/or dates. The Plan adequately addresses two of the three Criteria.
- Unsatisfactory: The Plan does not include a timeline or includes a timeline that adequately addresses only one of the three Criteria.

Aspects	Criteria	Guidelines
<p>3. Communication with Stakeholders</p>	<p>3.1 Consultation with Stakeholders</p> <p>A. While developing the Plan, IFOs must consult with stakeholders.</p>	<p>3.1 Consultation with Stakeholders</p> <p>A. In developing the Plan, IFOs should consult with the following stakeholders at a minimum:</p> <ol style="list-style-type: none"> 1. Representatives of municipalities; 2. Stewards; and 3. Any other person the IFO considers to be affected (e.g. service providers, industry associations, ENGOs and consumer groups) by the wind-up. <p>The Plan should be accompanied by a separate report setting out the results of consultation with stakeholders during development of the Plan.</p>
	<p>3.2 Communication with Stakeholders</p> <p>A. The Plan must include a comprehensive plan for ongoing communication with stakeholders during implementation of the Plan.</p> <p>B. The communication plan must include details on the method and timing of communication during implementation of the Plan.</p> <p>C. The communication plan must provide a</p>	<p>3.2 Communication with Stakeholders</p> <p>A. The Plan should include a comprehensive plan for communicating with all stakeholders (listed in A above) outlining the following:</p> <ol style="list-style-type: none"> 1. A grouping of stakeholders into categories for the relevant communications; and 2. A general description of the communication plan for each of the stakeholder groups, with an emphasis on timely, relevant and transparent information. <p>B. The Plan should include details on the method and timing of communication as follows:</p> <ol style="list-style-type: none"> 1. The Plan should outline the proposed method of communication (e.g. press release, website, email,

Aspects	Criteria	Guidelines
	<p>forum for interaction with stakeholders during implementation of the Plan.</p>	<p>phone call) with each stakeholder group, and include templates where possible;</p> <ol style="list-style-type: none"><li data-bbox="1058 342 1875 407">2. The Plan should outline the steps to be taken to reach all or the majority of stakeholders; and<li data-bbox="1058 440 1875 505">3. Communication activities should be included in the Plan timeline. <p>C. The Plan should provide a forum for each stakeholder group to raise questions/comments/concerns. The Plan should outline how the IFO will respond to stakeholder questions/comments/concerns within a reasonable timeframe.</p>

Aspects	Criteria	Guidelines
<p>3. Communication with Stakeholders</p>	<p>3.3 Audits/Review Engagements</p> <p>A. The Plan must identify operational audit(s) and/or review engagements to be conducted during the wind-up.</p> <p>B. The Plan must identify Steward audit(s) and/or review engagements to be conducted during the wind-up.</p> <p>C. The Plan must include the preparation of an annual report for each year that the IFO continues to operate, including the final year of corporation wind-up.</p> <p>D. The Plan must provide for a final financial audit for each year that the IFO continues to operate, including at the end of the wind-up.</p>	<p>3.3 Audits/Review Engagements</p> <p>A. The Plan should identify where and when operational audit(s) or review engagements will be required during the wind-up and what framework will be used to perform the audit and/or review.</p> <p>B. The Plan should identify when Steward audit(s) or review engagements will be conducted during the wind-up. The Plan should describe anticipated Steward non-compliance.</p> <p>C. The Plan should provide for the preparation of an annual report for each year that the IFO continues to operate, including the final year of corporation wind-up. Information and presentation should be consistent with prior years.</p> <p>D. The Plan should provide for an annual financial audit and a final financial audit of the program following the wind-up and of the corporation at or near the wind-up completion date.</p>

Aspects	Criteria	Guidelines
OTS	3.4 Stakeholders	3.4 Stakeholders
	A. The Plan should address all relevant stakeholders.	<p>A. The Plan should include a detailed communication plan for each of the stakeholder groups to ensure there is a transparent and clear communication of information. The stakeholders who should be consulted/communicated with include (but are not limited to) the following:</p> <ol style="list-style-type: none"> 1. Stewards; 2. Collectors; 3. Haulers; 4. Processors; 5. RPMs; 6. Municipalities; 7. Employees/staff; and 8. General public.
	3.5 Communications Mechanisms	3.5 Communications Mechanisms
	A. All methods of communication currently being deployed must continue to be deployed during the wind-up so as to reach the majority of stakeholders.	<p>A. Communication mechanisms should continue to be as follows:</p> <ol style="list-style-type: none"> 1. Regular meetings of the Technical Advisory Committee; 2. Targeted consultations/communications on specific changes or issues identified by OTS; 3. Communication and outreach through the OTS Newsletter, website and social media; and 4. Direct-to-stakeholder communications and engagement.

Aspects	Criteria	Guidelines
OES	<p data-bbox="562 250 772 282">3.4 Stakeholders</p> <p data-bbox="562 315 940 380">A. The Plan should address all relevant stakeholders.</p> <p data-bbox="562 873 814 938">3.5 Communications Mechanisms</p> <p data-bbox="562 971 940 1232">A. All methods of communication currently being deployed must continue to be deployed during the wind-up so as to reach the majority of stakeholders.</p>	<p data-bbox="1010 250 1220 282">3.4 Stakeholders</p> <p data-bbox="1010 315 1841 818">A. The Plan should include a detailed communication plan for each of the stakeholder groups to ensure there is a transparent and clear communication of information. The stakeholders who should be consulted/communicated with include (but are not limited to) the following:</p> <ol data-bbox="1058 509 1400 818" style="list-style-type: none">1. Stewards;2. Collectors;3. Haulers;4. Processors;5. Reusers;6. Municipalities;7. Employees/staff; and8. General public. <p data-bbox="1010 873 1430 906">3.5 Communications Mechanisms</p> <p data-bbox="1010 971 1841 1078">A. The Plan should provide for continuation of the Steward newsletter (currently distributed by EPRA) during the wind-up; and direct-to-stakeholder communications and engagement.</p>

Aspects	Criteria	Guidelines
SO – Blue Box	<p data-bbox="562 248 772 280">3.4 Stakeholders</p> <p data-bbox="562 313 940 386">A. The Plan should address all relevant stakeholders.</p> <p data-bbox="562 760 814 824">3.5 Communications Mechanisms</p> <p data-bbox="562 857 940 1115">A. All methods of communication currently being deployed must continue to be deployed during the wind-up so as to reach the majority of stakeholders.</p>	<p data-bbox="1010 248 1220 280">3.4 Stakeholders</p> <p data-bbox="1010 313 1843 695">A. The Plan should include a detailed communication plan for each of the stakeholder groups to ensure there is a transparent and clear communication of information. The stakeholders who should be consulted/communicated with include (but are not limited to) the following:</p> <ol data-bbox="1058 508 1696 695" style="list-style-type: none"> 1. Stewards; 2. Municipalities participating in the Datacall; 3. First Nations participating in the Datacall; 4. Employees/staff; and 5. General public. <p data-bbox="1010 760 1430 792">3.5 Communications Mechanisms</p> <p data-bbox="1010 857 1843 963">A. Plan should provide for continuation of the Steward newsletter during the wind-up; and direct-to-stakeholder communications and engagement.</p>

Aspects	Criteria	Guidelines
SO – MHSW	<p>3.4 Stakeholders</p> <p>A. The Plan should address all relevant stakeholders.</p> <p>3.5 Communications Mechanisms</p> <p>A. All methods of communication currently being deployed must continue to be deployed during the wind-up so as to reach the majority of stakeholders.</p>	<p>3.4 Stakeholders</p> <p>A. The Plan should include a detailed communication plan for each of the stakeholder groups to ensure there is a transparent and clear communication of information. The stakeholders who should be consulted/communicated with include (but are not limited to) the following:</p> <ol style="list-style-type: none"> 1. Stewards; 2. Collectors; 3. Haulers; 4. Processors; 5. Municipalities; 6. Employees/staff; and 7. General public. <p>3.5 Communications Mechanisms</p> <p>A. Plan should provide for continuation of the Steward newsletter during the wind-up; and direct-to-stakeholder communications and engagement.</p>

Evaluation Metrics

- Satisfactory: The Plan includes a detailed communication plan for all relevant stakeholder groups, including the proposed method and timing of communication for each stakeholder group.
- Partially Satisfactory: The Plan includes a detailed communication plan, however not all stakeholder groups are addressed and/or the proposed method/timing of the communication is not appropriate (i.e. sufficient time is not provided, stakeholder group is not receptive to method suggested, etc.).
- Unsatisfactory: The Plan does not include a detailed communication plan and/or the communication plan is not reasonable.

