

1986, chapter 44

AN ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS AND AMENDING VARIOUS LEGISLATION RESPECTING THE PENSION PLANS OF THE PUBLIC AND PARAPUBLIC SECTORS

Bill 55

Introduced by Mr Paul Gobeil, Minister for Administration and Chairman of the Conseil du trésor

Introduced 28 May 1986

Passage in principle 16 June 1986

Passage 19 June 1986

Assented to 19 June 1986

Coming into force: 19 June 1986, except sections 1 to 63, 69 to 72, 74 and 75, section 76 to the extent that section 137 of the Act respecting the Government and Public Employees Retirement Plan refers to the Pension Plan of Certain Teachers, sections 77 to 82, 94 and 102, which will come into force on 26 June 1986, and section 73 to the extent that it enacts sections 115.1 to 115.3, section 76 to the extent that section 137 of the Act respecting the Government and Public Employees Retirement Plan refers to section 115.2 and section 112, which will come into force on 1 January 1987

Acts amended:

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)

Act respecting pension coverage for certain teachers (R.S.Q., chapter P-32.1)



CHAPTER 44

An Act respecting the Pension Plan of Certain Teachers and amending various legislation respecting the pension plans of the public and parapublic sectors

[Assented to 19 June 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

CHAPTER I

ADMINISTRATION AND APPLICATION

DIVISION I

ADMINISTRATION

1. The Commission administrative des régimes de retraite et d'assurances is responsible for the administration of the Pension Plan of Certain Teachers.

DIVISION II

APPLICATION

2. This pension plan applies to a person who has never availed himself of the Act respecting pension coverage for certain teachers (R.S.Q., chapter P-32.1) and who

(1) is contributing to the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan;

(2) is receiving a pension or is entitled to a deferred annuity under any of the pension plans referred to in paragraph 1;

(3) has obtained the refund of his contributions under any of the pension plans referred to in paragraph 1;

(4) has never before been a member of any of the pension plans referred to in paragraph 1.

**Require-
ments**

3. The person referred to in section 2 must be

(1) a teaching religious laicized after 30 June 1965;

(2) a teaching religious laicized before 1 July 1965 who, after being laicized, did not contribute to the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235);

(3) a former teaching religious laicized after 30 June 1965;

(4) a lay teacher having taught in Québec at the primary, secondary or college level, in a private institution belonging to a religious community or to the secular clergy, or in a youth protection institution, who has never contributed to the pension fund of officers of education established by Part VIII of the Education Act; or

(5) a teacher having belonged to the secular clergy who has years of teaching to his credit with an educational institution designated in Schedule I to the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11).

**Teaching
religious**

A teaching religious is a teacher who, before 1 July 1965, belonged to a religious community referred to in Schedule I.

Teacher

4. For the purposes of section 3, a teacher is a person holding or having held

(1) a position as a teacher or professor;

(2) a position entailing counselling, animation, coordination or administrative duties directly related to the administration of programs of studies, the academic organization of schools, the personal or academic development of students, teachers or professors, extracurricular activities or to services for students; or

(3) any position for which the experience and knowledge acquired by a person in a position referred to in paragraphs 1 and 2 are relevant, although the position is not directly related to teaching activities.

CHAPTER II

ELIGIBILITY REQUIREMENTS

Eligibility **5.** A person contributing to the Teachers Pension Plan or to the Civil Service Superannuation Plan must, to become eligible for benefits under this plan, elect in favour of this plan in accordance with section 13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) even if he is holding an employment with an employer not contemplated in the said Act.

Date of membership If, however, that person's pension becomes payable before the date the plan becomes applicable to him as determined under the said section 13, the person is deemed to have become a member on the date the pension becomes payable.

Eligibility **6.** A person referred to in paragraph 3 of section 2 who was credited with not less than two years of service at the time his contributions were refunded to him, must, to become eligible for benefits under this plan, pay an amount equal to the contributions refunded to him with an interest of 8.5%, compounded annually, for the period comprised between the date of the refund and the date of the Commission's notice establishing the amount payable.

Interest Any amount unpaid thirty days after the mailing of a notice to that effect bears interest, compounded annually, at the rate in force on the date of the notice, pursuant to the Act respecting the Government and Public Employees Retirement Plan.

Eligibility **7.** A person referred to in paragraph 3 of section 2 who, at the time his contributions were refunded to him, had less than two years of credited service and a person referred to in paragraph 4 of section 2 must, to become eligible for benefits under this plan, hold an employment contemplated in the Government and Public Employees Retirement Plan.

CHAPTER III

PENSIONABLE SALARY, YEARS OF SERVICE, CONTRIBUTIONS AND CONTRIBUTORY AMOUNTS

Contribu-
tions

8. A person who is an employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan shall contribute in accordance with the said Act, and sections 30, 31 and 187 to 191 of the said Act apply.

Presumption

A person contemplated in section 5 who holds an employment with an employer not contemplated in the Act respecting the Government and Public Employees Retirement Plan is deemed to be an employee within the meaning of the said Act so long as he holds an employment with that employer.

Pensionable
salary and
years of
service

9. The pensionable salary and the years of service are as determined in sections 14 to 23 of the Act respecting the Government and Public Employees Retirement Plan.

CHAPTER IV

TRANSFER AND PURCHASE OF SERVICE

DIVISION I

TRANSFER

Credited
years of
service

10. Every person who had contributed or was contributing to the Teachers Pension Plan or to the Civil Service Superannuation Plan before becoming a member of the Government and Public Employees Retirement Plan shall be credited, for pension purposes, with the years and parts of a year of service credited under any of those plans if his contributions have not been refunded to him.

Credited
years of
service

11. A person who has complied with section 6 shall be credited, for pension purposes, with the years and parts of a year of service credited under the pension plan to which he was contributing as if they were years and parts of a year of service credited under the Government and Public Employees Retirement Plan.

DIVISION II

PURCHASE OF SERVICE

Redemption **12.** A person, except a person who, between 1 July 1965 and 30 June 1973, became a pensioner or became entitled to a deferred annuity under the Teachers Pension Plan or the Civil Service Superannuation Plan, must, to become eligible for benefits under this plan, redeem the years or parts of a year of past service in an employment with a body contemplated in the Government and Public Employees Retirement Plan or with a body which, in the opinion of the Commission, would have been contemplated therein had it not ceased to exist. Any pension credit that may have been granted under section 86, 100 or 104 of the Act respecting the Government and Public Employees Retirement Plan is cancelled and the service that entitled the person to the pension credit is deemed to be credited to him under this division.

Restriction In no case, however, may a person redeem the years of parts of a year in respect of which a pension, a deferred annuity or a paid-up annuity, within the meaning of section 76 of the Act respecting the Government and Public Employees Retirement Plan, is payable under a pension plan. The same applies to the years and parts of a year in respect of which a pension credit is payable under section 101 of the Act respecting the Government and Public Employees Retirement Plan.

Redemption **13.** A person who is contributing in accordance with the Act respecting the Government and Public Employees Retirement Plan, a person who has complied with section 6 and, subject to the exception set forth in section 12, a person referred to in paragraph 2 of section 2, must redeem, in accordance with section 12, a number of years and parts of a year of service which cannot be greater than the excess of the number of years and parts of a year prior to 1 July 1973 credited under section 10 or 11, as the case may be, or standing to their credit pursuant to paragraph 2 of section 2, over 15.

Supplemental pension plan Where a person contributed to a supplemental pension plan while employed by an employer contemplated in the Act respecting the Government and Public Employees Retirement Plan, the years and parts of a year prior to 1 July 1973 in respect of which he was granted a pension credit under section 101 of the said Act or in respect of which a paid-up annuity certificate was issued must be included in computing the excess over 15 referred to in the first paragraph.

Redemption **14.** A person referred to in section 7 shall redeem, in accordance with section 12, his years and parts of a year of service, up to 15.

Require-
ments

15. To redeem his years and parts of a year of past service, a person must pay an amount determined according to the tariff of premiums appearing in Schedule II as if it were a pension credit equal, for each year of service, to 2% of the annual pensionable salary of the person as of 1 July 1973 or, if he has no pensionable salary on that date, his pensionable salary on the nearest date.

Determina-
tion of
amount

For the purpose of determining the amount referred to in the first paragraph, the pension credit is, for each year of service, reduced by 0.7% of the maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), for the year of the annual pensionable salary concerned.

Determina-
tion of
amount and
interest

16. Every person to whom the Act respecting pension coverage for certain teachers was applicable on 1 July 1978 and who did not avail himself thereof will be required to pay the amount determined under section 15 and established as of 1 July 1978. The amount will be increased by interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, for the period between 1 July 1978 and the date of the Commission's notice establishing the amount payable or, for the purposes of section 5, the date the plan becomes applicable to the person if it is later than the date of the Commission's notice.

Persons
laicized
after 1978

In the case of a person laicized after 1 July 1978 or a person referred to in section 7 who began to contribute to the Government and Public Employees Retirement Plan after that date but, in each case, at a time when the person was entitled to avail himself of the Act respecting pension coverage for certain teachers or, as the case may be, of this plan, the amount determined under section 15 shall be established as of 1 July of the year of laicization or, as the case may be, of the year in which the person began to contribute to the Government and Public Employees Retirement Plan. In such cases, the amount is increased by the interest prescribed in the first paragraph, computed from the date on which the amount is established.

Terms of
payment

17. The amount determined under section 15 or, as the case may be, under section 16 must be paid in a lump sum if the person is a pensioner and, where the person is not a pensioner, the amount may be paid by instalments over a period equal to the period corresponding to one-half of the service that the person wishes to redeem or, if the instalments exceed \$3 500 per year, over as many instalments of \$3 500 per year as are required for full payment of the amount, except the last instalment. To pay that amount, the person may, however, use all or part of his accumulated sick leave. In such a case, his employer shall pay all or part of the required amount according to the terms and

conditions determined by the Commission in accordance with section 95 of the Act respecting the Government and Public Employees Retirement Plan.

