



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 4

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

Introduction

**Introduced by
Mr Daniel Johnson
Minister for Administration and the Public Service and
Chairman of the Conseil du trésor**

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EXPLANATORY NOTES

This bill introduces a number of amendments to the pension plans in the public and parapublic sectors, based on proposals made by the Comité de retraite and in order to facilitate administration of the plans.

First, it clarifies certain rules relating to salary insurance which apply to the Pension Plan of Certain Teachers, the Pension Plan of Peace Officers in Correctional Services, the Government and Public Employees Retirement Plan, the Teachers Pension Plan and the Civil Service Superannuation Plan.

It also amends the Act respecting the Government and Public Employees Retirement Plan in respect of the partition of the family patrimony, first to enable the rules contained in the Act to apply to certain pension plans established under that Act, and second, to enable interest to be charged on administrative and other expenses related to the partition which remain unpaid after the due date. The bill further amends that Act to increase the number of members of the investment committee for non-unionizable employees from eight to ten and to grant immunity to the arbitrator in the performance of his duties.

The bill also amends the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan to enable, under certain conditions, teachers or officers who have ceased to be Members of the National Assembly to maintain their membership in one or other of the plans. In the Act respecting the Teachers Pension Plan, it abolishes the time limit within which teachers were permitted to redeem service for the period during which they were Members of the National Assembly. Furthermore, in the Act respecting the Pension Plan of Peace Officers in Correctional Services, the bill specifies certain points concerning the applicability of the plan to intermediate officers holding employment in a house of detention.

In the Act respecting retirement plans for the mayors and councillors of municipalities, the bill changes the date on which a pension becomes payable to former council members who have attained sixty years of age. Finally, it amends the Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal by specifying that persons holding casual employment do not participate in the Government and Public Employees Retirement Plan.

ACTS AMENDED BY THIS BILL:

- 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);
- Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);
- Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal (1987, chapter 136).

Bill 4

An Act to amend various legislative provisions respecting pension plans in the public and parapublic sectors

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

1. Section 1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 8 of chapter 77 of the statutes of 1991, is amended

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

“(1) to every person who, on or after that date, holds, in a house of detention, employment as an intermediate officer contemplated in the Directive concernant l’ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d’agents de la paix à l’exclusion des directeurs des établissements de détention (C.T. 170451 dated 11 April 1989) or in the Directive concernant l’ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention (C.T. 170452 dated 11 April 1989);”;

(2) by replacing the first four lines of the second paragraph by the following words: “Any intermediate officer contemplated by a directive mentioned in subparagraph 1 of the first paragraph who,”.

2. Section 17 of the said Act is amended

(1) by inserting, before the first paragraph, the following paragraph:

“The days and parts of a day of a period during which an employee receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions, up to two years of service for each period of eligibility.”;

(2) by striking out the words “an employee is eligible for salary insurance benefits or during which” in the first and second lines of the first paragraph.

3. Sections 23, 24, 39, 57, 135 and 139 of the said Act, amended respectively by sections 16, 17, 18, 23, 33 and 34 of chapter 77 of the statutes of 1991, are again amended by replacing the word “working” wherever it appears by the words “holding employment”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

4. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 10.1, the following section:

“10.2 For the purposes of partition of the family patrimony, the Government may render wholly or partly applicable to the plans established pursuant to section 10.0.1 and the fifth paragraph of section 10.1 the rules, adapted as required, prescribed in Chapter VII.1 of Title I or enacted by it under the provisions of that chapter. It may also, for the same purposes, prescribe special provisions concerning the establishment and assessment of the benefits accrued under such plans and the reduction, by reason of payment of the amounts granted to the spouse, of amounts payable under such plans.”

5. Section 21 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit

under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first three lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance plan in force on 31 December 1989 which, on that date”.

6. Section 147.1 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The Government may also provide that such expenses, if not paid by the date specified in the regulation, bear interest computed in the manner prescribed by the regulation and at the rates established in Schedule VI.”

7. Section 173.2 of the said Act, enacted by section 23 of chapter 14 of the statutes of 1991, is replaced by the following section:

“173.2 The committee is composed of the chairman of the Commission and of ten other members appointed by the Government for a period not exceeding two years. Among the ten members, five shall represent the Government and the other five shall represent the employees. One of the five members representing the employees shall be chosen from among the persons belonging to a class of employees designated pursuant to section 10.1.”