Aspects	Criteria	Guidelines
<p>4. Financial Forecast and Budget</p>	<p>4.1 Financial Forecast and Budget</p> <p>A. Prepare a cash flow forecast (the “Forecast”) which outlines the cash inflows/outflows expected to be incurred over wind-up, including notes to the Forecast.</p> <p>B. All material costs and proceeds as discussed in other Aspects are included in the Forecast.</p>	<p>4.1 Financial Forecast and Budget</p> <p>A. The Plan should include a detailed monthly Forecast outlining all material cash inflows/outflows expected to be incurred during the program wind-up and the corporation wind-up until completion with notes to outline assumptions used in the Forecast, including but not limited to:</p> <ol style="list-style-type: none"> 1. Opening cash balance; 2. Source and type of inflow; 3. Nature/type of recipient and purpose of outflow; 4. Rate and nature of financing receipts/disbursements; 5. Restricted cash flows; 6. Proceeds from the disposal of capital assets; 7. Costs to sell; 8. Tax related cash flows; 9. Employee-related costs; 10. An estimate of contingencies costs/fees; 11. Contract break-fees; 12. Management of funding shortfalls (if applicable); 13. Recipients/management of operating surpluses (if applicable); 14. Legal fees; and 15. Professional fees. <p>B. The Forecast, Budget and assumptions should be suitably supported and consistent with the IFO’s operating and communications plans. Supporting schedules should be provided to address the details set out in the other Aspects.</p>

Aspects	Criteria	Guidelines
	C. Summarize the total costs (the “Budget”) expected to be incurred as a result of performing the wind-up.	C. The Plan should include a summary of the total costs expected to be incurred (“Budget”) as a result of performing the wind-up (i.e. contract break fees, termination costs, severance payments, professional fees, etc.).
	D. Where external professionals are determined to be necessary, the Budget must include the list of fees expected to be incurred.	D. Where external professionals are deemed to be necessary and appropriate, the Plan should include a detailed listing of professionals to be engaged and the expected fees to be incurred during wind-up (including any subject-matter experts or advisors).
	E. Identify potential cash shortfalls during the period and how these will be managed/ funded (if applicable).	E. The Plan should address how cash shortfalls (if any) will be managed/funded during the wind-up with reference to the nature/type of funding, lending agents, and the cost of funds.
	F. Address how shortfalls or surplus of funds at the end of the wind-up will be funded or distributed, respectively.	F. The Plan should address how and to whom any funds remaining at the end of the wind-up will be distributed including how the distribution is in compliance with the WDTA.

Evaluation Metrics

- Satisfactory:** The Plan includes both a Forecast and a Budget which include all material, relevant cash inflows/outflows, and a breakdown of all key estimated costs to complete the wind-up. The Forecast is supported by detailed calculations and assumptions, which are reasonable and in line with historical data. The Plan addresses how any shortfall or excess funds at the end of the wind-up will be collected or distributed, respectively, and how the proposed method is in accordance with the WDTA.
- Partially Satisfactory:** The Plan includes both a Forecast and a Budget which include all material, relevant cash inflows/outflows, and a breakdown of all key estimated costs to complete the wind-up. However, the Budget and/or Forecast are lacking sufficient detail and/or the assumptions are not sufficiently detailed and/or reasonable. The Plan does not sufficiently address and/or support how any shortfall or excess funds will be managed.
- Unsatisfactory:** The Plan does not include a Forecast and/or a Budget, or the Forecast and/or Budget are not sufficiently detailed and/or are unreasonable.

Aspects

5. Assets

All material assets must be included as part of the Plan.

Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.

Criteria

5.1 Cash

- A. The Plan must include a summary of all cash and short term investments, including banking details and a proposal for how to deal with them.
- B. The Plan must identify all cash and short term assets that are incapable of rapid realization and the plan for their disposal.
- C. Monies held in trust for a specific purpose must be separately identified and dealt with in accordance with applicable laws and standards.

Guidelines

5.1 Cash

- A. The Plan and Forecast should include a summary of total cash and short term investments (i.e. the opening cash balances) along with the following details:
 - 1. Listing of each bank account and the account balance (including short term investments) including:
 - a. Bank account number;
 - b. Banking institution;
 - c. Currency; and
 - d. Type of accounts.
 - 2. The list should identify who has signing authority and access to each account, who will close each account and perform the final reconciliations and when this will occur.
- B. The Plan should separately identify any cash or short-term investment assets that cannot be easily liquidated, including a plan to liquidate them during wind-up.
- C. The Plan should address how monies held in trust will be dealt with in accordance with the WDTA. See the Reserve Aspect below for more details.

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.2 Accounts Receivable</p> <p>A. The Plan must summarize and forecast the nature and timing of all current and expected receivables.</p> <p>B. The Plan must provide support for collectability and assess reasonability of receivables included in the Forecast.</p> <p>C. The Plan must summarize steward contracts and identify issues that could arise as a result of the wind-up and address how they will be dealt with.</p>	<p>5.2 Accounts Receivable</p> <p>A. The Plan and Forecast should include receipts from the current accounts receivable listing and other forecasted receipts over the wind-up period.</p> <p>The detailed accounts receivable listing should be included as a supporting schedule, with the following details for each outstanding balance:</p> <ol style="list-style-type: none"> 1. Debtor; 2. Aging; 3. Discounts/rebates; 4. Insured/uninsured; and 5. Balance. <p>B. The Plan should address the collectability risk of each debtor and provide support for the forecasted receipts. The Plan should consider whether additional resources may be required to ensure collectability during the wind-up.</p> <p>C. The Plan should include a summary of all stewards and describe the key elements of steward contracts that would be impacted by the wind-up. The following should be included as applicable:</p> <ol style="list-style-type: none"> 1. Penalty clauses; 2. Notification periods; and 3. Transfer clauses. <p>The Plan should identify how issues (both those resulting from the wind-up and otherwise) will be dealt with as part of the wind-up.</p>

Aspects

Criteria

Guidelines

5. Assets

5.3 Prepaid Assets

5.3 Prepaid Assets

All material assets must be included as part of the Plan.

Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.

- A. The Plan must identify and summarize all prepaid and other assets.
- B. The Plan must identify and summarize all other assets and the plan for disposal.

- A. The Plan should include a listing and description of the nature, amount and timing of use of prepaid assets, including any exit/refund options identified if the period extends beyond the wind-up date.
- B. The Plan should identify and summarize all other assets and identify how they will be liquidated and/or disposed of. Note that these cash flows should be included in the Forecast.

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.4 Capital Assets</p> <p>A. The Plan must identify all capital assets.</p> <p>B. The Plan must determine valuation approach for each capital asset class.</p> <p>C. The Plan must outline the steps to dispose of the capital asset, including a detailed timeline. Cash flows from the disposal must be included in the Forecast.</p> <p>D. Specific consideration must be made to the potential impact of the wind-up on the valuation and salability of capital assets.</p>	<p>5.4 Capital Assets</p> <p>A. The Forecast should include a detailed listing of all capital assets as a supporting schedule which states (at a minimum):</p> <ol style="list-style-type: none"> 1. Cost; 2. Accumulated amortization/depreciation; 3. Net book value; 4. Description; and 5. Purchase date. <p>B. The Plan should propose the most appropriate valuation approach for each capital asset class (and/or provide the valuation), and how this value is expected to be realized over the wind-up period.</p> <p>C. The Plan should include a step-by-step plan for how each capital asset will be sold or disposed of. Items to consider are as follows:</p> <ol style="list-style-type: none"> 1. Size and description of the market being targeted; 2. How the market will be canvassed; 3. Use of an intermediary to complete sale; 4. Estimated costs to sell; 5. Evaluation of offers; 6. Costs to sell; 7. Estimated closing date or timing of completion; and 8. Estimated timing/nature of the flow of funds (i.e. cash, credit, holdbacks, etc.). <p>D. The Plan should consider the following with respect to the impact of the wind- up on capital assets:</p> <ol style="list-style-type: none"> 1. The impact of the wind-up on the valuation and salability of capital assets within the marketplace (i.e. there may be a flooding of specific capital assets in the market which could negatively impact

Aspects

Criteria

Guidelines

- their value);
- 2. Risk of inability to sell the capital assets and plan for disposal by an alternate method; and
- 3. The timeframe for the sale of the assets including the date by which the assets will be disposed of if they cannot be sold.