Interest Any amount or part of an amount unpaid within thirty days of the mailing of a notice to that effect bears interest at the rate of 6% compounded annually.

Restriction No instalment referred to in the first paragraph may be made after the date on which the person retires or later than the date on which he reaches 71 years of age if he has not retired before that age.

DIVISION III

SPECIAL PROVISION

Agreements **18.** A person who is contributing in accordance with the Act respecting the Government and Public Employees Retirement Plan may redeem or, as the case may be, be credited with any year or part of a year of service, subject to the conditions prescribed by the said Act or, as the case may be, pursuant to agreements entered into in accordance with section 158 of the said Act.

Restriction Notwithstanding the foregoing, in no case may the person referred to in the first paragraph avail himself of sections 86, 100 and 104 of the Act respecting the Government and Public Employees Retirement Plan.

CHAPTER V

BENEFITS

DIVISION I

ELIGIBILITY FOR AND COMPUTATION OF BENEFITS

Require-ments **19.** The pension computed under sections 35, 36 and 37 of the Act respecting the Government and Public Employees Retirement Plan and, as the case may be, the pension credits acquired under the said Act shall be granted to every person who avails himself of this plan and who, while he is an employee,

(1) attains normal retirement age, that is, 65 years of age;

(2) has at least 35 years of service;

- (3) attains, in the case of a female employee, 60 years of age;
- (4) has at least 10 years of service and is not under 62 years of age or, in the case of a female employee, 58 years of age;
- (5) has at least 32 years of service and is not under 55 years of age;
- (6) has at least 22 years of service and is not under 55 years of age or, in the case of a female employee, 50 years of age.

Date of
pension

A person who is a teacher, within the meaning of the Teachers Pension Plan, and who becomes eligible for a pension within two months after the end of a school year, within the meaning of that plan, is entitled to his pension at the end of that school year.

Member of
National
Assembly

A person who becomes a Member of the National Assembly is entitled to his pension if he becomes entitled to a pension as a Member and, where such is the case, if he repays the contributions that have been refunded to him.

Computation
of pension

20. The amount of the pension of any person referred to in section 2 is increased, for each year redeemed by that person under Division II of Chapter IV and for any other year of teaching, by an amount equal to 1.6% of the average pensionable salary used for the computation of his pension.

Year of
teaching

A year of teaching is any period of at least ten months, not otherwise redeemed or credited, comprised between 1 July of one year and 30 June of the following year, during which a person has taught, in or outside Canada, even if he was employed on a part-time basis, including a similar period during which he has pursued, after beginning to teach, further educational studies full time.

Years of
service

21. The years and parts of a year of service that would be redeemed or credited for the purposes of eligibility for and computation of a person's pension, or both at the same time, under the Act respecting the Government and Public Employees Retirement Plan, shall be recognized under this plan for the purposes set out in the said Act, and section 74 of the said Act applies.

Increase

The years and parts of a year giving entitlement to the increase provided by section 20 shall be recognized for the purposes of eligibility for the pension.

Maximum
amount of
benefits

22. In no case may the total amount of benefits payable to a person under the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan or this

plan, computed before any reduction, exceed 70% of the average pensionable salary used in computing the pension.

Reduction

23. The pension granted under subparagraph 6 of the first paragraph of section 19, increased in accordance with section 20, and the pension credits, if any, are reduced for their duration by 0.5% per month computed for each month comprised between the date on which the pension is granted to the person and the first date on which the pension would otherwise have been granted to him under subparagraph 1, 2, 3, 4 or 5 of that section.

Reduction

24. From the month following the pensioner's sixty-fifth birthday or from the month following the date on which he retires, if that date is after his sixty-fifth birthday, the pension, increased in accordance with section 20, is reduced by the amount obtained by multiplying

(1) 0.7%;

(2) the number of years of service credited after 31 December 1965 to which is added the number of years and parts of a year entitling the pensioner to the increase provided by section 20 even where they are prior to 1 January 1966, to the extent only that those years or parts of a year are necessary to attain the maximum of 70% of the average pensionable salary referred to in section 22;

(3) that part of the average pensionable salary which does not exceed the average maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan, in respect of all the last years of service needed to attain a sum of corresponding contributory periods equal to five or, if the sum is less than five, in respect of all the years.

Maximum
pensionable
earnings

In computing the average maximum pensionable earnings, each maximum amount of pensionable earnings concerned is computed according to the ratio established for computing each contributory period.

Maximum
pensionable
earnings

Notwithstanding the foregoing, for the years prior to 1 January 1966, the maximum pensionable earnings is equal to \$5 000.

Indexing

25. The pension, increased in accordance with section 20, is indexed according to sections 77 and 78 of the Act respecting the Government and Public Employees Retirement Plan.

Rate of
indexation

The rate of indexation is, however, in respect of years and parts of a year giving entitlement to the increase provided by section 20,

equal to the excess of the rate of increase of the Pension Index determined in the Act respecting the Québec Pension Plan over 3%.

Applicability **26.** Sections 24 and 25 also apply to every person who is receiving a pension under the Teachers Pension Plan or the Civil Service Superannuation Plan, taking into account, however, that subparagraph 3 of the first paragraph of section 24 must be read as follows:

“(3) that part of the average pensionable salary which does not exceed the average maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan, in respect of the contributory periods selected for the purposes of computing the pension.”

Restrictions **27.** Sections 89 and 91 to 93 and the first paragraph of section 94 of the Act respecting the Government and Public Employees Retirement Plan do not apply to the pension credits, if any, acquired by a person contemplated in this plan.

DIVISION II

PAYMENT OF BENEFITS

Date of payment **28.** Benefits become payable to the person entitled thereto from the day that person retires or not later than the day he attains 71 years of age. In the case of a pension referred to in the third paragraph of section 19, the increase provided by section 20 and the pension credits, if any, are payable from the sixty-fifth birthday of the person.

Entitlement to increase **29.** Any person whose pension became payable under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan before 26 June 1986 and who availed himself of this plan before 1 July 1987 shall be entitled to the increase provided by section 20 only in respect of instalments payable to him after 25 June 1986. Section 25, to the extent that it refers to section 78 of the Act respecting the Government and Public Employees Retirement Plan, does not apply with respect to the increase if the pension was payable before 1 January 1986. However, if the person had become entitled to a pension under any of the said pension plans by reason of the fact that he had become entitled to a pension as a Member of the National Assembly, the increase provided by section 20 becomes payable from his sixty-fifth birthday if he is not 65 years of age on 26 June 1986.

Entitlement to increase Any person who has become or becomes entitled to a deferred annuity or a pension for mental or physical disability under any of the

pension plans referred to in the first paragraph shall be entitled to the increase provided by section 20 from his sixty-fifth birthday. However, if that person has become entitled, before 26 June 1986 to a deferred annuity under the Government and Public Employees Retirement Plan and meets, taking into account the years and parts of a year giving entitlement to the increase provided by section 20 and the age at which he ceases to be employed, any of the criteria set out in section 19, his benefits become payable from 26 June 1986 if he availed himself of this plan before 1 July 1987. The computation of the benefits shall be established, having regard to the person's age, as of 26 June 1986.

Payment of
benefits

Any person referred to in section 6 who has complied with section 13 shall be entitled to his pension and to the increase provided by section 20 from his sixty-fifth birthday. However, if that person is 65 years of age on 26 June 1986 or meets, taking into account the years and parts of a year giving entitlement to the increase provided by section 20 and the years credited to him under section 11, any of the criteria set out in section 19, his benefits become payable from 26 June 1986 if he availed himself of this plan before 1 July 1987. Entitlement to the benefits and computation thereof shall be established, having regard to the person's age, as of 26 June 1986.

Payment of
benefits

Where a person contemplated in this section is laicized between 26 June 1986 and 1 July 1987 and avails himself of this plan before that latter date, the benefits that would normally have become payable from 26 June 1986 shall be payable from his date of laicization.

Payment of
benefits

30. Any person contemplated in section 29 who avails himself of this plan after 1 July 1987 shall be entitled to the increase provided by section 20, and, as the case may be, to his benefits in the cases where the increase or benefits become payable from 26 June 1986 under section 29, from, as the case may be, the later of the following dates:

(1) the date preceding by not more than 12 months the date of receipt of his application;

(2) the date of his laicization.

Computation
of benefits

The computation of benefits shall be established, having regard to the person's age, as of the date selected under the first paragraph.

Spouse or
assigns

31. The spouse or, where such is the case, the assigns of a deceased pensioner are entitled to receive, until the first day of the month following the death of the pensioner, the pension, increased in accordance with section 20, that he would have received or that he would otherwise have received.

DIVISION III

SPOUSE'S BENEFIT, REIMBURSEMENT AND OTHER BENEFITS

Spouse's
benefit

32. From the day the payment of the pension of a pensioner or, as the case may be, the payment of the salary of a person who is eligible for a pension ceases, owing to death, the spouse shall be entitled to receive as pension one-half of the pension, increased in accordance with section 20, that the pensioner was receiving or, as the case may be, would otherwise have been entitled to receive, or which the person would have been entitled to receive, with, in every case, the reduction prescribed in section 24 or, as the case may be, section 26 from the month following the death, even where the pensioner or eligible person dies before attaining 65 years of age. However, in the case of a pension granted under the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan, section 26 applies only in respect of years or parts of a year giving entitlement to the increase provided by section 20 if, at the time of death of the pensioner, the spouse is not entitled to a pension under the Act respecting the Québec Pension Plan.

