



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 133

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

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 amends the pension plans in the public and parapublic sectors in order to clarify the rules applicable to redemptions that are contested. In addition, as regards the review of decisions made by the Commission administrative des régimes de retraite et d'assurances, the bill amends the Act respecting the Pension Plan of Peace Officers in Correctional Services to allow the appointment of substitutes for all the members of the review committee established under that Act. It also amends the Act respecting the Government and Public Employees Retirement Plan and, for concordance, the Act respecting the Commission des affaires sociales, in order to specify the rules that will apply in cases where opinions are divided within the Comité de retraite.

The bill also clarifies the application of the Act respecting the Pension Plan of Certain Teachers with regard to members of the secular clergy. Finally, it makes other changes of a technical nature or for concordance, in particular to the Police Act and the Public Service Act, and contains a number of transitional provisions.

ACTS AMENDED BY THIS BILL:

- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Police Act (R.S.Q., chapter P-13);
- 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 133

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 137 of chapter 21 of the statutes of 1992 and by section 92 of chapter 15 of the statutes of 1993, is again amended by replacing the words “brought under paragraph 2 of section 181 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the third, fourth and fifth lines of paragraph *p* by the words “referred under the third paragraph of section 180 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or brought under paragraph 2 of section 181 of that Act,”.

PUBLIC SERVICE ACT

2. Section 64 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended by replacing the words “des fonctionnaires provinciaux du Québec” in the first line by the words “de la fonction publique du Québec inc.”.

POLICE ACT

3. Section 60 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the words “the annuities, other benefits or reimbursement of the contributions payable under such superannuation plan from the said date shall be paid” in the fourth, fifth and sixth lines by the words “all sums required for the purposes of such a plan shall be taken”.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

4. Section 3 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting the word “laicized” before the word “teacher” in the first line of subparagraph 5 of the first paragraph.

5. Section 59.1 of the said Act, amended by section 11 of chapter 67 of the statutes of 1992 and by section 4 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

6. The said Act is amended by inserting, after section 59.1, the following section:

“59.1.1 Notwithstanding section 59.1, an employee who makes an application for reexamination in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the arbitrator, as the case may be, has been mailed, the Commission shall send a notice to the employee which, as of the date of the initial redemption proposal, either repeats that proposal or formulates a new one, and section 59.1 applies.

Any unpaid amount in respect of the initial redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

7. 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 27 of chapter 67 of the statutes of 1992 and by section 9 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

8. The said Act is amended by inserting, after section 132.1, the following section:

“132.1.1 Notwithstanding section 132.1, an employee who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the review committee or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d'assurances shall send a notice to the employee which, as of the date of the initial redemption proposal, either repeats that proposal or formulates a new one, and section 132.1 applies.

Any unpaid amount in respect of the initial redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission's notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

9. Section 141 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “The Government shall also appoint a substitute for each member, in the same manner, to replace that member whenever he is absent or unable to act.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

10. Section 180 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 paragraphs:

“However, where no decision is made because opinions are equally divided, the decision of the Commission is deemed to be maintained and the request for reexamination shall be referred for a decision to the arbitrator or to the Commission des affaires sociales, according to the cases set out in section 181.

The Comité de retraite shall notify the parties without delay, and the provisions applicable to an application for arbitration or appeal, as the case may be, apply with the necessary changes. The committee shall send the employee's or beneficiary's request for reexamination to the arbitrator or the Commission des affaires sociales, within the time prescribed in such provisions, and in the case of an appeal the request constitutes the written declaration required under section 32 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34).”

11. Section 216.1 of the said Act, amended by section 49 of chapter 67 of the statutes of 1992 and by section 30 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

12. The said Act is amended by inserting, after section 216.1, the following section:

“216.1.1 Notwithstanding section 216.1, an employee who makes a request for reexamination in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his request. After the decision of the Comité de retraite or the arbitrator, as the case may be, has been mailed, the Commission shall send a notice to the employee which, as of the date of the initial redemption proposal, either repeats that proposal or formulates a new one, and section 216.1 applies.

Any unpaid amount in respect of the initial redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, at the rate in force on the date on which the application for redemption is received, from the date of that proposal until the date of the Commission’s notice, unless interest is otherwise payable for that period by operation of law.”