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.5 Leased Assets</p> <p>A. The Plan must identify all leases and related liabilities.</p> <p>B. The Plan must identify how lease contracts will be terminated in accordance with applicable laws and regulations.</p> <p>C. The Plan must aim to minimize costs through negotiations and/or notice periods.</p>	<p>5.5 Leased Assets</p> <p>A. If applicable, the Plan should provide a detailed listing of all leased assets and related liabilities, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Counterparty; 2. Length; 3. Description; 4. Prescribed Fee; 5. Date entered into; and 6. Termination fee/penalties. <p>B. The Plan should state how these leases will be terminated or ended, in accordance with the applicable laws and regulations. The cash flows relating to the leased assets, including the costs to terminate and how proceeds from their sale should be included in the Forecast.</p> <p>C. The Plan should aim to minimize costs, risk and penalties wherever possible, through the use of negotiations and notice periods. The Plan should calculate and support the expected costs (if any) to terminate leased assets and/or liabilities and include an analysis as to whether any of the agreements can be altered to avoid financial penalties.</p>

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.6 Intellectual Property (IP)</p> <p>A. The Plan must identify all IP including any studies, reports or data compiled by or on behalf of the IFO.</p> <p>B. The Plan must consider the method to transfer IP to the Authority.</p>	<p>5.6 Intellectual Property (IP)</p> <p>A. The Plan should include a detailed listing of all IP including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Useful life; 2. Legal ownership rights; 3. Book value; 4. Description; 5. Fair market value; and 6. Results of the most recent impairment test. <p>B. The Plan should consider the methods to transfer the studies, reports and/or data to the Authority.</p>

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.7 Investments</p> <p>A. The Plan must identify all types of investments (debt or equity).</p> <p>B. The Plan must determine the appropriate method of disposal to maximize recovery.</p> <p>C. The Plan must identify any transactions that will be made to related parties.</p>	<p>5.7 Investments</p> <p>A. The Plan should include a detailed schedule outlining the types of investments held by the IFO (equities, bonds, loans, mutual funds, ETFs, derivatives, etc.) including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Amount; 2. Number of units; 3. Cost; 4. Description; 5. Fair market value; and 6. Liquidity level (1, 2 or 3 in accordance with IFRS standards). <p>B. The Plan should determine the planned method and timing of disposal, with an aim to maximize recovery. Cash flows related to the sale of the investments should be included in the Forecast. Consideration should also be given to the costs to sell the investment and any related tax costs/proceeds.</p> <p>C. Transactions that are expected to be made between related and/or non-arms- length parties should be separately identified and tracked, and sales should be made at fair market value.</p>

Aspects	Criteria	Guidelines
<p>5. Assets</p> <p><i>All material assets must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>5.8 internally Restricted Assets</p> <p>A. The Plan must identify internally restricted funds and/or trusts.</p> <p>B. The Plan must determine the appropriate method for winding up that is consistent with the restricted purpose.</p> <p>Refer to the Reserve Aspect for more details.</p> <p>C. The Plan must include the source/use of the restricted funds in the Forecast and identify the recipient/nature/purpose of the source/use.</p>	<p>5.8 internally Restricted Assets</p> <p>A. The Plan should identify and summarize internally restricted assets including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Amount; 2. Cost; 3. Book value; 4. Description; 5. Fair market value; and 6. Restricted purpose. <p>B. The Plan should specifically outline how restricted assets will be wound-up or used in a manner that is fair and equitable and is in accordance with its restricted purpose (or is approved by the IFO Board).</p> <p>C. For each asset, sale and/or use of the asset should be included in the Forecast, with an explanation as to how the use of the funds and/or asset is in line with the intended purpose/mandate, rules and restrictions. If funds are expected to remain at the end of the wind-up period, the Plan should address to whom these funds will be transferred and/or how these funds will be used, who will be responsible and how this transfer is in compliance with the WDTA.</p>

Evaluation Metrics

- Satisfactory:** The Plan outlines a specific and effective approach for identification, valuation, and subsequent disposal, termination or sale of every asset, consistent with the financial statements, the WDTA and its regulations and the Minister's direction. The Plan includes engaging a valuation expert for the valuation of capital assets and/or any assets not traded in the open market.
- Partially Satisfactory:** The Plan addresses every asset consistent with the financial statements, including a plan for valuation and disposal, termination or sale, but does not provide sufficient detail about the assets (i.e. does not provide all detailed information mentioned above) or how valuation and disposal, termination or sale will be accomplished.
- Unsatisfactory:** The Plan does not address all assets, and/or does not outline a clear plan for valuation and disposal, termination or sale.

Aspects	Criteria	Guidelines
<p>6. Liabilities</p> <p><i>All material liabilities must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>6.2 Accounts Payable and Accrued liabilities</p> <p>A. The Plan must summarize and forecast the nature of current and expected payables and accrued liabilities.</p> <p>B. The Plan must provide support for the payments of payables included in the Forecast.</p> <p>C. The Plan must summarize key terms of supplier agreements with consideration given to termination dates, penalties, transfer clauses, etc. and identify issues that could arise as a result of the wind-up. Identify how these will be dealt with as part of the wind-up.</p>	<p>6.2 Accounts Payable and Accrued liabilities</p> <p>A. The Plan should include a detailed listing of current accounts payable and accrued liabilities, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Amount; 2. Due date; 3. Method of payment; and 4. Creditor name. <p>B. The Plan should provide support for the payment of forecasted payables and accrued liabilities included in the Forecast.</p> <p>C. The Plan should include a summary of key suppliers and commitments and state the key terms of the supplier agreements if they will be impacted by the wind-up. The following should be included as applicable:</p> <ol style="list-style-type: none"> 1. Termination dates; 2. Notification periods; 3. Penalties; and 4. Transfer clauses. <p>The Plan should outline how these supplier agreements will be terminated over the wind-up, in an effective and efficient manner, with an aim to minimize costs and penalties. To the extent that there are termination fees and penalties, these should be included in the Forecast.</p>

Aspects	Criteria	Guidelines
<p>6. Liabilities</p> <p><i>All material liabilities must be included as part of the Plan.</i></p> <p><i>Note that all detailed listings should be included as support schedules to the Forecast and/ or Budget discussed above.</i></p>	<p>6.2 Debt</p> <p>A. The Plan must identify and quantify all short and long term debt.</p> <p>B. The Plan must include a plan to exit and/or terminate the debt agreements, with an aim to minimize costs and penalties.</p> <p>C. The Plan must consider the impact wind-up will have on covenants, if applicable.</p> <p>D. The Plan must assess if an increase in the lending is required in the wind-up period and summarize potential bank terms and security for any increase.</p>	<p>6.2 Debt</p> <p>A. The Plan should outline all current and long term debt and provide a summary of the key terms of the agreements, including but not limited to the following details:</p> <ol style="list-style-type: none"> 1. Creditor name; 2. Maturity date; 3. Balance outstanding; 4. Interest rate; 5. Pre-payment penalties; and 6. Termination clauses. <p>Financing receipts/disbursements should be included in the Forecast.</p> <p>B. The Plan should explain how each agreement will be terminated and/or wound up, with an aim to minimize costs and penalties (through negotiations with the counterparty where possible). To the extent that there are penalties and costs, these should be included in the Forecast.</p> <p>C. The Plan should identify and calculate the impact of the wind-up on covenant calculations, as applicable, and should include this with the Forecast.</p> <p>D. The Plan should outline whether there will be a need for additional funding over the wind-up period (as shown by the Forecast), and include a plan to source the additional funding, including the nature of the funding (debt vs equity), the counterparty, the amount, and the expected terms and/or security that will be required.</p>

