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# NATIONAL ASSEMBLY

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THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 13

**An Act to amend the pension plans  
in the public and parapublic sectors  
and other legislative provisions**

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**Introduction**

Introduced by  
**Madam Monique Gagnon-Tremblay**  
Minister for Administration and the Public Service  
and Chairman of the Conseil du trésor



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## EXPLANATORY NOTES

*The main object of this bill is to replace appeals to the Commission des affaires sociales that would be brought under the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan and the Civil Service Superannuation Plan by the arbitration mechanism established under the Government and Public Employees Retirement Plan and the Pension Plan of Certain Teachers.*

*The bill extends to 30 June 1995 the deadline to apply for the purchase of past service giving rise to a pension credit under the Government and Public Employees Retirement Plan. Technical amendments are made to certain pension plans, particularly with respect to the payment of pension credits.*

*The bill also amends certain provisions of the Act respecting police organization concerning the retirement of the secretary and members of the Commission de police du Québec, for concordance with the changes in the fiscal rules pertaining to retirement savings.*

### ACTS AMENDED BY THIS BILL:

- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting police organization (R.S.Q., chapter O-8.1);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- 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).



# Bill 13

## An Act to amend the pension plans in the public and parapublic sectors and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**1.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 92 of chapter 15 of the statutes of 1993, section 207 of chapter 54 of the statutes of 1993 and section 1 of chapter 74 of the statutes of 1993, is again amended by replacing paragraph *p* by the following paragraph:

“(p) the appeals brought under section 74 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);”.

### ACT RESPECTING POLICE ORGANIZATION

**2.** Section 262 of the Act respecting police organization (R.S.Q., chapter O-8.1) is amended, in the French text,

(1) by replacing the word “le” in the third line of the first paragraph by the word “la”;

(2) by replacing the word “ans” in the fifth line of the first paragraph by the word “années”.

**3.** The said Act is amended by inserting, after section 262, the following sections:

**“262.1** The pension referred to in the first paragraph of section 262 is granted without actuarial reduction to a person who is a participant in a pension plan if the person satisfies one of the following requirements:

- (1) the person is 60 years of age or over;
- (2) the person has 30 or more years of service; or
- (3) the person has, in years of age and years of service, a combined total of 80 or more.

If the person does not satisfy any of the requirements, that part of his pension that pertains to the years and parts of years of service credited after 31 December 1991 is reduced for its duration by 0.25 % per month, computed for each month comprised between the date on which his pension is granted and the nearest date on which it would otherwise have been granted to him under subparagraph 1, 2 or 3 of the first paragraph.

**“262.2** The Government may, in respect of a person receiving a pension reduced pursuant to the second paragraph of section 262.1, provide for any measure to offset the reduction and prescribe the rules, terms and conditions applicable to such a measure.”

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**4.** Section 31 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting the words “and the pension credit” after the figure “20,” in the third line.

**5.** Section 59.1 of the said Act, amended by section 4 of chapter 41 of the statutes of 1993 and by section 5 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

**6.** Section 132.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), amended by section 9 of chapter 41 of the statutes of 1993 and by section 7 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

**7.** The said Act is amended by replacing the heading of Chapter IX by the following heading:

“REVIEW AND ARBITRATION”.

**8.** Section 141 of the said Act, amended by section 9 of chapter 74 of the statutes of 1993, is again amended by striking out the last sentence of the third paragraph.

**9.** Section 142 of the said Act is amended

(1) by striking out the words “or, as the case may be, the president” in the first line of the first paragraph and by replacing the word “his” in the second line of the same paragraph by the word “its”;

(2) by adding, at the end, the following paragraphs:

“However, if no decision is made because opinions are equally divided, the decision of the Commission is deemed maintained and the application for review is referred for decision to the arbitrator.

The review committee shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary changes. The committee shall send the employee’s or beneficiary’s application for review to the arbitrator within the time prescribed in such provisions.”

**10.** Section 143 of the said Act is replaced by the following section:

“**143.** The employee or the beneficiary may apply for arbitration within 90 days of the date the decision of the review committee is mailed. The arbitrator shall be an arbitrator appointed under section 183 of the Act respecting the Government and Public Employees Retirement Plan and sections 182 and 184 to 186 of the said Act apply.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**11.** Section 84 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding, at the end, the following paragraph:

“The spouse or, where there is no spouse, 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 he would have received or would otherwise have received.”

**12.** Section 86 of the said Act is amended by replacing the figure “1994” in the last line of subparagraph 2 of the first paragraph by the figure “1995”.

**13.** Section 87 of the said Act is amended by replacing the figure “1994” in the second line by the figure “1995”.

**14.** Section 91 of the said Act is amended by adding, at the end, the following paragraph:

“The spouse or, where there is no spouse, 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 credit he would have received or would otherwise have received.”