Eligibility of
spouse

The years and parts of a year of service for which a pension credit is granted under sections 101, 113 and 158 of the Act respecting the Government and Public Employees Retirement Plan and those for which the increase provided by section 20 of this Act is granted shall be added, for the purposes of eligibility for a pension, to the years of service credited to the person to determine, in the event of death, the spouse's eligibility for a pension even where the person died before having made all the instalments required to pay the cost of the pension credit or, as the case may be, the cost of redemption of service under Division II of Chapter IV of this Act. However, the pension increase provided by section 20 shall apply to the spouse's pension only if the spouse pays the balance of the amounts required to pay the cost of redemption of service.

Spouse

33. For the purposes of this Act, the spouse is the person who is married to an employee or, if the employee is not married, the person who is unmarried at the time of the death and who, for not less than three years before the employee's death, cohabited with him and was publicly represented by the employee as his spouse.

Applicable
provisions

34. Sections 45 to 56, 58, 59, 99 and 217 to 219 of the Act respecting the Government and Public Employees Retirement Plan apply, adapted as required.

Deferred
annuity

The years and parts of a year giving entitlement to the increase provided by section 20 are recognized for the purposes of eligibility

for the deferred annuity and sections 21, 22, 24 and 25 apply to the deferred annuity.

Cash
payment

35. The Commission, upon the application of a beneficiary other than a person contemplated in section 36, to the extent that it refers to Division IV of Chapter IV of Title I of the Act respecting the Government and Public Employees Retirement Plan, may, at any time after the pension becomes payable, make cash payment of the actuarial value, computed in accordance with the standards established by regulation under section 79 of the Act respecting the Government and Public Employees Retirement Plan, of all benefits under this plan if the aggregate amount of the benefits does not exceed \$811 annually.

Indexing

The amount of \$811 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase in the Pension Index established by the said Act.

DIVISION IV

MISCELLANEOUS PROVISIONS

Applicable
provisions

36. Every person who is contributing in accordance with the Act respecting the Government and Public Employees Retirement Plan may avail himself of the provisions contained in Division IV of Chapter IV of Title I and in Title IV of the said Act subject to the conditions prescribed therein.

Applicable
provisions

37. Provisions relating to the return to work of a pensioner under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, as the case may be, apply, adapted as required. Where a person elects to contribute, sections 8, 9, 18, 34, 36, 54 and 55 apply.

CHAPTER VI

SPECIAL CASES

Eligibility

38. An amount, computed in accordance with section 39, shall be paid for life to any person whose pension under the Teachers Pension Plan or the Civil Service Superannuation Plan becomes payable after 25 June 1986 or to any person who ceases to hold an employment contemplated by any of the pension plans after that date and after having become entitled to a deferred annuity. The person referred to herein must be

(1) a teaching religious laicized before 1 July 1965 who has contributed to the pension fund of officers of education established by Part VIII of the Education Act; or

(2) a lay teacher as defined in paragraph 4 of section 3 who has contributed to the pension fund of officers of education established by Part VIII of the Education Act.

Amount of
pension

39. The amount to which the person referred to in section 38 is entitled is equal to the difference between

(1) the amount of the pension he will receive at the time the amount computed under this section becomes payable; and

(2) the amount of the pension he would be receiving, excluding the years and parts of a year redeemed under the pension fund of officers of education established by Part VIII of the Education Act and adding an amount equal, for all his years and parts of a year of teaching within the meaning of the second paragraph of section 20 and for the years and parts of a year redeemed under the said pension fund, to 1.6% of the person's last annual pensionable salary or of \$14 000, if his last annual pensionable salary is less than that amount.

Annual
pensionable
salary

The annual pensionable salary is the pensionable salary, within the meaning of the pension fund to which the person was contributing, that he has received or would have received on an annual basis for a full-time employment.

Persons
under 65

40. A person who has not attained 65 years of age before 26 June 1986 and who has transferred his years and parts of a year of service credited under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, to a body with which an agreement was entered into under section 158 of the Act respecting the Government and Public Employees Retirement Plan, and who is contemplated in section 3, is entitled to receive, for life, from the age of 65, an amount equal, for each of his years and parts of a year of teaching, within the meaning of the second paragraph of section 20, that have not been transferred, to 1.6% of \$14 000.

Retirement
age

41. The amount computed under section 39 is payable and shall be established at 60 years of age, in the case of a female person who has become entitled to a deferred annuity and at 65 years of age in all other cases. Where the person retires after the age of 65, the amount shall be established at the age of his retirement.

Applicable
provisions

Sections 24, 26, 31 to 33 and 35, adapted as required, apply to benefits payable under sections 39 and 40. For the purposes of sections 24 and 26, however, the amount of the maximum pensionable earnings is equal to \$9 300 in all cases where the 1.6% rate is applied to \$14 000.

Rate of
indexation

Section 25 applies to benefits payable under sections 39 and 40. The rate of indexation shall, however, with respect to the years and parts of a year giving entitlement to the benefits, be equal to the excess of the rate of increase of the Pension Index determined by the Act respecting the Québec Pension Plan, over 3%.

Payment

Payment of the amount computed under section 39 shall be made in a single payment each year in the month of June.

CHAPTER VII

TRANSITIONAL PROVISIONS

Applicability

42. Chapter III, Division III of Chapter IV and Chapter V apply to a person who has already availed himself of the Act respecting pension coverage for certain teachers and who is an employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan. Any pension credit to which the person has become entitled under sections 86, 100 and 104 of the Act respecting the Government and Public Employees Retirement Plan is cancelled.

Applicability

However, if the person referred to in the first paragraph died before 26 June 1986 and was 65 years of age or older at the time of his death, or if his age added to his years of service totalled 90 or more, sections 20, 24, 25 and 32 apply, in respect of the years that have entitled him to the pension credit under Division III of the Act respecting pension coverage for certain teachers, to the spouse's pension or, as the case may be, to the guaranteed benefit, according to the election made by him under section 18 of the said Act. In that case, sections 20, 24, 25 and 32 shall apply as though they had been in force on the date on which the spouse's pension or, as the case may be, the guaranteed benefit became payable. The maximum amount provided by section 22 shall be computed as of the same date with respect to the benefits the person would have been entitled to receive.

Applicability

43. Division I of Chapter V, except sections 19 and 23, and sections 31 to 36, apply to every person who has become entitled to a deferred annuity under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan before 26 June 1986, which has not become payable before that date, and to every person who, on 25 June 1986, is receiving a pension by reason of mental or physical disability and who has already availed himself of the Act respecting pension coverage for certain teachers. In such cases, the increase provided by section 20 becomes payable from the person's sixty-fifth birthday.

Deferred annuity

However, if a person referred to in the first paragraph has become entitled to a deferred annuity under the Government and Public Employees Retirement Plan and if he meets, taking into account the years and parts of a year giving entitlement to the increase provided by section 20 and taking into account his age when he ceases to be employed, one of the criteria set out in section 19, Chapter V, except sections 28 to 30, applies and his benefits become payable from 26 June 1986. The amount of his benefits shall be established, having regard to his age, as of 26 June 1986.

Computation of increase

44. A person who is receiving a pension under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan and who has already availed himself of the Act respecting pension coverage for certain teachers is entitled to receive, instead of the benefits computed under the said Act and instead of the pension credits to which he is entitled under the Act respecting the Government and Public Employees Retirement Plan, except pension credits to which he is entitled under sections 101, 113 and 158 of the said Act, the increase provided by section 20 of this Act. Sections 22, 24 to 26 and 31 to 33, and section 34 to the extent that it refers to sections 58, 59 and 217 to 219 of the Act respecting the Government and Public Employees Retirement Plan, apply to that person. In that case, the increase provided by section 20 shall be computed as though the said section had been in force on the date on which the benefits computed under the Act respecting pension coverage for certain teachers became payable, but not later than 25 June 1986.

Restriction

However, if the person referred to in the first paragraph is granted a pension credit pursuant to section 101, 113 or 158 of the Act respecting the Government and Public Employees Retirement Plan, the pension credit shall continue to be paid, but section 89 and the first paragraph of section 94 of the said Act do not apply.

Death before 26 June 1986

If the person referred to in the first paragraph died before 26 June 1986 and was 65 years of age or older at the time of his death or, where he was receiving a pension under the Act respecting the Government and Public Employees Retirement Plan, if his age added to his years of service totalled 90 or more, sections 20, 24 to 26 and 32 apply, in respect of the years that have entitled him to the pension credit under Division III of the Act respecting pension coverage for certain teachers, to the spouse's pension or, as the case may be, to the guaranteed benefit, according to the election made by the person under section 18 of the said Act. In that case, sections 20, 24 to 26 and 32 shall apply as though they had been in force on the date on which the pension credit under Division III of the Act respecting pension coverage for certain teachers became payable to that person. The maximum amount provided by

section 22 shall be computed as of the same date with respect to the benefits the person would have received.

Pension
payable
before 26
June 1986

45. A person whose pension under the Teachers Pension Plan or the Civil Service Superannuation Plan became payable before 26 June 1986 and a person who ceases to hold an employment contemplated in the said plans before that date but after becoming entitled to a deferred annuity are or will be entitled to receive, if section 24 of the Act respecting pension coverage for certain teachers was applicable to them, instead of the amount computed under the said section 24, the amount computed in accordance with sections 39 and 41 as though they had been in force on the date on which the amount established under the said section 24 became or becomes payable.

Death
before 26
June 1986

If a person referred to in the first paragraph died before 26 June 1986 and was then receiving the amount computed in accordance with section 24 of the Act respecting pension coverage for certain teachers, the first paragraph applies to the spouse's pension according to the election made by the person under subparagraph *b* or *c* of the first paragraph of section 18 of the said Act.