Evaluation Metrics

- Satisfactory:** The Plan includes a detailed listing of all liabilities, consistent with the financial statements, with identification and quantification of all payments required to satisfy each liability by the wind-up date, including a schedule of when these payments will be made. Payments required are supported by contracts and/or agreements.
- Partially Satisfactory:** The Plan includes a detailed listing of all liabilities, consistent with the financial statements, with partial identification of payments required to satisfy liabilities. Exact amounts and timing of when these payments will be made is not clear, and/or not all liabilities are addressed.
- Unsatisfactory:** The Plan does not sufficiently address how liabilities will be satisfied and/or does not calculate payments required to satisfy each liability.

Aspects	Criteria	Guidelines
7. Cut-off	7.1 Cut-off A. The Plan must define the last date for which each key step in the business cycle will be performed by the Program (the “Cut-Off Dates”) and include in the timeline discussed above. B. The Plan must include a detailed plan to deal with all inventory/waste or other (as applicable) at the Cut-Off Dates.	7.1 Cut-off A. The Plan should define the last date that each key step in the production, collection and financial cycle (i.e. collection of waste, supply of services, and payment for the waste collected, collections of fees, etc. as applicable) will be performed. The Cut-Off Dates should be set to minimize disruption to stakeholders. B. The Plan should include the following details with respect to management of inventory/waste or other (as applicable) at the Cut-Off Dates: <ol style="list-style-type: none">1. A detailed breakdown of the forecast inventory at the Cut-Off Dates with support for the calculation including detailed assumptions;2. Policies and procedures for dealing with receipts of materials immediately prior to the Cut-Off Dates;3. Production personnel requirements to complete all tasks prior to the Cut-Off Dates consistent with the Human Resources section of the Plan;4. Potential risks and damages claims that may arise as a result of the Cut-Off Dates including steps to mitigate and manage these risks; and5. How and when the IFO will communicate Cut-Off Dates to stakeholders (See Timeline Aspect above).

Aspects	Criteria	Guidelines
OTS	<p>7.2 Revenue</p> <p>A. The Plan must outline a Cut-Off Date for revenue and address how unearned revenue will be managed.</p>	<p>7.2 Revenue</p> <p>A. The Plan should outline a Cut-Off Date for fee collection, reporting of the collections, and payment of the fees. Any and all deferred revenue should be fully earned by the end of the wind-up.</p>
OES	<p>7.2 Revenue</p> <p>A. The Plan must outline a Cut-Off Date for revenue and address how unearned revenue will be managed.</p>	<p>7.2 Revenue</p> <p>A. The Plan should outline a Cut-Off Date for fee collection, reporting of the collections, and payment of the fees. Any and all deferred revenue should be fully earned by the end of the wind-up.</p>
SO- Blue Box	<p>7.2 Revenue</p> <p>A. The Plan must outline a Cut-Off Date for revenue and address how unearned revenue will be managed.</p>	<p>7.2 Revenue</p> <p>A. The Plan should outline a Cut-Off Date for fee collection, reporting of the collections, and payment of the fees. Any and all deferred revenue should be fully earned by the end of the wind-up.</p>
SO- MHSW	<p>7.2 Revenue</p> <p>A. The Plan must outline a Cut-Off Date for revenue and address how unearned revenue will be managed.</p>	<p>7.2 Revenue</p> <p>A. The Plan should outline a Cut-Off Date for fee collection, reporting of the collections, and payment of the fees. Any and all deferred revenue should be fully earned by the end of the wind-up.</p>

Evaluation Metrics

- Satisfactory:** The Plan defines all key Cut-Off Dates and manages work in progress (WIP) to ensure there is no impact to consumers' access to or use of the collection services offered by the Program. The Plan addresses how the IFO will deal with supply chain transactions after the Cut-Off Dates.
- Partially Satisfactory:** The Plan defines all key Cut-Off Dates; however, the Plan may result in some issues for consumers. The Plan addresses inventory and deferred revenue, however there is not a sufficiently detailed and/or effective strategy to deal with these issues.
- Unsatisfactory:** The Plan does not define Cut-Off Dates and/or does not address cut-off issues. The Plan does not consider inventory or deferred revenue.

Aspects	Criteria	Guidelines
8. Reserves	<p>8.1 Reserves</p> <p>A. The Plan must identify and calculate the current and expected reserve balances.</p> <p>B. The Plan must include a step-by-step plan to manage reserves during wind-up.</p> <p>C. The plan must be effective and efficient and have a \$nil balance at the end of the wind-up.</p> <p>D. The Plan must manage reserves in compliance with the WDTA and in line with</p>	<p>8.1 Reserves</p> <p>A. The Plan should include a calculation of the current and expected reserve balances (or deficits), including support for how the reserves (or deficits) were calculated. The Plan should also take into consideration reserves in relation to the operational wind up of the corporation should a program wind up occur separately and in advance of an organizational wind up.</p> <p>B. The Plan should include a detailed step-by-step plan to manage the wind up of the reserves (or deficits) including the following key details at a minimum:</p> <ol style="list-style-type: none"> 1. Stakeholders impacted; 2. Timing of drawdown/true up and/or use of the funds; 3. How the funds will be drawn down/trued up and/or used and in what proportion; 4. Method for calculating the drawdown/true up and/or use of the funds; 5. Timing and nature of payments (if any); and 6. Expected payment date. <p>C. The reserve/deficit plan should be as efficient as possible, having a \$nil balance at the completion of the wind-up. The reserves of each material category should be dealt with on an independent basis (i.e. a surplus in one material category cannot be used to offset a deficit in another material category).</p> <p>D. The Plan should identify the key risks in winding up the reserves/deficits and identify the ways in which the Plan proposes to mitigate/manage these risks, including an analysis and</p>

Aspects	Criteria	Guidelines
	the Guiding Principles.	conclusion as to how the Plan is in compliance with the WDTA and in line with the Guiding Principles.
Aspects	Criteria	Guidelines
OTS	<p>8.2 Funds</p> <p>A. The Plan must identify specific reserve funds for each material category and calculate the expected balance at the wind-up date.</p> <p>B. The Plan must determine how the reserve will be spent and distributed using a method that is in compliance with the WDTA and in line with the Guiding Principles.</p>	<p>8.2 Funds</p> <p>A. The Plan should identify and summarize the restrictions and current funding available under each of the respective funds:</p> <ol style="list-style-type: none"> 1. Operational reserve; 2. Market Development; and 3. Stabilization reserve. <p>B. The Plan should identify how the remaining funds are intended to be spent and include this as a schedule with the Forecast. If funds are expected to remain at the end of the wind-up period, the Plan should address where these funds will be transferred and/or used. The funds should be used for their intended and/or restricted purpose in a manner that is efficient and effective, in compliance with the WDTA and in line with the Guiding Principles.</p>
OES	<p>8.2 Funds</p> <p>A. The Plan must identify specific reserve funds for each material category and calculate the expected balance at the wind-up date.</p> <p>B. The Plan must determine how the reserve will be spent and distributed using a</p>	<p>8.2 Funds</p> <p>A. The Plan should identify and summarize the restrictions and current funding available in the Contingency Fund and, if applicable, identify how to apportion assets, liabilities and rights among the stewards.</p> <p>B. The Plan should identify how the remaining funds are intended to be spent and include this as a schedule with the Forecast. If funds are expected to remain at the end of the wind-up period, the Plan</p>

