

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, third session

1994, chapter 80

## AN ACT TO AMEND THE ACT RESPECTING THE CORPORATION DE L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES DE MONTRÉAL

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### **Bill 228**

Introduced by Mr André J. Hamel, Member for Sherbrooke

Introduced 11 November 1993

Passage in principle 16 June 1994

Passage 16 June 1994

**Assented to 17 June 1994**

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**Coming into force: 17 June 1994**

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### **Act amended:**

Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal  
(1987, chapter 136)





## CHAPTER 80

### An Act to amend the Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal

*[Assented to 17 June 1994]*

Preamble

WHEREAS it is in the interest of the Corporation de l'École des Hautes Études Commerciales de Montréal that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1987, c. 136,  
s. 10.1, added

**1.** The Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal (1987, chapter 136), amended by chapter 18 of the statutes of 1989 and by chapter 16 of the statutes of 1992, is again amended by inserting, after section 10, the following section:

Defined ben-  
efit pension  
plan

**“10.1** The corporation may establish, in accordance with the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), a defined benefit pension plan for the benefit of the director, the professors and the staff of the school, except those persons holding casual employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

Members

The plan shall apply to the persons hired after 31 May 1994 and to those who, by the effect of the notice provided for in section 52, will have elected to participate therein.”

1987, c. 136,  
s. 52,  
replaced  
Membership  
continued

**2.** Section 52 of the said Act is replaced by the following sections:

**“52.** The director, the professors and the staff of the school in office or holding a position on 31 May 1994, except persons holding casual employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter

R-10), shall continue to participate in the Government and Public Employees Retirement Plan or in the Civil Service Superannuation Plan, as the case may be.

Notice

However, where the corporation establishes a retirement plan, those persons may cease to participate in the Government and Public Employees Retirement Plan or in the Civil Service Superannuation Plan, as the case may be, by transmitting a notice to that effect to the Commission administrative des régimes de retraite et d'assurances before 1 October 1994. A person who transmits such a notice before that date ceases to participate in his plan on 31 May 1994 and participates in the retirement plan established by the corporation from 1 June 1994.

Agreement  
of transfer-  
ability

The Commission may enter into an agreement of transferability with the corporation in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan in respect of employees who transmit, in accordance with the second paragraph, the notice referred to therein, despite the fact that the employees do not enter the service of another body.

Benefits

**“52.1** The retirement plan established by the corporation shall, in respect of the persons who participated in the Government and Public Employees Retirement Plan or in the Civil Service Superannuation Plan, as the case may be, and who, by the notice provided for in section 52, elected to participate in the retirement plan established by the corporation, provide benefits at least equivalent to the benefits provided for, on 31 May 1994, in the plan in which they were participating.

Exception

However, the first paragraph does not apply in respect of service performed after 31 May 1994 if the corporation and the persons participating in the plan so decide.

Exception

**“52.2** Notwithstanding section 10.1, the application of the provisions of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) to the years or parts of years of service transferred from the Government and Public Employees Retirement Plan or from the Civil Service Superannuation Plan to the plan established by the corporation, under the agreement provided for in the third paragraph of section 52, may not operate to increase the benefits or obligations resulting from such service to a level greater than the level which would have resulted from the application of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), as the case may be.

Coming into  
force        **3.** This Act comes into force on 17 June 1994.