Transfer of
years of
service

46. A person who attained 65 years of age before 26 June 1986 and who transferred his years or parts of a year of service credited under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan to the pension plan of a body with which an agreement has been entered into under section 158 of the Act respecting the Government and Public Employees Retirement Plan is entitled to receive, if section 12 of the Act respecting pension coverage for certain teachers was applicable to him, instead of the pension credit under the said section 12, the amount computed in accordance with sections 40 and 41 of this Act as though they had been in force on the person's sixty-fifth birthday.

Death
before 26
June 1986

If the person referred to in the first paragraph died before 26 June 1986 and was 65 years of age or older, the first paragraph applies to the amount payable to the spouse or, as the case may be, to the guaranteed benefit according to the election made by the person under section 18 of the Act respecting pension coverage for certain teachers.

Indexing

47. For the purposes of computations under the second paragraph of section 42 and sections 44 to 46, the indexing provided for in section 25 shall be determined by indexing the initial amount according to the rate of indexation determined for each period under the Government and Public Employees Retirement Plan from the date on which the amount would have become payable.

- Reduction** In that case, the reduction prescribed in section 24 applies, if the payable pension is guaranteed under subparagraph *a* of the first paragraph of section 18 of the Act respecting pension coverage for certain teachers, from the month immediately following the pensioner's sixty-fifth birthday, even if he died before that age.
- Restriction** **48.** The second paragraph of section 42 and sections 44 to 46 apply only if, on 26 June 1986 or, as regards section 45, on the date on which the amount becomes payable, the amount computed under those sections is greater than the amount that was payable on 25 June 1986 or, as the case may be, on the date on which it becomes payable under the Act respecting pension coverage for certain teachers. However, the amount computed under those sections and the reduction prescribed in sections 24 and 26 shall be adjusted, if applicable, in accordance with the criteria established by regulation under section 20 of the Act respecting pension coverage for certain teachers.
- Instalments payable after 25 June 1986** **49.** If the amount computed under the second paragraph of section 42 and under sections 44 and 46 is more advantageous within the meaning of section 48, the amount is owing only in respect of instalments payable after 25 June 1986.
- Date of payment** If the amount computed under section 45 is more advantageous, within the meaning of section 48, the amount is owing only from 26 June 1986 or, if it was not payable before that date, from the date it becomes payable. However, any amount owing from 26 June 1986 shall be payable only from the annual payment of June 1987.
- Applicability** Section 35 applies to benefits payable to any person or beneficiary contemplated in this chapter.
- Applicable provisions** **50.** Sections 20 and 21 of the Act respecting pension coverage for certain teachers continue to apply with respect to a person or, as the case may be, a beneficiary who, on 25 June 1986, is receiving benefits under the said Act in accordance with the election made by the person under section 18 of the said Act even if the most advantageous amount within the meaning of section 48 is not the amount computed under the Act respecting pension coverage for certain teachers. In that case, section 32 of this Act does not apply to that amount.
- Return to work** **51.** The provisions relating to a pensioner's return to work under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan apply, adapted as required, to a person referred to in section 44 and, as the case may be, in section 45. Where that person elects to contribute to the plan, sections 8, 9, 18, 34, 36, 54 and 55 apply.

Deferred
annuity

Chapter III, Divisions I and III of Chapter IV and Chapter V apply to a person contemplated in this chapter who has become entitled to a deferred annuity under any of the pension plans referred to in the first paragraph who holds an employment contemplated in the Act respecting the Government and Public Employees Retirement Plan and whose deferred annuity is not yet payable. The said provisions also apply to a person referred to in section 46.

Effect

52. The Act respecting pension coverage for certain teachers (R.S.Q., chapter P-32.1) ceases to have effect from 26 June 1986 except with respect to the payment of benefits to the persons for whom the amount payable under the said Act is more advantageous within the meaning of section 48 and with respect to the payment of benefits under section 50.

Redemption

Notwithstanding the foregoing, a person who has already availed himself of the said Act may apply for the redemption of other years and parts of years of service that could have been redeemed under the said Act, except where those years and parts of years have been the subject, before 26 June 1986, of a decision of the Commission or, depending on the date, of a decision of the Comité de retraite or any of its subcommittees, following an application for reexamination. That person must redeem such years and parts of a year in accordance with the Act respecting pension coverage for certain teachers as though he had redeemed them at the time he availed himself of the said Act. Any amount exigible is increased by interest compounded annually at the rate determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, for the period comprised between 1 July of the year in which he availed himself of the said Act and the date of the Commission's notice establishing the amount payable.

Adjustment

The person who avails himself of the second paragraph shall be entitled to the adjustment of benefits afforded by the years and parts of years so redeemed, from, as the case may be, the latest of the following dates:

- (1) 26 June 1986;
- (2) the date on which the benefits would become payable;
- (3) the date preceding by not more than 12 months the date of receipt of his application.

CHAPTER VIII

FUNDS

DIVISION I

TRANSFER AND INVESTMENT OF FUNDS

Transfer **53.** All sums paid to the Caisse de dépôt et placement du Québec pursuant to the Act respecting the Government and Public Employees Retirement Plan before 26 June 1986 in respect of any person contemplated in this Act shall be transferred to the consolidated revenue fund, after deduction of the amount of any benefit paid or payable before 26 June 1986, having regard to the sums so transferred.

Restriction However, the sums transferred to the Commission pursuant to section 101 of the Act respecting the Government and Public Employees Retirement Plan and the contributory amounts paid by the employer in accordance with section 31 of the said Act shall not be transferred as provided in the first paragraph.

**Consolidated
revenue
fund** **54.** All sums paid after 25 June 1986 in respect of any person contemplated in this Act other than sums transferred to the Commission pursuant to section 101 of the Act respecting the Government and Public Employees Retirement Plan and the contributory amounts paid by the employer in accordance with section 31 of the said Act shall be deposited with the consolidated revenue fund. Sections 127 to 129 of the Act respecting the Government and Public Employees Retirement Plan apply to sums transferred to the Commission pursuant to section 101 thereof, to the contributory amounts paid by the employer and to the contributions of employees. However, the contributions of employees shall be transferred annually to the consolidated revenue fund.

Interest **55.** All transferred sums bear interest from 1 July of the year in which they are paid until the date of the transfer.

Computation Interest is computed at the rate determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, and is compounded annually.

DIVISION II

PAYMENT OF BENEFITS

**Sums
required** **56.** All sums required for the application of this Act are taken out of the consolidated revenue fund except those required for its administration, which are granted annually by Parliament.

DIVISION III

ACTUARIAL VALUATION

Actuarial
valuation

57. At least once every three years, the Commission shall cause an actuarial valuation of this plan to be made by the actuaries it designates.

CHAPTER IX

MISCELLANEOUS PROVISIONS

Inaliena-
bility

58. All sums paid or refunded under this Act are inalienable and unseizable.

Benefits and
refunds
payable

All benefits or refunds payable with respect to a person contemplated in this Act, pursuant to the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting pension coverage for certain teachers, if, in the latter case, the benefits are more advantageous within the meaning of section 48, shall become benefits or refunds payable under the retirement plan established under this Act.

Applications

59. No person may claim a benefit or advantage under this Act unless he has applied therefor to the Commission, except in cases where section 48 applies.

Presumption

Every application relating to the application of this Act received by the Commission between 20 November 1985 and 26 June 1986 is deemed to have been received on the latter date.

Applicable
provisions

60. Sections 151 and 152 of the Act respecting the Government and Public Employees Retirement Plan apply to any benefit payable under this Act, except that in respect of any application received before 1 January 1987

(1) the word “sixty-first” shall be replaced by the words “one hundred and eighty-first”;

(2) the word “sixtieth” shall be replaced by the words “one hundred and eightieth”.

Amendment
of schedule

61. The Government may, by order, amend Schedule I. In no case may the order have effect more than twelve months before it is issued.

Exception **62.** The provisions of this Act apply notwithstanding the provisions of section 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) and of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Minister responsible **63.** The Government shall designate the minister responsible for the administration of this Act.

SCHEDULE I

Section 3

LIST OF RELIGIOUS COMMUNITIES

Fathers

Assomptionnistes
 Augustinian Fathers
 Basilian Fathers
 Basilian Fathers of St. Josaphat
 Bénédictins
 Capucins
 Chanoines Réguliers de l'Immaculée-Conception
 Cisterciens de l'Immaculée-Conception
 Clarétains
 Clercs de Saint-Viateur
 Consolata (Missionnaires de la)
 Dominicains
 Eudistes
 Fils de la Charité
 Franciscains
 Fraternité Sacerdotale
 Friars Minor Conventual
 Institut séculier Pie-X
 Jésuites
 Marianistes
 Mariannhill (Missionnaires de)
 Maristes
 Missions africaines (Société des)
 Missions étrangères (Société des)
 Monfortains
 Oblats de Marie Immaculée
 Pallotine Fathers
 Passionist Fathers
 Pères Blancs d'Afrique

Rédemptoristes
 Resurrectionist Fathers
 Sacré-Cœur (Missionnaires du)
 Sacré-Cœur de Jésus (Prêtres du)
 Sacrés-Cœurs de Jésus et de Marie (Pères des)
 Sainte-Esprit (Pères du)
 Saint-Vincent-de-Paul (Religieux de)
 Sainte-Croix (Congrégation de)
 Saints-Apôtres (Société des)
 Salésiens de Don Bosco
 Salette (Missionnaires de la)
 Scarboro Foreign Mission Society
 Servites de Marie
 Sulpiciens
 Trappistes
 Très-Saint-Sacrement (Congrégation du)
 Trinitaires