13. Schedule I to the said Act, amended by Orders in Council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of 1 September 1992, 1666-92 of 25 November 1992, 327-93 of 17 March 1993 and 1202-93 of 1 September 1993 and by section 293 of chapter 21 of the statutes of 1992, section 71 of chapter 44 of the statutes of 1992, section 53 of chapter 67 of the statutes of 1992, section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993 and section 31 of chapter 41 of the statutes of 1993, is again amended by replacing the words “the Syndicat des fonctionnaires provinciaux du Québec inc.” in paragraph 1 by the words “the Syndicat de la fonction publique du Québec inc.”.

14. Schedule II.1 to the said Act, amended by Orders in Council 399-92 of 25 March 1992, 509-92 of 8 April 1992, 1205-92 of 26 August 1992, 1264-92 of 1 September 1992 and 1301-92 of 9 September 1992, is again amended by replacing the words “, the Syndicat des fonctionnaires provinciaux du Québec inc.” by the words “the Syndicat de la fonction publique du Québec inc.”.

15. Schedule III to the said Act, amended by Orders in Council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of

1 September 1992, 1666-92 of 25 November 1992 and 327-93 of 17 March 1993 and by section 73 of chapter 44 of the statutes of 1992, section 45 of chapter 66 of the statutes of 1992 and section 55 of chapter 67 of the statutes of 1992, is again amended by striking out the words “the Conseil des arts et des lettres du Québec” in paragraph 1.

ACT RESPECTING THE TEACHERS PENSION PLAN

16. Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 57 of chapter 67 of the statutes of 1992, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

17. The said Act is amended by inserting, after section 10.1, the following section:

“10.1.1 Notwithstanding section 10.1, a teacher who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d’assurances shall send a notice to the teacher which, as of the date of the initial redemption proposal, either repeats that proposal or formulates a new one, and section 10.1 applies.

Any unpaid amount in respect of the initial redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

18. Section 99 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 84 of chapter 67 of the statutes of 1992, is again amended

(1) by inserting the words “(chapter S-4.2) or by the Act respecting health services and social services for Cree and Inuit Native persons” after the words “social services” in the third line of the third paragraph;

(2) by replacing the words “the said Act” in the fifth line of the third paragraph by the words “one of the said Acts”;

(3) by replacing the words “to another body contemplated in the said Act” in the fourth and fifth lines of the fifth paragraph by the words “or by the Act respecting health services and social services for Cree and Inuit Native persons to another body contemplated in one of the said Acts”.

19. Section 111.0.1 of the said Act, amended by section 87 of chapter 67 of the statutes of 1992 and by section 43 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

20. The said Act is amended by inserting, after section 111.0.1, the following section:

“111.0.1.1 Notwithstanding section 111.0.1, an officer who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d'assurances shall send a notice to the officer which, as of the date of the initial redemption proposal, either repeats that proposal or reformulates a new one, and section 111.0.1 applies.

Any unpaid amount in respect of the initial redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission's notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

21. Schedule IV to the said Act, amended by section 74 of chapter 44 of the statutes of 1992, section 47 of chapter 66 of the statutes of 1992 and section 92 of chapter 67 of the statutes of 1992, is again amended by striking out the words “the Conseil des arts et des lettres du Québec”.

TRANSITIONAL AND FINAL PROVISIONS

22. In any regulation, order in council or order, unless the context indicates otherwise, the name “Syndicat des fonctionnaires provinciaux du Québec inc.” is replaced by the name “Syndicat de la fonction publique du Québec inc.”, with the necessary changes.

23. Section 4 does not apply to persons who, before (*insert here the date of introduction of this bill*), applied in writing to the Commission administrative des régimes de retraite et d’assurances to participate in the Pension Plan of Certain Teachers and who obtained a favourable decision with regard to their participation in the plan or who are awaiting a decision in that respect.

24. Sections 1 and 10 do not apply to any request for reexamination of a decision by the Commission administrative des régimes de retraite et d’assurances referred before (*insert here the date of assent to this Act*) to the Comité de retraite by a subcommittee formed under section 173 of the Act respecting the Government and Public Employees Retirement Plan.

25. Section 18 has effect from 1 October 1992.

26. Sections 15 and 21 have effect from 7 July 1993.

27. Sections 2, 13, 14 and 22 have effect from 16 July 1993.

28. Sections 4 and 23 have effect from (*insert here the date of introduction of this bill*).

29. This Act comes into force on (*insert here the date of assent to this Act*), except section 3, which will come into force on 1 April 1994.