Aspects	Criteria	Guidelines
	<p>method that is in compliance with the WDTA and in line with the Guiding Principles.</p>	<p>should address where these funds will be transferred and/or used. The funds should be used for their intended and/or restricted purpose in a manner that is efficient and effective in compliance with the WDTA and in line with the Guiding Principles.</p>
SO- Blue Box	<p>8.2 Funds</p> <p>A. The Plan must identify specific reserve funds for each material category and calculate the expected balance at the wind-up date.</p> <p>B. The Plan must determine how the reserve will be spent and distributed using a method that is in compliance with the WDTA and in line with the Guiding Principles.</p>	<p>8.2 Funds</p> <p>A. The Plan should identify and summarize the restrictions and current funding available under each of the respective funds:</p> <ol style="list-style-type: none"> 1. Continuous Improvement Fund (CIF); 2. Sustaining Fund; and 3. Plastic Market Development Fund. <p>B. The Plan should identify how the remaining funds are intended to be spent and include this as a schedule with the Forecast. If funds are expected to remain at the end of the wind-up period, the Plan should address where these funds will be transferred and/or used. The funds should be used for their intended and/or restricted purpose in a manner that is efficient and effective, in compliance with the WDTA and in line with the Guiding Principles.</p>
SO- MHSW	<p>8.2 Funds</p> <p>A. The Plan must identify specific reserve funds for each material category and calculate the expected balance at the wind-up date.</p> <p>B. The Plan must determine how the reserve will be</p>	<p>8.2 Funds</p> <p>A. The Plan should identify and summarize the restrictions and current funding available under each of the respective funds and identify how to apportion assets, liabilities and rights among the stewards, specifically those stewards who have exited to join an ISP.</p> <p>B. The Plan should identify how the remaining funds are intended to be spent and include this as a schedule with the Forecast. If funds</p>

Aspects	Criteria	Guidelines
	<p>spent and distributed using a method that is in compliance with the WDTA and in line with the Guiding Principles.</p>	<p>are expected to remain at the end of the wind-up period, the Plan should address where these funds will be transferred and/or used. The funds should be used for their intended and/or restricted purpose in a manner that is efficient and effective, in compliance with the WDTA and in line with the Guiding Principles</p>

Evaluation Metrics

Satisfactory:	<p>The Plan explains how reserves will be managed in a fair and equitable way, in compliance with the WDTA and in line with the Guiding Principles. The Plan sets out specific timing and processes for distribution of reserves and collection of deficits.</p>
Partially Satisfactory:	<p>The Plan explains how reserves will be managed, however, insufficient information is provided, or the Plan is not fair and equitable. The Plan outlines responsibilities, timing and processes, however these attributes of the Plan are not specific and/or a preliminary calculation template for how the distribution will be calculated is not provided.</p>
Unsatisfactory:	<p>The Plan does not address reserves and/or the method suggested is not fair and equitable.</p>

Aspects	Criteria	Guidelines
9. Data	9.1 Security/Privacy A. The Plan must protect confidentiality and data integrity. B. The Plan must include a comprehensive plan for managing and maintaining IT system security during the wind-up. 9.2 Destruction A. The Plan must outline a plan for destruction of data including safeguards, communication to stakeholders, and maintaining compliance with regulations.	9.1 Security/Privacy A. The Plan should include a step-by-step approach, including processes and procedures to maintain IT system security and data accuracy and completeness during the wind-up. B. The Plan should estimate the costs associated with data security during the wind-up and include these costs in the Forecast and Budget. 9.2 Destruction A. The Plan should outline the steps required to cancel all IT contracts and to transition data to the Authority (including destruction of systems running in parallel for a period of time) at the end of the wind-up. Costs should be included in the Forecast and Budget.

Aspects	Criteria	Guidelines
9. Data	<p>9.3 Retention and Sharing</p> <p>A. The Plan must include a detailed data retention plan.</p> <p>B. The Plan must include consideration of treatment of all IT hardware, software and staff during and at the end of the wind-up.</p> <p>C. The Plan must include management of the public release of non-commercially sensitive and/or private data and information.</p> <p>D. Confidentiality must be maintained where applicable.</p>	<p>9.3 Retention and Sharing</p> <p>A. The Plan should include a detailed plan for data retention to comply with respective laws and regulations including the cost to retain such data. The Plan should specifically address how the Board of Directors will fulfill their obligations in respect of the IFO's corporate records. For data that is transferred to the Authority as part of the wind-up, retention dates should be communicated and marked.</p> <p>B. The Plan should include consideration of treatment during and at the end of the wind-up with respect to the following items:</p> <ol style="list-style-type: none"> 1. Firewalls; 2. Data encryption; 3. Use access controls; 4. Software and systems; 5. Hardware and servers; 6. IT staff; and 7. IT contracts and platforms. <p>C. The Plan should include a list of information that will be released to the public along with the method and timing of the release.</p> <p>D. Confidential information should be included as confidential appendices to the Plan and be excluded from publication. The Plan should ensure that any confidential information is protected and transferred to the Authority or appropriately destroyed as part of the wind-up process.</p>

Aspects	Criteria	Guidelines
OTS	<p>9.4 Data Transfer</p> <p>A. All data stored at OTS (or related parties) must be transferred to the Authority.</p>	<p>9.4 Data Transfer</p> <p>B. The Plan should specifically address how OTS will transfer all data to the Authority in a complete, accurate and secure manner. This transfer should ensure that any copies of data remaining at OTS (or related parties) are destroyed and therefore no long accessible to employees and others post wind-up.</p> <ol style="list-style-type: none"> 1. The Plan should outline the steps that will be taken to ensure any copies of data are destroyed and wiped (including data held by third parties where OTS is the owner); and 2. Controls should be in place to avoid replication/sharing/sale of the data, prior to and following wind-up.
OES	<p>9.4 Data Transfer</p> <p>A. All data stored at OES (or related parties) must be transferred to the Authority.</p>	<p>9.4 Data Transfer</p> <p>A. The Plan should specifically address how OES will transfer all data to the Authority in a complete, accurate and secure manner. This transfer should ensure that any copies of data remaining at OES (or related parties) are destroyed and therefore no long accessible to employees and others post wind-up:</p> <ol style="list-style-type: none"> 1. The Plan should determine when the contract with EPRA will be terminated and how this will impact data and IT; 2. The Plan should outline the steps that will be taken to ensure any copies of data are destroyed and wiped (including data held by third parties where OES is the owner); and 3. Controls should be in place to avoid replication/sharing/sale of the data, prior to and following termination of the EPRA agreement and prior to and following wind-up.

Aspects	Criteria	Guidelines
SO- Blue Box	<p>9.4 Data Transfer</p> <p>A. All data stored at SO (or related parties) must be transferred to the Authority.</p>	<p>9.4 Data Transfer</p> <p>A. The Plan should specifically address how SO will transfer all data to the Authority in a complete, accurate and secure manner. This transfer should ensure that any copies of data remaining at SO (or related parties) are destroyed and therefore no longer accessible to employees and others post wind-up:</p> <ol style="list-style-type: none"> 1. The Plan should determine when the contract with CSSA will be terminated and how this will impact data and IT; 2. The Plan should outline the steps that will be taken to ensure any copies of data are destroyed and wiped (including data held by third parties where SO is the owner); and 3. Controls should be in place to avoid replication/sharing/sale of the data, prior to and following termination of the CSSA agreement and prior to and following wind-up.
SO- MHSW	<p>9.4 Data Transfer</p> <p>A. All data stored at SO (or related parties) must be transferred to the Authority.</p>	<p>9.4 Data Transfer</p> <p>A. The Plan should specifically address how SO will transfer all data to the Authority in a complete, accurate and secure manner. This transfer should ensure that any copies of data remaining at SO (or related parties) are destroyed and therefore no longer accessible to employees and others post wind-up:</p> <ol style="list-style-type: none"> 1. The Plan should determine when the contract with CSSA will be terminated and how this will impact data and IT; 2. The Plan should outline the steps that will be taken to ensure any copies of data are destroyed and wiped (including data held by third parties where SO is the owner); and 3. Controls should be in place to avoid replication/sharing/sale of the data, prior to and following termination of the CSSA agreement and prior to and following wind-up.