Brothers

Charité (Frères de la)
 Christian Brothers (Congregation of)
 Ecoles Chrésiennes (Frères des)
 Hospitaliers de Saint-Jean-de-Dieu
 Instruction Chrétienne (Frères de l')
 Little Brothers of the Good Shepherd
 Maristes (Frères)
 Notre-Dame de la Miséricorde (Frères de)
 Our Lady of Lourdes (Brothers of)
 Our Lady of The Seven Sorrows (Brothers of)
 Presentation Brothers
 Sacré-Cœur (Frères du)
 Saint-Gabriel (Frères de)
 Sainte-Croix (Frères de)

Sisters

Antoniennes de Marie
 Assomption de la Ste-Vierge (Soeurs de l')
 Auxiliatrices (Soeurs)
 Benedictine Sisters
 Bon-Pasteur d'Angers (Soeurs du)
 Bon-Pasteur de Québec (Soeurs du)
 Carmelite Sisters of The Divine Heart
 Carmélites
 Carmélites Missionnaires

Charité de la Providence (Sœurs de la)
Charité de Notre-Dame d'Evron (Sœurs de la)
Charité de Québec (Sœurs de la)
Charité de Saint-Hyacinthe (Sœurs de la)
Charité de Saint-Louis (Sœurs de la)
Charité de Sainte-Marie (Sœurs de la)
Charité d'Ottawa (Sœurs de la)
Clarisses — Order of St. Clare
Congrégation de Notre-Dame
Disciples du Divin Maître (Sœurs)
Dominicaines (Sœurs)
Dominicaines de la Trinité
Dominicaines de Ste-Catherine-de-S.
Dominicaines des Saints-Anges
Dominicaines Missionnaires Adoratrices
Enfant-Jésus (Sœurs de l')
Faithful Companions of Jesus
Felician Sisters
Filles de la Charité de St-Vincent-de-Paul
Filles de la Charité du Sacré-Cœur de Jésus
Filles de Jésus
Filles de la Croix
Filles de la Providence
Filles de la Sagesse
Filles de Marie-Auxiliatrice
Filles de Marie-de-l'Assomption
Filles de Saint-Paul
Filles de Ste-Marie-de-la Prés.
Filles du Cœur de Marie
Filles Réparatrices du Divin Cœur
Franciscaines Missionnaires de l'Immaculée-Conception
Franciscaines Missionnaires de Marie
Grey Sisters of The Immaculate Conception
Grises de Montréal (Sœurs)
Hospitalières de Saint-Augustin
Hospitalières de Saint-Joseph
Immaculée (Sœurs de l')
Institut Jeanne-d'Arc
Jésus-Marie (Religieuses de)
Marie-Réparatrice (Religieuses de)
Maristes (Sœurs)
Miséricorde (Sœurs de la)
Missionary Sisters of The Precious Blood
Missionary SS. of Christian Charity
Missionnaires de l'Immaculée-Conception
Missionnaires de Notre-Dame d'Afrique

Missionnaires de Notre-Dame-des-Anges
Missionnaires du Christ-Roi
Missionnaires du Saint-Esprit
Missionnaires Notre-Dame des Apôtres
Missionnaires Oblates du S.C. et de M.I.
Notre-Dame-Auxiliatrice (Soeurs de)
Notre-Dame d'Auvergne (Soeurs)
Notre-Dame de Bon-Conseil (Soeurs de) — Montréal
Notre-Dame de Sion (Soeurs)
Notre-Dame du Bon-Conseil (Soeurs de) — Québec
Notre-Dame du Perpétuel-Secours (Soeurs de)
Notre-Dame du Sacré-Cœur (Soeurs de)
Notre-Dame du Saint-Rosaire (Soeurs de)
Oblates de Béthanie
Oblates Franciscaines de Saint-Joseph
Our Lady of The Missions
Our Lady of The Retreat in The Cenacle (Congregation of)
Our Lady's Missionaries
Petites Filles de Saint-François
Petites Filles de Saint-Joseph
Petites Franciscaines de Marie
Petites Missionnaires de Saint-Joseph
Petites Soeurs de Jésus
Petites Soeurs de la Sainte-Famille
Petites Soeurs de l'Assomption
Précieux Sang (Religieuses du)
Présentation de Marie (Soeurs de la)
Recluses Miss. de Jésus-Marie
Redemptoristine Sisters
Sacré-Cœur (Soeurs du)
Sacré-Cœur de Jésus (Religieuses du)
Sacré-Cœur de Jésus de Marie
Sacrés-Cœurs et de l'A.P. (Soeurs des)
Saint-François-d'Assise (Soeurs de)
Saint-Joseph-de-Saint-Hyacinthe (Soeurs de)
Saint-Joseph-de-Saint-Vallier (Soeurs de)
Saint-Paul de Chartres (Soeurs de)
Sainte-Anne (Soeurs de)
Sainte-Chrétienne (Soeurs de)
Sainte-Croix (Soeurs de)
Sainte-Famille de Bordeaux (Soeurs de la)
Sainte-Jeanne-d'Arc (Soeurs de)
Sainte-Marie de Namur (Soeurs de)
Sainte-Marthe (Soeurs de)
Saints-Apôtres (Soc. des SS. des)
Saints-Cœurs de Jésus-Marie (Soeurs des)

Saints-Noms de Jésus et de Marie (Soeurs des)
Sauveur (Soeurs du)
School Sisters of Notre Dame
Servantes de N.-D., Reine Du C.
Servantes du Saint-Cœur de Marie
Servantes du Très Saint-Sacrement
Servants of Mary Immaculate
Servites de Marie
Sisters of Charity of St-Vincent de Paul
Sisters of Charity of the Immaculate Conception
Sisters of Loretto
Sisters of Mercy
Sisters of Mission Service
Sisters of Our Lady of the Cross
Sisters of Providence of Saint Vincent de Paul
Sisters of Saint Elizabeth
Sisters of Saint Joseph — (Hamilton)
Sisters of Saint Joseph — (London)
Sisters of Saint Joseph — (Pembroke)
Sisters of Saint Joseph — (Peterborough)
Sisters of Saint Joseph — (Sault Ste. Marie)
Sisters of Saint Joseph — (Toronto)
Sisters of St. Martha — (Antigonish, N.S.)
Sisters of St. Martha — (Charlottetown, P.E.I.)
Sisters of Service
Sisters of Social Service
Sisters of The Child Jesus
Sisters of The Presentation
Trinitaires (Soeurs)
Ursuline of Jesus
Ursuline Religious — (Bruno, Sask.)
Ursuline Religious — (Chatham, Ont.)
Ursuline Sisters — (Saskatoon, Sask.)
Ursuline Sisters — (Winnipeg, Man.)
Ursulines — (Québec)

Enclosed orders

Bénédictines
Carmélites
Cisterciennes
Clarisses
Dominicaines
Rédemptoristines
Visitandines

Contemplative nuns

Petites Sœurs de Jésus
Recluses Missionnaires de Jésus-Marie
Religieuses du Précieux-Sang
Servantes de Jésus-Marie
Servantes du Très Saint-Sacrement
Société de Marie-Réparatrice

SCHEDULE II

Section 15

PREMIUM PER \$10 OF ANNUAL PENSION

Age	Men	Women	Age	Men	Women
18	\$3.141	\$3.537	50	\$17.424	\$19.620
19	3.314	3.731	51	18.382	20.699
			52	19.393	21.838
20	3.496	3.937	53	20.460	23.039
21	3.688	4.153	54	21.585	24.306
22	3.891	4.382			
23	4.105	4.623			
24	4.331	4.877	55	22.772	25.643
			56	24.139	27.181
25	4.569	5.145	57	25.587	28.812
26	4.820	5.428	58	27.122	30.541
27	5.086	5.727	59	28.750	32.373
28	5.365	6.042			
29	5.660	6.374	60	30.475	34.316
			61	32.303	36.375
30	5.972	6.724	62	34.241	38.557
31	6.300	7.094	63	36.296	40.870
32	6.647	7.484	64	38.474	43.323
33	7.012	7.896			
34	7.398	8.330			
			65	40.782	45.922
35	7.805	8.788	66	39.684	44.959
36	8.234	9.272	67	37.976	43.933
37	8.687	9.782	68	36.806	42.885
38	9.165	10.320	69	35.683	41.817
39	9.669	10.887			
40	10.201	11.486	70	34.485	40.782
41	10.762	12.118	71	33.683	39.684
42	11.353	12.784	72	32.428	37.976
43	11.978	13.488	73	31.175	36.806
44	12.637	14.229	74	29.920	35.683
45	13.332	15.012	75	28.661	34.485
46	14.065	15.838	76	27.396	33.683
47	14.839	16.709	77	26.141	32.428
48	15.655	17.628	78	24.905	31.175
49	16.516	18.597	79	23.696	29.920
			80	22.519	28.661

ACT RESPECTING THE GOVERNMENT AND PUBLIC
EMPLOYEES RETIREMENT PLANc. R-10, s.
2, am.

64. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding, after paragraph 3, the following paragraph:

“(4) a person engaged by contract by the Government under section 57 of the Public Service Act if the person applies therefor and if the Government issues an order to that effect.”

c. R-10, s.
16.1, added

65. The said Act is amended by inserting, after section 16, the following section:

Union
activities

“**16.1** The pensionable salary of an employee who is released for union activities is the salary paid to him by his employer and any salary paid to him by the body for the benefit of which he is released, if

(1) the body meets the conditions established by regulation for its category made under paragraph 20 of section 134;

(2) the body applied therefor; and if

(3) the Government has issued an order to that effect in respect of all employees released for union activities to hold an employment with that body.”

c. R-10, s.
24, replaced

66. Section 24 of the said Act, amended by section 2 of chapter 18 of the statutes of 1985, is replaced by the following section:

Leave with-
out pay

“**24.** The days and parts of a day during which an employee is on part-time or full-time leave without pay for a period of not less than 28 consecutive days are credited on the application of the employee, if

(1) he has been authorized to take the leave by his employer;

(2) he pays an amount equal to 200% of the contributions that would have been deducted from the salary he would have received if he had not been on leave according, as the case may be, to the number of days and parts of a day comprised in the leave out of the number of contributory days in the year, that is, 200 or 260, according to the basis of remuneration;

(3) he holds, in the case of a full-time leave without pay, an employment contemplated in this plan from the end of the last leave authorized by the employer or, in the case of a part-time leave without pay, from the end of the authorized leave unless he has died or become disabled or eligible for retirement, or unless upon his return, he transfers

to the service of an employer with whom the Commission has concluded an agreement of transferability or, if the leave is followed by maternity leave, from the end of the leave or, where such is the case, from the end of the leave without pay immediately following the maternity leave.”

c. R-10, s.
25, replaced

67. Section 25 of the said Act, replaced by section 3 of chapter 18 of the statutes of 1985, is again replaced by the following section:

Redemption

“25. If the application to redeem a leave without pay authorized by the employer is not received within six months following the return to work in the case of a full-time leave without pay, or within six months following the end of the authorized leave, in the case of a part-time leave without pay, the amount required to pay the cost of redemption is increased by interest at the rate in force on the date of receipt of the application. The interest is computed from the end of the sixth month following the return to work or, in the case of a part-time leave without pay, from the end of the sixth month following the end of the authorized leave, until the date of receipt of the application, and is compounded annually.”

c. R-10, s.
26, replaced

68. Section 26 of the said Act, replaced by section 4 of chapter 18 of the statutes of 1985, is again replaced by the following section:

Period of
repayment

“26. The employee may spread the payment of the amount required to pay the cost of redeeming a period of leave without pay, including the interest prescribed by section 25, over the period and at dates of payment determined by the Commission.

Interest

However, all or part of the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application from, as the case may be, either of the following dates:

(1) the end of the sixth month following the return to work or, in the case of a part-time leave without pay, the end of the sixth month following the end of the authorized leave if the application is received before the end of that sixth month;

(2) the date of receipt of the application if it is received after the end of the sixth month following the return to work or, in the case of a part-time leave without pay, following the end of the authorized leave.”

c. R-10, s.
60, am.

69. Section 60 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) pension credit under this plan and any other benefit payable under the Act respecting the Pension Plan of Certain Teachers (1986, chapter 44);”.

c. R-10, s.
63, replaced

70. Section 63 of the said Act is replaced by the following section:

Benefits

“63. To determine the benefits that a person is entitled to receive, the benefits are adjusted in accordance with the plan concerned.”

c. R-10, s.
67, am.

71. Section 67 of the said Act is amended by replacing subparagraphs 5 to 9 of the first paragraph by the following subparagraphs:

“(5) any benefit granted pursuant to the pension plan of certain teachers;

“(6) any pension credit earned or credited pursuant to sections 101 and 158 and the amounts payable under section 80;

“(7) the other pension credits granted under this plan;

“(8) the annual pension under section 84.”

c. R-10, s.
79, replaced

72. Section 79 of the said Act is replaced by the following section:

Cash
payment

“79. The Commission, upon the application of a beneficiary other than a beneficiary contemplated in section 60, may, at any time after the pension becomes payable, make cash payment of the actuarial value, computed in accordance with the standards established by regulation, of all benefits under the plan if the aggregate amount of the benefits does not exceed \$811 annually.

Indexing

The amount of \$811 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act.”

c. R-10, ss.
115.1-115.6,
added

73. The said Act is amended by inserting, after section 115, the following sections:

Social
affairs
sector

“115.1 Any employee of the social affairs sector who has held a position or employment on a casual basis within the meaning of the regulations made under paragraph 5 of section 4 and who had not been engaged for the specific purpose of holding such a position or employment is entitled to be credited, for pension purposes under this plan, with the service performed in such capacity between 30 June 1973 and 1 January 1987 with an agency or body of the social affairs sector.

Require-
ments

The employee referred to in the first paragraph shall, to be credited with that service, pay to the Commission an amount equal to the contribution he would have been required to pay if he had been subject to this plan, increased by interest compounded annually at the rates determined, for each period, by this Act. The interest shall run from

the midpoint of each year until the date of receipt of the application. Any pension credit that may have been granted in respect of such service is cancelled and the sums paid in respect thereof shall be reimbursed with interest.

Applications The employee shall, to be credited with such service, apply therefor not later than 31 December 1989. If the employee applies to have only part of his service credited, the most recent service will be credited first.

Period of payment “**115.2** The employee may, to pay the cost of redeeming service under section 115.1, spread payment thereof with interest at the rate in force on the date of receipt of the application over the period and at dates of payment determined by the Commission.

Continuous service “**115.3** For the purposes of section 52, any period of continuous service includes the years and parts of a year in respect of which the service contemplated in section 115.1 is credited.

Years of service “**115.4** The years and parts of a year of service in respect of which an employee has contributed to the pension fund of the officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) and in respect of which he did not contribute to the Teachers Pension Plan or the Civil Service Superannuation Plan are credited for pension purposes, if the employee

(1) applied, between 1 July 1973 and 4 August 1980, to obtain the transfer of those years and parts of a year of service to this plan;

(2) has not applied for such a transfer but has not obtained the reimbursement of the contributions paid by him into the said pension fund;

(3) has obtained the reimbursement of the contributions paid by him into the said pension fund after 30 June 1973 while he was subject to this plan.

Applicability The first paragraph applies to pensioners who meet the conditions set out in subparagraph 1 or 3.

Requirements “**115.5** The employee or, as the case may be, the pensioner referred to in subparagraph 3 of section 115.4, shall, to be credited with the years and parts of a year of service contemplated in the said section, pay an amount equal to the contributions reimbursed to him increased by interest compounded annually at the rates determined, for each period, by this Act, for the period included between the date of the reimbursement and the date of receipt of the application.

Cancellation
of pension
credit

Any pension credit that may have been granted in respect of one or several of those years or parts of a year is cancelled and the sums paid in respect thereof are reimbursed with interest.

Applicability

“115.6 Section 100 applies to an employee who applied to have his years or parts of a year of service credited under sections 115.4 and 115.5 as if he had applied to have them credited under section 98.”

c. R-10, s.
122,
replaced
Benefits

74. Section 122 of the said Act is replaced by the following section:

“122. To determine the benefits, other than the pension acquired under this plan, to which an employee will be entitled when he ceases to be employed, the benefits are adjusted in accordance with the plan concerned.”

c. R-10, s.
134, am.

75. Section 134 of the said Act, amended by section 15 of chapter 18 of the statutes of 1985, is again amended by replacing what precedes paragraph 1 by the following:

Regulations

“134. The Government may, by regulation, after consultation with the Comité de retraite in the case of the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan, and plans established under sections 9 and 10 of this Act and the Pension Plan of Certain Teachers,”.

c. R-10, s.
137,
replaced
Object

76. Section 137 of the said Act is replaced by the following section:

“137. The object of the Commission is to administer the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan and the pension plans established under sections 9 and 10 of this Act and the Pension Plan of Certain Teachers and every other retirement or insurance plan entrusted to its administration by statute or by the Government.

Approval

Except with the prior approval of the Comité de retraite, however, the Commission shall not exercise the powers which, in respect of the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan and plans established under sections 9 and 10 of this Act and the Pension Plan of Certain Teachers, are conferred on it

(1) under sections 26, 28, 82, 115.2, 148 and 221 of this Act, under sections 22, 23, 27, 76 and 76.1 of the Act respecting the Teachers Pension Plan, under sections 66.2, 112 and 112.1 of the Act respecting

the Civil Service Superannuation Plan, in the case of the determination of periods or dates of payment;

(2) under sections 79, 86, 95, 100, 104, 147, 149, 158 and 189 of this Act, under section 66 of the Act respecting the Teachers Pension Plan, under sections 63.7 and 74 of the Act respecting the Civil Service Superannuation Plan and under sections 12 and 35 of the Act respecting the Pension Plan of Certain Teachers.”

c. R-10, s.
148,
replaced
Dates of
payment

77. Section 148 of the said Act is replaced by the following section:

“**148.** The Commission shall pay the benefits under the plans administered by it at such dates as it may determine.”

c. R-10, s.
149, am.

78. Section 149 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Single
payment

“**149.** The Commission may, however, in one annual payment and on such date as it may determine, make cash payment of the annual value of all the benefits payable under a pension plan administered by it, except for pensions granted to children and those granted by reason of physical or mental disability, if the total amount of the benefits payable under the plan does not exceed \$811.”;

(2) by replacing the third paragraph by the following paragraph:

Indexing

“The amount of \$811 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act.”

c. R-10, s.
150, am.

79. Section 150 of the said Act is amended by replacing the first paragraph by the following paragraph:

Information

“**150.** The Commission may request from any employee or beneficiary of a plan administered by it, and from his employer, any information or document required to determine the right to benefits provided under the plan, and to allow periodic control.”

c. R-10, s.
165, am.

80. Section 165 of the said Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) giving its prior approval for the exercise of the powers listed in the second paragraph of section 137 and reexamining the decisions made by the Commission in respect of the participants and beneficiaries of the Government and Public Employees Retirement Plan, the Teachers

Pension Plan, the Civil Service Superannuation Plan, the plans established under sections 9 and 10 of this Act and of the Pension Plan of Certain Teachers;”;

(2) by replacing paragraph 5 by the following paragraph:

“(5) advising the Minister and the Commission and making recommendations concerning the administration of the plans referred to in paragraph 1.”

c. R-10, s.
179, am.