8. The said Act is amended by inserting, after section 185, the following section:

“185.1 No arbitrator may be prosecuted by reason of an official act performed in good faith in the exercise of his duties.”

ACT RESPECTING THE TEACHERS PENSION PLAN

9. The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 5, the following section:

“5.0.1 Except in the case of a pensioner under this plan or the Civil Service Superannuation Plan, a teacher or an officer, as the case may be, who has ceased to be a person to whom such a plan is applicable because he has become a Member of the National Assembly

may elect to become a member of this plan if, within 180 days of the date on which he ceased to be a Member of the National Assembly, such a teacher holds pensionable employment under this plan or under the Government and Public Employees Retirement Plan, except, in the latter case, employment contemplated in Schedule I or II to the Act respecting the Civil Service Superannuation Plan, or if, within the same period, such an officer holds pensionable employment under this plan.

The Commission must receive a notice to this effect not later than 60 days after the expiry of the period referred to in the first paragraph, and this plan shall apply to every person who made such an election from the date on which that person held such employment.”

10. Section 18 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first three lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance plan in force on 31 December 1989 which, on that date,”.

11. Section 25 of the said Act is amended

(1) by replacing subparagraph 1 of the first paragraph and the word “, provided” which precedes it by a full stop;

(2) by replacing the words “(2) he pays” in the first line of subparagraph 2 of the first paragraph by the words “The teacher shall pay to the Commission”;

(3) by striking out the words “, within the same period,” in the first and second lines of the second paragraph.

12. Section 51 of the said Act is amended by adding, at the end of subparagraph 4 of the first paragraph, the words “or, if he makes the election provided for in section 5.0.1, from the time he ceases to be a member of this plan”.

13. Section 52 of the said Act is amended by adding, at the end of the second paragraph, the words “or, if he makes the election provided for in section 5.0.1, from the time he ceases to be a member of this plan”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

14. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting, after section 54, the following section:

“54.1 Except in the case of a pensioner under the plan provided for in this division or under the Teachers Pension Plan, an officer or a teacher, as the case may be, who has ceased to be an employee within the meaning of the plan because he has become a Member of the National Assembly may elect to become a member of the plan provided for in this division if, within 180 days of the date on which he ceased to be a Member of the National Assembly, such an officer holds pensionable employment under this plan or under the Government and Public Employees Retirement Plan, except employment contemplated in Schedule I or II to the Act respecting the Teachers Pension Plan or if, within the same period, such a teacher holds pensionable employment under the plan provided for in this division.

The Commission must receive a notice to this effect not later than 60 days after the expiry of the period referred to in the first paragraph, and the plan provided for in this division shall apply to every person who made such an election from the date on which that person held such employment.”

15. Section 55 of the said Act is amended by replacing the word and figure “section 54” in the first line of the first paragraph by the words and figures “sections 54 and 54.1”.

16. Section 60 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive

such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first two lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance”.

17. Section 84 of the said Act is amended by adding, at the end of subparagraph 4 of the first paragraph, the words “or, if he makes the election provided for in section 54.1, from the time he ceases to be a member of the plan provided for in this division”.

18. Section 85 of the said Act is amended by adding, at the end of the second paragraph, the words “or, if he makes the election provided for in section 54.1, from the time he ceases to be a member of the plan provided for in this division”.

ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

19. Section 25 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is replaced by the following section:

“25. The pension of a participant who is 60 years of age or more and who is no longer a member of the council becomes payable to him by the Commission from the date on which the application is received or, where that is the case, from any other later date indicated in the application.”

ACT RESPECTING THE CORPORATION DE L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES DE MONTRÉAL

20. Section 52 of the Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal (1987, chapter 136) is amended by inserting the words “, except persons holding casual employment within the meaning of the Act respecting the

Government and Public Employees Retirement Plan (R.S.Q., chapter R-10),” after the word “school” in the first line.

MISCELLANEOUS AND FINAL PROVISIONS

21. Section 20 has effect from 1 January 1988.

22. Section 1 has effect from 1 January 1992.

23. To the extent that it concerns the pension plan established pursuant to section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, section 10.2 of the said Act, enacted by section 4 of this Act, has effect from 1 January 1992.

24. This Act comes into force on (*insert here the date of assent to this Act*).