**15.** Section 180 of the said Act, amended by section 10 of chapter 74 of the statutes of 1993, is again amended

(1) by striking out the words and figure “or to the Commission des affaires sociales, according to the cases set out in section 181” in the last two lines of the third paragraph;

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

“The Comité de retraite shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary changes. The committee shall send the employee’s or beneficiary’s request for reexamination to the arbitrator within the time prescribed in such provisions.”

**16.** The said Act is amended by replacing the heading of Division II of Chapter IV of Title III by the following heading:

“ARBITRATION”.

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

“**181.** The employee or the beneficiary may apply for arbitration within 90 days of the date the decision of the Comité de retraite is mailed.”

**18.** Section 182 of the said Act is amended by replacing the words “have himself represented by his association or union in the case provided for in paragraph 1 of section 181” in the first, second and third lines by the words “be represented by his association or his union”.

**19.** The said Act is amended by striking out, after section 182, the following:

## “DIVISION III

## “ARBITRATION”.

**20.** Section 183 of the said Act is amended

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

“**183.** The Government shall, after consulting the Comité de retraite, appoint two arbitrators for a period not exceeding 2 years. It shall also appoint, in the same manner and for a period not exceeding 2 years, a substitute to replace the arbitrators whenever they are absent or unable to act.

At the expiry of their term, the arbitrators and the substitute shall remain in office until they are replaced or reappointed.”;

(2) by replacing the word “However” in the first line of the second paragraph by the words “Notwithstanding the first paragraph”.

**21.** Section 185.1 of the said Act is replaced by the following section:

“**185.1** Arbitrators are vested with the powers and immunities provided for in sections 9 to 12 and 16 of the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.”

**22.** Section 205 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “However, the aggregate of those annual amounts is reduced in the cases and in the manner prescribed by regulation.”;

(2) by replacing the words “The aggregate” in the first line of the second paragraph by the words “The aggregate of the annual amounts, reduced where applicable in the manner prescribed by regulation,”.

**23.** Section 216.1 of the said Act, amended by section 30 of chapter 41 of the statutes of 1993 and by section 11 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth and fifth lines of the last paragraph by the words “following a review or arbitration based on”.

**24.** Schedule I to the said Act, amended by Orders in Council 327-93 of 17 March 1993, 1202-93 of 1 September 1993, 1573-93 of

17 November 1993, 1728-93 of 8 December 1993 and 555-94 of 20 April 1994 and by section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993, section 31 of chapter 41 of the statutes of 1993, section 6 of chapter 50 of the statutes of 1993 and section 13 of chapter 74 of the statutes of 1993, is again amended by inserting, in paragraph 1 and in alphabetical order, the following: “the Syndicat des salariés et salariées de l’Hôpital St-Luc (CEQ) Inc.”.

**25.** Schedule II.1 to the said Act, amended by Orders in Council 577-93 of 28 April 1993, 836-93 of 16 June 1993, 1728-93 of 8 December 1993, 1729-93 of 8 December 1993 and 556-94 of 20 April 1994 and by section 14 of chapter 74 of the statutes of 1993, is again amended by striking out the words “the Syndicat des salariés et salariées de l’Hôpital St-Luc (CEQ) Inc.”.

#### ACT RESPECTING THE TEACHERS PENSION PLAN

**26.** Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 16 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**27.** Section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 43 of chapter 41 of the statutes of 1993 and by section 19 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

#### TRANSITIONAL AND FINAL PROVISIONS

**28.** Sections 8 and 9 do not apply to an application for the review of a decision of the Commission administrative des régimes de retraite et d’assurances that was referred to the president of the Commission by the review committee before 1 January 1995 under the third paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, as it read on 31 December 1994. Section 10 applies, with the necessary changes, to that decision where it was rendered by the president of the Commission after 31 December 1994.

**29.** Paragraph *p* of section 21 of the Act respecting the Commission des affaires sociales, section 143 of the Act respecting the

Pension Plan of Peace Officers in Correctional Services and sections 180, 181 and 182 of the Act respecting the Government and Public Employees Retirement Plan, as they read on 31 December 1994, continue to apply in respect of decisions rendered before 1 January 1995 by the review committee set up under section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, by the president of the Commission administrative des régimes de retraite et d'assurances or by the Comité de retraite established under section 163 of the Act respecting the Government and Public Employees Retirement Plan.

**30.** The last paragraph of sections 132.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, 10.1 of the Act respecting the Teachers Pension Plan and 111.0.1 of the Act respecting the Civil Service Superannuation Plan, as it read on 31 December 1994, continues to apply in respect of decisions rendered after that date by the Commission des affaires sociales.

**31.** The first regulation made pursuant to section 205 of the Act respecting the Government and Public Employees Retirement Plan may, if it so provides, have effect from any date not earlier than 22 December 1992.

**32.** Sections 24 and 25 have effect from 1 January 1992.

**33.** This Act comes into force on (*insert here the date of assent to this Act*), except sections 1, 5 to 10, 15 to 21, 23 and 26 to 30, which will come into force on 1 January 1995.