Evaluation Metrics

- Satisfactory:** The Plan addresses each of the four key areas discussed above: security/privacy, destruction, data retention/sharing and transfer. The Plan outlines how the IFO will ensure data that is property of the IFO is transferred to the Authority, with any non-commercially sensitive information being made available equally to all.
- Partially Satisfactory:** The Plan addresses three of the four key areas discussed above: security/privacy, destruction, data retention/sharing and transfer. The Plan does not adequately outline how the IFO will ensure data that is the property of the IFO is transferred to the Authority.
- Unsatisfactory:** The Plan does not address at least two of the key areas discussed above and/or does not address the areas in sufficient detail.

Aspects	Criteria	Guidelines
10. Human Resources	<p>10.1 Employees</p> <p>A. The Plan must:</p> <ul style="list-style-type: none"> • identify and summarize all employee information which may be relevant during the wind-up. • identify each employee’s date of termination. • identify methods to limit severance/termination pay. • consider whether a retention payment will be necessary to retain key employees through the wind-up. • identify staffing needs throughout wind-up and tailor the Plan to meet those needs. • determine how employee related expenses and employee held assets will be managed (cancelled/collected/disposed). • identify and determine how obligations to current or past employees outside of the normal course must be 	<p>10.1 Employees</p> <p>A. The Plan should include an information schedule which summarizes the following relevant information for each employee:</p> <ol style="list-style-type: none"> 1. Department/location; 2. Gross salary (monthly if forecast on a monthly basis); 3. Length of service; 4. Notice period; 5. Holiday entitlement (unused); 6. Normal incentive entitlements (confirmed and expected); 7. Note key staff and establish point in wind up that they cease to be key; 8. Maternity/sick leave entitlement and anticipated use; and 9. Company car and other company assets held (i.e. credit cards). <p>The Plan should identify the expected termination date of each employee and the associated termination and/or severance payment required upon their termination (a schedule should be used to support these calculations).</p> <p>The Plan should identify methods to limit severance/termination costs by accommodating resignations, new employment opportunities and voluntary arrangements.</p> <p>The Plan should address/consider whether a retention payment/premium will need to be provided to retain key employees and should specify the amount and timing of the retention payment along with support for its necessity.</p> <ol style="list-style-type: none"> 1. The retention payment plan should identify specific benchmarks and performance metrics to be achieved before payment. 2. Calculate value of any retention premiums required to retain staff.

Aspects	Criteria	Guidelines
	<p>settled.</p> <ul style="list-style-type: none"> • consider how employees will be impacted by the Plan and identify ways to mitigate and address these risks and concerns. <p>B. Employee related expenses must be included in the Forecast and Budget, as applicable.</p> <p><i>*Engaging a specialist for this Criterion is recommended</i></p>	<p>The Plan should consider whether additional staffing resources will be required during the wind-up and should provide for planned engagement and payment of those resources. Employees should only be used for the IFO during the wind-up (i.e. they should not be contracted out to an entity in the same or similar business as the IFO during the wind-up).</p> <p>Employee-related expenses should be identified and the Plan should consider how these payments will be cancelled/stopped prior to wind-up. The Plan should address how and when the assets held by employees will be reclaimed and settled/sold/disposed of on wind-up. Expenses may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Cell phone bills; 2. Credit cards bills; and 3. Professional dues, conferences, training. <p>The Plan should identify any other obligations to current employees or ex-employees (outside the normal course) and any associated disputes or additional costs, and how these will be dealt with during the wind-up, including a calculation and qualitative support.</p> <p>The Plan should identify any other risks or concerns related to employees and how the risks and concerns will be mitigated and/or reduced.</p> <p>B. Employee-related disbursements (i.e. bi-weekly payroll, termination fees, severance, incentives, benefits, etc.) should be included in the Forecast. Severance, termination and any retention plans/premiums should be included in the Budget.</p>

Aspects	Criteria	Guidelines
10. Human Resources	10.2 Sub-contractors	10.2 Sub-contractors
	<ul style="list-style-type: none"> A. The Plan must identify all sub-contractors and summarize the key terms of the sub-contractor contracts to be managed during wind-up. B. The Plan must identify whether the sub-contractor contracts will expire or be terminated and when the expiry or termination will occur. C. The Plan must consider the potential liabilities that may arise from the termination of contracts. D. Sub-contractor related expenses must be included in the Forecast and Budget, as applicable. 	<ul style="list-style-type: none"> A. The Plan should include a detailed listing of all active sub-contract workers (and inactive sub-contractors who still have a contract in place) including details such as: <ol style="list-style-type: none"> 1. Title; 2. Contract amount (or amount of outstanding statement of work); 3. Penalty clauses; 4. Notification periods; 5. Outstanding balances owing; 6. Work in progress; and 7. % of completion. B. The Plan should identify the expected termination date of each sub-contractor or sub-contract and the associated termination and/or penalty payment required to terminate (a detailed listing should be used to support these calculations). The Plan should include a detailed quantification/calculation of the expected termination cost and should suggest an approach for settlement. C. The Plan should address/consider the risk of non-performance under a contract prior to termination (i.e. during the wind-up) and should outline the steps to manage/mitigate this risk to ensure services continue to be provided. If incentives are required to ensure performance, these should be estimated and quantified in the Budget and Forecast. D. Material sub-contractor related expenses should be included in the Forecast and Budget as applicable.

Aspects	Criteria	Guidelines
10. Human Resources	<p>10.3 Pension and/or Registered Retirement Savings Plans (“RRSP”) (If applicable)</p> <p>A. The Plan must outline how employee pension and/or RRSP plans will be wound up.</p> <p><i>*Engaging a specialist for this Criterion is recommended</i></p>	<p>10.3 Pension and/or RRSPs (if applicable)</p> <p>A. The Plan should outline key elements of the employee pension plan and/or RRSP and determine how it will be wound-up.</p> <ol style="list-style-type: none"> 1. The Plan should outline whether professional specialists will be engaged and in what capacity or provide support for why professional advice was not considered to be necessary. 2. If professionals are engaged, details on the expected rate and cost should be included in the Budget and Forecast.
	<p>10.4 Communication with Personnel</p> <p>A. The Plan must include preparation of an employee communication plan.</p> <p>B. The Plan must outline all risks associated with the termination of employment contracts and how communication with employees will be utilized to mitigate these risks.</p>	<p>10.4 Communication with Personnel</p> <p>A. The Plan should describe communications to employees including the following:</p> <ol style="list-style-type: none"> 1. Letter/notice of pending wind-up; 2. A point of contact or email/hotline for questions/correspondence; 3. Draft termination letter; 4. Draft key employee retention payment letter and structure (if applicable); and 5. Proposed site/portal for access to information. <p>B. The Plan should include a summary of the pervasive risks associated with termination of employee contracts including ways to mitigate such risks. The Plan should address these risks, including a step-by-step process to negotiate and interact with each employee.</p>

Evaluation Metrics

- Satisfactory:** The Plan includes a schedule of all employees (full time, part time and contract) and detailed steps for their termination, including a calculation of the cost to terminate. Steps to minimize costs and to reduce employee hardship are outlined. The Plan includes a detailed communication plan with employees.
- Partially Satisfactory:** The Plan includes a schedule of all employees (full time, part time and contract) and detailed steps for their termination including a calculation of the cost to terminate but does not outline steps to minimize costs and reduce employee hardship, and/or the calculation for termination is incomplete or incorrect and/or does not include a detailed communication plan with employees.
- Unsatisfactory:** The Plan does not adequately address the termination of employees during the wind-up and/or provides a plan for termination but does not calculate the cost and/or provide for communications with employees.