81. Section 179 of the said Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) the eligibility of an employee or beneficiary for the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan and the plans established under sections 9 and 10 of this Act and the Pension Plan of Certain Teachers;”;

(2) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) any benefit, advantage or reimbursement provided under those plans.”

c. R-10, s.
181,
replaced

82. Section 181 of the said Act is replaced by the following section:

Arbitration
and appeal

“**181.** An employee or beneficiary may, within 90 days of the date of mailing of the decision of the Comité de retraite,

(1) apply for arbitration in the case of a Government and Public Employees Retirement Plan, the plans established under sections 9 and 10 of this Act and in the case of the Pension Plan of Certain Teachers;

(2) appeal to the Commission des affaires sociales in the case of the Teachers Pension Plan and the Civil Service Superannuation Plan.”

c. R-10, s.
193,
replaced

83. Section 193 of the said Act, replaced by section 20 of chapter 18 of the statutes of 1985, is again replaced by the following section:

Agreement

“**193.** Any person who, pursuant to an agreement with his employer, has agreed to receive only part of his salary for a number of years and parts of a year determined in the agreement, never exceeding 4.5 years, in order to obtain one year’s or part of one year’s leave of absence, is governed by this chapter.”

c. R-10, s. 197, replaced **84.** Section 197 of the said Act, replaced by section 22 of chapter 18 of the statutes of 1985, is again replaced by the following section:

Termination of agreement **“197.** If the agreement becomes null or ends by reason of circumstances that, in each case, are determined in the agreement, the pensionable salary, credited service and contributions are determined, in each case, in the manner provided by regulation according to whether or not the person obtained one year’s or part of one year’s leave of absence.

Adjustment Any adjustment respecting the person’s pensionable salary, his credited service and his contributions is determined, for each year and part of a year during which he was party to the agreement, in the manner determined by regulation, according to whether the agreement becomes null or ends.”

c. R-10, s. 214, am. **85.** Section 214 of the said Act is amended by replacing the second paragraph by the following paragraph:

Effect **“No** regulation may have effect more than twelve months before it is made.”

c. R-10, s. 220, replaced **86.** Section 220 of the said Act, replaced by section 25 of chapter 18 of the statutes of 1985, is again replaced by the following section:

Amendment of schedules **“220.** The Government may, by order, amend Schedules I, II, III and VI. No such order may have effect more than twelve months before it is issued. The same applies to an order issued under section 16.1.

Effect No order under paragraph 1 or 4 of section 2 or under paragraph 9 of section 4 may have effect more than six months before it is issued. However, any order under paragraph 2 of section 2 may have effect from any date after 31 December 1976.”

c. R-10, s. 223.1, added **87.** The said Act is amended by inserting, after section 223, the following section:

Exception **“223.1** Sections 98 and 115.4 apply notwithstanding the provisions of section 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) and of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Exception For the purposes of section 98, the exception provided in this section applies from 27 June 1975 in respect of the Charter of human rights and freedoms and from 17 April 1985 in respect of the Constitution Act, 1982.”

c. R-10,
Sched. I,
am.

88. Schedule I to the said Act, replaced by section 27 of chapter 18 of the statutes of 1985, amended by section 36 of chapter 13 of the statutes of 1985 and section 520 of chapter 6 of the statutes of 1985 and amended by orders 1888-85 of 18 September 1985 and 2400-85 of 27 November 1985, is again amended in paragraph 1

(1) by adding, after the words “the Atelier protégé le Fil d’Ariane inc.”, the words “the Ateliers le Cap-Centre d’adaptation professionnelle”;

(2) by striking out, after the words “the Centre d’accueil le Cabestan inc.”, the words “the Centre d’accueil le Chaïnon”;

(3) by adding, after the words “the Centre d’accueil Gouin inc.”, the words “the Centre d’accueil Nazareth inc.”;

(4) by adding, after the words “the Centre d’apprentissage et de développement individuel de Québec (C.A.D.I.Q.)”, the words “the Centre d’hébergement St-Hilaire enr.”;

(5) by striking out, after the words “the Centre d’Insémination artificielle du Québec (C.I.A.Q.) inc.”, the words “the Centre des métiers d’art de l’Est du Québec”;

(6) by adding, after the words “the Centre québécois pour l’informatisation de la production”, the words “the Centre québécois de valorisation de la biomasse”;

(7) by adding, after the words “the Foyer St-Bruno inc.”, the words “the Foyer St-François inc.”;

(8) by adding, after the words “the Institut québécois de recherche sur la culture”, the words “the Institut de recherche et d’information sur la rémunération”;

(9) by adding, after the words “the Société de développement des industries de la culture et des communications”, the words “the Société des établissements de plein air du Québec”;

(10) by adding, before the words “the Société Inter-Port de Québec”, the words “the Société Informas du Québec (S.I.Q.)”.

c. R-10,
Sched. II,
am.

89. Schedule II to the said Act, replaced by section 28 of chapter 18 of the statutes of 1985, is amended in paragraph 1

(1) by striking out, after the words “the Centre d’accueil de Brossard inc.”, the words “the Centre d’accueil Caprol-Rayon de soleil”;

(2) by adding, after the words “the Centre hospitalier Deux-Montagnes inc.”, the words “the Centre hospitalier Jeanne-Mance inc.”;

(3) by adding, after the words “the Centre hospitalier du Très Saint-Rédempteur inc.”, the words “the Centre d’intégration socio-professionnelle de Laval”;

(4) by striking out, after the words “le Foyer Saint-Cyprien inc.”, the words “the Foyer Saint-François”;

(5) by striking out, after the words “the Hôpital Fleur-de-Lys (1968) inc.”, the words “the Hôpital Jeanne-Mance inc.”;

(6) by striking out, after the words “the Résidence Melbourne inc.”, the words “the Résidence Pasquier inc.”.

c. R-10,
Sched. III,
am.

90. Schedule III to the said Act, replaced by section 29 of chapter 18 of the statutes of 1985 and amended by section 37 of chapter 13 of the statutes of 1985 and by orders 1888-85 of 18 September 1985 and 2400-85 of 27 November 1985 is again amended in paragraph 1

(1) by striking out, after the words “the Centre d’Insémination artificielle du Québec (C.I.A.Q.) inc.”, the words “the Centre des métiers d’art de l’Est du Québec”;

(2) by adding, after the words “the Centre québécois pour l’informatisation de la production”, the words “the Centre québécois de valorisation de la biomasse”;

(3) by adding, after the words “the Société des alcools du Québec”, the words “the Société des établissements de plein air du Québec”;

(4) by adding, after the words “the Société immobilière du Québec”, the words “the Société Informas du Québec (S.I.Q.)”.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11, s.
13.1, added

91. The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 13, the following section:

Union
activities

“13.1 The pensionable salary of a teacher who is released for union activities is the salary paid to him by his employer and any salary paid to him by the body for the benefit of which he is released, in all cases where the Government has issued an order in respect of that body under section 16.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), subject to the conditions set out in the order.”

c. R-11, s.
21, replaced

92. Section 21 of the said Act, amended by section 32 of chapter 18 of the statutes of 1985, is replaced by the following section:

Leave with-
out pay

"21. The days and parts of a day during which a teacher is on full-time or part-time leave without pay for a period of not less than 28 consecutive days are credited to the teacher who applies therefor if he

(1) was authorized to take the leave by his employer;

(2) pays the contributions that would have been withheld from the salary he would have received had he not been on leave according, as the case may be, to the number of days or parts of days comprised in the leave out of the number of contributory days in a year, that is, 200 or 260, according to the basis of remuneration;

(3) holds a position contemplated in this plan, in the Civil Service Superannuation Plan or in the Government and Public Employees Retirement Plan from the end of the last leave authorized by the employer in the case of a full-time leave without pay or, in the case of a part-time leave without pay, from the end of the authorized leave, unless he has died or become disabled or eligible for retirement or unless, upon his return, he transfers to the service of an employer with whom the Commission has entered into an agreement of transferability or, if the leave is followed by a maternity leave, from the end of that leave or, as the case may be, from the end of the leave without pay immediately following the maternity leave."

c. R-11, s.
22, am.

93. Section 22 of the said Act, amended by section 33 of chapter 18 of the statutes of 1985, is again amended by replacing the first paragraph by the following paragraph:

Application
for redemp-
tion of leave
without pay

"22. If the application to redeem a leave without pay authorized by the employer is not received within six months following the return to work in the case of a full-time leave without pay, or within six months after the end of the authorized leave in the case of a part-time leave without pay, the amount required to pay the cost of redemption is increased by interest at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date of receipt of the application. The interest is computed from the end of the sixth month following the return to work or, in the case of a part-time leave without pay, from the end of the sixth month after the end of the authorized leave, until the date of receipt of the application, and is compounded annually."

c. R-11, s.
66, am.

94. Section 66 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Cash pay-
ment

“66. The Commission, upon the application of a beneficiary other than a beneficiary contemplated in the first paragraph of section 61, may at any time after the pension becomes payable, make cash payment of the actuarial value, computed in accordance with the norms established by regulation, of a pension if the aggregate amount does not exceed \$811 annually.”;

(2) by replacing the third paragraph by the following paragraph:

Indexing

“The amount of \$811 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase in the Pension Index established by the said Act.”

c. R-11, s.
73, am.