Aspects	Criteria	Guidelines
<p>11. Legal Considerations</p>	<p>11.1 Litigation</p> <p>A. The Plan must identify ongoing litigation and steps to settle the claims.</p> <p>B. The Plan must identify potential legal risks associated with the wind-up.</p> <p>C. The Plan must outline procedures to manage potential litigation and claims. <i>*Engaging a specialist for this Criterion is recommended</i></p>	<p>11.1 Litigation</p> <p>A. The Plan should identify all ongoing (or anticipated) litigation to which the IFO is a defendant or claimant, the nature of the claim, status, and expected outcome:</p> <ol style="list-style-type: none"> 1. The Plan should identify sources of funding to settle potential claims during program wind-up and during corporation wind up and should include payment of claims in the Forecast; 2. The Plan should identify an individual/party responsible for management of each claim; and 3. The Plan should identify the legal counsel/professional who is or will be engaged to manage ongoing and potential litigation. <p>B. The Plan should outline the legal risks of the wind-up and propose steps to mitigate these risks to an acceptable level.</p> <p>C. The Plan should outline policies and procedures to respond to legal claims as a result of the wind-up, including steps and rules for mediation and arbitration. Among other things, consideration should be given to whether runoff insurance should be obtained.</p>

Aspects	Criteria	Guidelines
11. Legal Considerations	11.2 Contracts	11.2 Contracts
	A. The Plan must identify all contracts (which have not already been included elsewhere) and summarize key terms that may impact the wind-up (timing, scope, etc.). B. The Plan must identify the method and timing of cancellation of each contract and the associated costs of cancellation.	A. The Plan should identify and summarize all key contracts (other than contracts already included elsewhere) and the terms that may impact the wind-up (relevant parties to the contract, services provided under the contract, length of contract, termination fee or method of calculation of termination, cancellation terms, etc.). B. The Plan should outline, in detail, the method and timing of notice and cancellation of each contract and the expected cost of cancellation of each contract including the source of the funding to cancel/wind up any contract. Costs to cancel should be included in the Forecast and Budget.
	11.3 Contingencies	11.3 Contingencies
	A. The Plan must identify and quantify any known contingency costs. B. The Plan must identify and estimate any known but unquantified contingency costs.	A. The Plan should include a listing of current or potential contingencies with a range or potential dollar values and a brief description of event/terms. Contingency costs could arise from, but are not limited to: <ol style="list-style-type: none"> 1. Litigation on-going or threatened; 2. Cancellation of leases where the IFO is or was a tenant; 3. Property sales agreements; 4. Undertakings, indemnities, guarantees; 5. Pension schemes; and 6. Employees. B. The Plan should aim to minimize all contingency costs. An estimate for the costs that are reasonably expected to arise should be

Aspects	Criteria	Guidelines
<p>11. Legal Considerations</p>	<p>11.4 Environmental Issues (if applicable)</p> <p>A. The Plan must include a determination if an environmental review is required of any premises.</p> <p>B. The Plan must identify any environmental claims related to waste disposal, hazardous waste or any other applicable issues.</p> <p>C. The Plan must include copies of any environmental orders/restrictions affecting the company with an assessment of compliance.</p> <p>D. The Plan must consider whether insurance is available to cover any potential environmental liabilities.</p> <p><i>*Engaging a specialist for this Criterion is recommended</i></p>	<p>included in the Forecast and Budget.</p> <p>11.4 Environmental Issues (if applicable)</p> <p>A. The Plan should address whether an environmental review will be conducted or why it is not required.</p> <p>B. The Plan should quantify and describe all of the environmental liabilities/claims related to the following, but not limited to:</p> <ol style="list-style-type: none"> 1. Emissions to air; 2. Waste disposal and waste management; 3. Effluent discharge; 4. Noise and other nuisances; 5. Storage and use of hazardous substances; 6. Contaminated land; and 7. Extraction. <p>C. The Plan should outline steps to deal with environmental liabilities and/or issues, including a timeline and costs to remedy all environmental claims/liabilities. Expected costs to remedy environmental liabilities should be included in the Forecast and Budget.</p> <p>D. The Plan should identify whether environmental insurance is required. Justification for this decision should be provided.</p>

Aspects	Criteria	Guidelines
OTS	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan must identify services provided by agreements. B. The plan must outline how contracts will be terminated. 	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan should identify services provided by agreements. B. The Plan should outline how contracts will be terminated.
OES	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan must identify services provided by agreement with the Electronic Products Recycling Association (“EPRA”) and/or by other parties. B. The Plan must outline how contracts will be terminated. 	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan should identify the services provided by EPRA and explain how the contract will be terminated in accordance with the termination clauses in the current agreement. Termination should be executed in the most effective way possible, from a financial and operations perspective.
SO – Blue Box	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan must identify services provided by agreement with Canadian Stewardship Services Alliance Inc. (CSSA) and/or with other parties. B. The Plan must outline how contracts will be terminated. 	<p>11.5 Key Contracts</p> <ul style="list-style-type: none"> A. The Plan should identify the services provided by CSSA and explain how the contract will be terminated in accordance with the termination clauses in the current agreement. Termination should be executed in the most effective way possible, from a financial and operations perspective.

Aspects	Criteria	Guidelines
SO – MHSW	11.5 Key Contracts A. The Plan must identify services provided by agreement with Canadian Stewardship Services Alliance Inc. (CSSA) and/or with other parties. B. The Plan must outline how contracts will be terminated.	11.5 Key Contracts A. The Plan should identify the services provided by CSSA and explain how the contract will be terminated in accordance with the termination clauses in the current agreement. Termination should be executed in the most effective way possible, from a financial and operations perspective.

Evaluation Metrics

- Satisfactory:** The Plan identifies the legal issues associated with the wind-up and describes engaging legal counsel or otherwise acting to effectively mitigate the risks. The Plan suggests what firm(s) will be engaged and the estimated cost of services provided (to be included in the Budget). The Plan provides a detailed listing of contracts in place at the time of wind-up, and a plan for how these will be terminated, with the least possible cost to the IFO. The Plan identifies and addresses all potential contingencies and environmental issues that may arise post wind-up (based on information known at the Plan due date), with a specific plan regarding how each issue will be dealt with in a fair and equitable way.
- Partially Satisfactory:** The Plan identifies the legal issues associated with the wind-up, however, it does not describe engaging legal counsel or otherwise acting effectively to mitigate the risks. The Plan provides a detailed listing of contracts in place at the time of wind-up, however does not include a plan to terminate some/all of the contracts by the wind-up date, or the plan does not terminate the contracts in the most effective manner. The Plan identifies and addresses some possible contingencies and environmental issues that may arise post wind-up, with a specific plan regarding how each issue will be dealt with in a fair and equitable way. However, some key contingencies are not identified.
- Unsatisfactory:** The Plan addresses two or fewer of the five issues. The Plan does not specifically address contingency or environmental issues associated with the wind-up.

Aspects	Criteria	Guidelines
	<p>12.3 Other Tax Considerations</p> <p>A. The Plan must evaluate implications of disposals for tax purposes.</p> <p><i>*Engaging a specialist for this Criterion is recommended</i></p> <p>B. The Plan must include details of any record keeping required.</p>	<p>12.3 Other Tax Considerations</p> <p>A. The Plan should outline steps for filing the final tax return, including the identification of progress dates and the individual/team responsible for filing the final return.</p> <p>B. The Plan should detail what record keeping is required for tax records post wind-up and how the records will be maintained, stored and/or disposed of. Costs for record keeping should be included in the Forecast and Budget.</p>
	OTS	<p>12.4 HST Rulings</p> <p>A. The Plan must address management of outstanding rulings by the CRA.</p>
OES	<p>12.4 HST Rulings</p> <p>A. The Plan must address management of outstanding rulings by the CRA.</p>	<p>12.4 HST Rulings</p> <p>A. The Plan should address the steps OES has taken and/or plans to take to manage the HST claim during and post-wind-up.</p>
SO – MHSW	<p>12.4 HST Rulings</p> <p>A. The Plan must address management of outstanding rulings by the CRA.</p>	<p>12.4 HST Rulings</p> <p>A. The Plan should address the steps SO has taken and/or plans to take to manage the HST claim during and post-wind-up</p>

Evaluation Metrics

- Satisfactory:** The Plan summarizes the status and management of HST and employee source deductions during the wind-up. A specific plan is developed to deal with all tax assets and/or liabilities during and post wind-up, including the designation of specific individuals to deal with these issues, to ensure that all funds are distributed and/or paid. The Plan addresses filing of the final tax return and confirms the engagement of a tax specialist to assist with the wind-up process.
- Partially Satisfactory:** The Plan summarizes the status and management of HST and employee source deductions during the wind-up, however the Plan lacks some detail. A specific plan is developed to deal with all tax assets and/or liabilities during and post wind-up, including the designation of specific individuals to deal with these issues, to ensure that all funds are distributed and/or paid by the appropriate persons. The Plan addresses filing of the final tax return but does not conclude on the engagement of a tax specialist and/or provide sufficient detail.
- Unsatisfactory:** The Plan does not sufficiently address tax considerations throughout the wind-up, or the methods proposed are not in line with the Tax Act.

Aspects	Criteria	Guidelines
<p>13. Management of Other Risks</p>	<p>13.1 Public Perception</p> <p>A. Public perception of the wind-up must be considered.</p>	<p>13.1 Public Perception</p> <p>A. The Plan should identify key risks with respect to public perception of the wind-up, and address how the IFO will manage and mitigate these risks (i.e. education of the public, sensitivity to terms and uses of funds, etc.).</p>
	<p>13.2 Conflict of Interest</p> <p>A. The Plan must identify real, potential or apparent conflicts of interest and how the associated risks will be addressed and managed.</p> <p>B. The Plan must consider the role of legal counsel in evaluating duty of care and responsibility for the management of conflict of interest.</p> <p><i>*Engaging a specialist for this Criterion is recommended</i></p> <p>C. The Plan must identify related-party transactions and disclose these transactions in the Plan.</p> <p>D. The Plan must identify any prior transactions with related parties that were outside of the ordinary course of</p>	<p>13.2 Conflict of Interest</p> <p>A. The Plan should identify real, potential or apparent conflicts of interest in current governance and operations or that may arise as a result of the wind-up with respect to employees and/or the Board of Directors and propose how to mitigate the real, potential or apparent conflicts of interest. Specifically, with respect to the Board of Directors of the IFO, if there are Directors who sit on the IFO Board and any Board with whom the IFO has an Agreement, the Plan should address how this risk will be managed (e.g. disclosing the conflict, replacing Directors in accordance with the designating regulation). With respect to employees, if there are no employees at the IFO or the employees' reporting structure poses a real, potential or apparent conflict of interest then, the Plan should address how this risk will be managed (e.g., dedicated staff with non-conflicted reporting structures could be retained.)</p> <p>B. The Plan should consider engagement of legal counsel and/or other governance experts to manage and advise on the legal responsibility with respect to conflicts.</p> <p>C. The Plan should consider the extent to which the IFO expects to engage in related-party transactions and should develop a plan to manage these transactions to avoid or mitigate conflict of interest.</p> <p>D. Identify any prior material transactions with related parties that were</p>

Aspects	Criteria	Guidelines
	<p>business and how those transactions are to be treated as part of the wind-up, including any necessary recovery of value from those parties.</p> <p>E. The Plan must demonstrate how the Board will manage its affairs during wind-up including how Board member conflict of interest will be managed</p>	<p>outside of the ordinary course of business and how those transactions are to be treated as part of the wind-up, including any necessary recovery of value from those parties.</p> <p>E. The wind-up plan should include the following:</p> <ol style="list-style-type: none"> 1. The Board Governance Manual that will apply during wind-up, including Board and Committee Terms of Reference and Mandates, organizational reporting structure; 2. By-laws that will apply during wind-up, including Code of Conduct addressing how Board member conflict of interest is managed; 3. A list of Board members in position since the wind-up letter was received (i.e. during development of the wind-up plan) including name, employment affiliation, organization appointing the Board member (per designating regulation) and other boards of directors with which each member is affiliated; 4. Minutes for meetings of the Board and Committees since the wind-up letter was received; and 5. Commentary on how Board member conflict of interest has been managed since the wind-up letter was received and how it will be managed during implementation of the approved wind-up plan.
<p>OTS</p>	<p>13.3 Board of Directors</p> <p>A. The Plan must address management of conflict of interest on Board of Directors of OTS.</p>	<p>13.3 Board of Directors</p> <p>A. The Plan should assess the implications arising from a Board of Directors comprised of Stewards. Safeguards should be put in place to avoid these parties receiving preferential treatment over Stewards not on the Board throughout, or as a result of, the wind-up process.</p>

Aspects	Criteria	Guidelines
	<ul style="list-style-type: none"> B. Board and committee minutes must be provided to the Authority. 	<ul style="list-style-type: none"> B. Board and committee minutes should be provided to the Authority during the wind-up to disclose the Board’s management of conflict of interest.
OES	<p>13.3 Board of Directors</p> <ul style="list-style-type: none"> A. The Plan must address management of conflict of interest on Board of Directors of OES. B. Board and committee minutes must be provided to the Authority 	<p>13.3 Board of Directors</p> <ul style="list-style-type: none"> A. The Plan should address the implications arising from a Board of Directors comprised of Stewards. Safeguards should be put in place to avoid these parties receiving preferential treatment over Stewards not on the Board throughout, or as a result of, the wind-up process. The Plan should address the fact that all (or a majority of) members of the OES Board are also members of the EPRA Board and that OES has no employees reporting directly to the OES Board (i.e., EPRA provides all human resources). B. Board and committee minutes should be provided to the Authority during the wind-up to disclose the Board’s management of conflict of interest.
SO – Blue Box	<p>13.3 Board of Directors</p> <ul style="list-style-type: none"> A. The Plan must address management of conflict of interest on Board of Directors of SO. B. Board and committee minutes must be provided to the Authority. 	<p>13.3 Board of Directors</p> <ul style="list-style-type: none"> A. The Plan should address the implications arising from a Board of Directors comprised primarily of Stewards. Safeguards should be put in place to avoid these parties receiving preferential treatment over other Steward snot on the Board throughout, or as a result of, the wind-up process. The Plan should address the fact that a minority of members of the SO Board of Directors are also members of the CSSA Board of Directors. B. Board and committee minutes should be provided to the Authority during the wind-up to disclose the Board’s management of conflict of interest.
SO – MHSW	<p>13.3 Board of Directors</p>	<p>13.3 Board of Directors</p>

Aspects

Criteria

Guidelines

- A. The Plan must address management of conflict of interest on Board of Directors of SO.
- B. Board and committee minutes must be provided to the Authority.

- A. The Plan should address the implications arising from a Board of Directors comprised primarily of Stewards. Safeguards should be put in place to avoid these parties receiving preferential treatment over other Stewards not on the Board throughout, or as a result of, the wind-up process. The Plan should address the fact that a minority of members of the SO Board of Directors are also members of the CSSA Board of Directors. The Plan should also address that SO has few employees and no senior management staff (i.e., SO employees report to CSSA employees). The Plan should also address real, potential or apparent conflicts of interest arising from CSSA being the service provider for both SO and the Automotive Materials Stewardship ISP.
- B. Board and committee minutes should be provided to the Authority during the wind-up to disclose the Board's management of conflict of interest.

Evaluation Metrics

- Satisfactory:** The Plan includes a detailed strategy that specifically addresses the key risks associated with the wind-up including public perception and conflict of interest, along with any other potential risks as identified by the IFO. The Plan outlines how the IFO plans to mitigate the risks and communicate with the public to avoid any negative perception issues. The Plan proposes an effective strategy to appropriately manage conflict of interest throughout the wind-up. The Plan outlines steps to ensure that no party receives preferential treatment over another throughout and as a result of the wind-up.
- Partially Satisfactory:** The Plan includes a detailed strategy for some but not all of the key risks associated with the wind-up such as public perception and conflict of interest, along with any other potential risks as identified by the IFO.
- Unsatisfactory:** The Plan does not address how public perception and conflict of interest will be managed throughout the wind-up.