95. Section 73 of the said Act, amended by section 36 of chapter 18 of the statutes of 1985, is again amended by adding, after paragraph 8, the following paragraph:

“(9) determine, for the purposes of section 76.1, the norms for computing the amount that must be established on an actuarially equivalent basis.”

c. R-11, s.
76.1, added

96. The said Act is amended by inserting, after section 76, the following section:

Require-
ments

“76.1 The days during which a teacher was on leave without pay for a period of not less than 30 consecutive days between 16 July 1970 and 1 July 1976 and the days during which he ceased to hold, between 30 June 1965 and 1 July 1973, a position contemplated in this plan in order to engage in specialized studies, are credited to the teacher who applies therefor if he

(1) was authorized for such purpose by his employer;

(2) has held a position contemplated in this plan from the end of the leave without pay or specialized studies; and

(3) pays an amount computed on an actuarially equivalent basis according to the norms determined by regulation.

Dates of
payment

The Commission shall determine the dates when such payments must be made. All or part of the amount shall, however, bear interest, compounded annually, from the date of receipt of the application, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan.”

c. R-11, s.
78.1, added

97. The said Act is amended by inserting, after section 78, the following section:

Exception

“78.1 Section 28 applies notwithstanding the provisions of section 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) and of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Date of effect

The exception provided in this section applies from 27 June 1975 in respect of the Charter of human rights and freedoms and from 17 April 1985 in respect of the Canadian Charter of Rights and Freedoms.”

ACT RESPECTING THE CIVIL SERVICE
SUPERANNUATION PLAN

c. R-12, s. 12, replaced

98. Section 12 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is replaced by the following section:

Leave without pay

“12. The days and parts of a day during which an officer is on part-time or full-time leave without pay for a period of not less than 28 consecutive days are credited on the application of the officer, subject to the conditions set out in sections 66.1 and 66.2.”

c. R-12, s. 60.2, added

99. The said Act is amended by inserting, after section 60.1, the following section:

Union activities

“60.2 The pensionable salary of an officer who is released for union activities is the salary paid to him by his employer and any salary paid to him by the body for the benefit of which he is released, in all the cases where the Government has issued an order in respect of that body under section 16.1 of the Act respecting the Government and Public Employees Retirement Plan, subject to the conditions set out in the order.”

c. R-12, s. 66.1, replaced

100. Section 66.1 of the said Act, amended by section 44 of chapter 18 of the statutes of 1985, is replaced by the following section:

Requirements

“66.1 The days and parts of a day during which an officer is on part-time or full-time leave without pay for a period of not less than 28 consecutive days are credited to the officer who applies therefor if he

(1) was authorized to take the leave by his employer;

(2) pays the contributions that would have been deducted from the salary he would have received had he not been on leave according, as the case may be, to the number of days and parts of a day comprised in the leave out of the number of contributory days in the year, that is, 200 or 260, according to the basis of remuneration;

(3) he holds, in the case of a full-time leave without pay, an employment contemplated by this plan, the Teachers Pension Plan, the Government and Public Employees Retirement Plan from the end of the last leave authorized by the employer or, in the case of a part-time leave without pay, from the end of the authorized leave unless he has died or become disabled or entitled to retirement, or unless, upon his return, he transfers to the service of an employer with whom the Commission has concluded an agreement of transferability or, if the leave is followed by maternity leave, from the end of the leave or, where such is the case, from the end of the leave without pay immediately following the maternity leave.”

c. R-12, s.
66.2, am.

101. Section 66.2 of the said Act, amended by section 45 of chapter 18 of the statutes of 1985, is again amended by replacing the first paragraph by the following paragraph:

Application
for redemption
of leave
without pay

“**66.2** If the application to redeem a leave without pay authorized by the employer is not received within six months following the return to work in the case of a full-time leave without pay or within six months following the end of the authorized leave in the case of a part-time leave without pay, the amount required to pay the cost of redemption is increased by interest at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date of receipt of the application. The interest is computed from the end of the sixth month following the return to work or, in the case of a part-time leave without pay, from the end of the sixth month following the end of the authorized leave until the date of receipt of the application, and is compounded annually.”

c. R-12, s.
74, am.

102. Section 74 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Cash
payment

“**74.** The Commission, upon the application of a beneficiary other than a beneficiary contemplated in the first paragraph of section 63.8, may, at any time after the pension becomes payable, make cash payment of the actuarial value, computed according to standards established by regulation, of any pension, if the total amount is not more than \$811 annually.”;

(2) by replacing the third paragraph by the following paragraph:

Indexing

“The amount of \$811 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act.”

c. R-12, s.
109, am.

103. Section 109 of the said Act, amended by section 51 of chapter 18 of the statutes of 1985, is again amended by adding, after paragraph 7, the following paragraph:

“(8) determine, for the purpose of section 112.1, the standards for computing the amount that must be established on an actuarially equivalent basis.”

c. R-12, s.
112.1,
added

104. The said Act is amended by inserting, after section 112, the following section:

Require-
ments

“112.1 The days during which an officer was on leave without pay between 12 June 1969 and 1 July 1976 are credited to the officer who applies therefor if he

(1) was authorized for such purpose by his employer;

(2) held an employment contemplated in this plan from the end of his leave without pay; and

(3) pays an amount computed on an actuarially equivalent basis according to the standards determined by regulation.

Dates of
payment

The Commission shall determine the dates when such payments must be made. All or part of the amount shall, however, bear interest, compounded annually, from the date of receipt of the application at the rate in force under the Act respecting the Government and Public Employees Retirement Plan.”

c. R-12, s.
114.1,
added

105. The said Act is amended by inserting, after section 114, the following section:

Exception

“114.1 The first paragraph of section 90 and the ninth paragraph of section 96 apply notwithstanding the provisions of section 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) and of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Date of
effect

The exception provided in this section applies from 27 June 1975 in respect of the Charter of human rights and freedoms and from 17 April 1985 in respect of the Constitution Act, 1982.”

Effect

106. Sections 83 and 84 have effect from 1 July 1983.

Effect

107. Sections 88, 89 and 90 have effect insofar as the schedules refer to

(1) the Hôpital Jeanne-Mance inc. and the Centre hospitalier Jeanne-Mance inc., from 23 July 1984;

(2) the Centre des métiers d'art de l'Est du Québec, from 4 January 1985;

(3) the Centre d'accueil le Chaînon and the Ateliers le Cap-Centre d'adaptation professionnelle, from 19 March 1985;

(4) the Société des établissements de plein air du Québec, the Centre d'accueil Caprol-Rayon de Soleil and the Centre d'intégration socio-professionnelle de Laval, from 20 March 1985;

(5) the Centre d'hébergement St-Hilaire enr., the Foyer Saint-François, the Foyer Saint-François inc., the Résidence Pasquier inc. and the Société Informas du Québec (S.I.Q.), from 1 April 1985;

(6) the Centre québécois de valorisation de la biomasse, from 8 May 1985;

(7) the Centre d'accueil Nazareth inc., from 12 June 1985;

(8) the Institut de recherche et d'information sur la rémunération, from 19 June 1985.

Applicability **108.** Sections 66, 67, 68, 92, 93, 98, 100 and 101 apply to all consecutive periods of a leave in progress on 19 June 1986 or beginning after that date.

Applicability **109.** Sections 96 and 104 apply only in respect of applications received after 19 June 1986.

Regulations **110.** The regulations made before 1 January 1987 in accordance with paragraph 9 of section 73 of the Act respecting the Teachers Pension Plan and paragraph 8 of section 109 of the Act respecting the Civil Service Superannuation Plan may, once they are published in the *Gazette officielle du Québec*, apply from 19 June 1986.

Regulations **111.** The regulations made before 1 January 1987 in accordance with section 197 of the Act respecting the Government and Public Employees Retirement Plan may, once they are published in the *Gazette officielle du Québec*, apply from 1 July 1983.

Social
affairs
sector **112.** Any employee of the social affairs sector who holds a position or employment on a casual basis within the meaning of the regulation made pursuant to paragraph 5 of section 4 of the Act respecting the

Government and Public Employees Retirement Plan but who had not been engaged for the specific purpose of holding such a position or employment is deemed to be an employee contemplated in that plan from 1 January 1987 even if he held such position or employment between 30 June 1973 and 1 January 1987 with an agency or body of the social affairs sector.

Continued
membership

Any person who contributes to the Teachers Pension Plan or to the Civil Service Superannuation Plan and who, within 180 days of ceasing to hold office but after 1 January 1987, holds a position or employment in the social affairs sector, on a casual basis within the meaning of the regulations made under paragraph 2 of section 3 of the Act respecting the Teachers Pension Plan and under paragraph 1 of section 53 of the Act respecting the Civil Service Superannuation Plan, but who had not been engaged for the specific purpose of holding such a position or employment, shall continue to be a member of his pension plan insofar as such plan allows him to remain a member.

Membership

Any person who held a position or employment referred to in this section, between 30 June 1973 and 1 January 1987, and contributed to the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, is deemed to have been a member of the plan to which he contributed.

Application
for reexami-
nation

113. Every application for reexamination made in relation to the Act respecting pension coverage for certain teachers in respect of which no decision is made by the Comité de retraite or any of its subcommittees on 26 June 1986 is an application for which a decision is deemed to be made under the Pension Plan of Certain Teachers for the purposes of section 181 of the Act respecting the Government and Public Employees Retirement Plan as replaced by section 82 of this Act.

Effect

114. Section 62, and section 87 insofar as it refers to section 115.4 of the Act respecting the Government and Public Employees Retirement Plan, have effect from 28 May 1986.

Coming into
force

115. This Act comes into force on 19 June 1986, except sections 1 to 63, 69 to 72, 74 and 75, section 76 to the extent that section 137 of the Act respecting the Government and Public Employees Retirement Plan refers to the Pension Plan of Certain Teachers, sections 77 to 82, 94 and 102, which will come into force on 26 June 1986, and section 73 to the extent that it enacts sections 115.1 to 115.3, section 76 to the extent that section 137 of the Act respecting the Government and Public Employees Retirement Plan refers to section 115.2 and section 112, which will come into force on 1 January 1987.