



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 31

**An Act to amend various legislation
respecting the pension plans of the
public and parapublic sectors**

Introduction

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



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EXPLANATORY NOTES

The principal object of this bill is to implement the letter of intent of the Government attached as a schedule to the collective labour agreements in force in the public and parapublic sectors concerning the main pension plans applicable to the employees governed by those agreements.

The bill introduces a new permanent criterion of eligibility for a pension under the Government and Public Employees Retirement Plan and under the Civil Service Superannuation Plan, that is 62 years of age and 10 years of service. Moreover, under the Government and Public Employees Retirement Plan, a temporary criterion of eligibility for a pension, in effect from 1 July 1987 to 31 December 1989, will allow an employee to be granted a pension with no actuarial reduction after 35 years of service.

In addition, a temporary program of early retirement under the Government and Public Employees Retirement Plan is made available to any employee 62 years of age or over with at least two years of service.

A similar temporary program of early retirement is introduced in the Civil Service Superannuation Plan for any employee 62 years of age or over with at least 10 years of service and any employee under 62 years of age with at least 32 years of service.

The Government and Public Employees Retirement Plan, the Teachers Pension Plan and the Civil Service Superannuation Plan will allow any female employee who meets certain requirements and conditions, to redeem the service attributable to school years for which she obtained a refund of contributions following a termination of employment by reason of marriage or the birth or adoption of a child and, to be given credit for any period during which she was on maternity leave after 1 July 1965.

As well, the bill proposes to include casual workers in the pension plans from 1 January 1988 and to permit redemption of periods of casual work accomplished between 30 June 1973 and 1 January 1988.

Finally, the bill contains a number of technical or concordance amendments and amendments designed to facilitate the administration of the pension plans.

ACTS AMENDED BY THIS BILL:

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

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

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

(4) the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1).

Bill 31

An Act to amend various legislation respecting the pension plans of the public and parapublic sectors

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

1. Section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is replaced by the following section:

“1. This retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973.”

2. Section 3 of the said Act is replaced by the following section:

“3. Every person referred to in sections 1 and 2, and every person to whom an Act or a regulation makes this plan applicable, is, for the purposes of this plan, considered to be an employee except if the person is receiving a pension under this plan, the Teachers Pension Plan or the Civil Service Superannuation Plan.

For the purposes of this plan, an employee within the meaning of the first paragraph is deemed to hold pensionable employment when he holds full-time or part-time employment contemplated by the plan,

which includes, among other periods, any period during which he is on leave without pay, is entitled to salary insurance benefits and, in the case of a female employee, is on maternity leave.

For the purposes of this plan, an employee is a member of a pension plan from the first day he holds pensionable employment and such employee is deemed to remain a member of the plan as long as he remains an employee to whom the plan is applicable. However, an employee who was given credit for past service under this plan before becoming a member of this plan is deemed to have become a member of the plan on the date on which the Commission received the application for redemption of the past service.

For the purposes of this plan, salary insurance means the salary insurance that is mandatory for the employee.”

3. Section 4 of the said Act is replaced by the following section:

“**4.** This retirement plan does not apply to a person who

- (1) is under 18 years of age;
- (2) becomes an employee at the age of 71 or over;
- (3) is employed or remunerated on a basis prescribed by regulation;
- (4) is entitled to benefits under a retirement plan provided for in the Courts of Justice Act (R.S.Q., chapter T-16);
- (5) is a member of the Sûreté du Québec;
- (6) is a Member of the National Assembly;
- (7) is an administrator of state within the meaning of the Public Service Act (R.S.Q., chapter F-3.1.1) or is a member of a body or agency to which the plan otherwise applies or would otherwise apply, if the person applies therefor and if the Government makes an order to that effect;
- (8) belongs to a category of employees designated by regulation.”

4. Section 5 of the said Act is replaced by the following section:

“**5.** An employee who attains 71 years of age ceases to accumulate service and to be an employee to whom this plan is applicable.”

5. Section 6 of the said Act is amended by replacing the first paragraph by the following paragraph:

“6. This plan applies to employees who are members of a supplemental pension plan with an employer contemplated by this plan if the employees who may be unionized and the other employees so elect by means of a poll held for each group; the results of the polls are binding on each group, separately. The rules governing the polls are prescribed by regulation.”

6. Section 7 of the said Act is replaced by the following section:

“7. In no case may the employees who, following a poll, have maintained their membership in the supplemental pension plan hold another poll under section 6 to elect to become members of this plan before 12 months after the date of the last poll.”

7. Section 9 of the said Act is replaced by the following section:

“9. Employees in the sectors of health services and social services of a body designated by the Government who, at any date from 30 September 1975, are grouped under an employment that is pensionable employment under this plan are, from the time they are so grouped, members of a retirement plan established by the Government similar to the plan to which they formerly belonged. The first paragraph of section 124 and section 125 apply to the plan so established.

However, they may elect to become members of this plan by means of a poll held in accordance with section 6.”

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

“10. The employees of a federal hospital designated by the Government who are grouped under an employment that is pensionable employment under this plan may elect, in accordance with the rules and conditions fixed by the Government, to become members of this plan or of a retirement plan established by the Government similar to the plan to which they formerly belonged. The first paragraph of section 124 and section 125 apply to the plan so established.”

9. Section 11 of the said Act is amended

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

“11. The actuarial value of the benefits accumulated in each of the plans to which the employees described in section 9 or 10 formerly belonged is established as of the date on which they were grouped.”;

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

“Where the employees elect to become members of this plan, sections 80 to 83 and 101 to 109 apply, adapted as required.”

10. Section 12 of the said Act is replaced by the following section:

“12. An employee who ceases to be a member of a supplemental pension plan with an employer contemplated by this plan and who subsequently holds the same employment or another employment that is pensionable employment under that supplemental pension plan becomes a member of this plan, unless the supplemental pension plan requires him to again become a member of that plan by virtue of a clause respecting interruption of service.”

11. Section 13 of the said Act is amended by replacing the first paragraph by the following paragraph:

“13. Every employee who is a member of the Civil Service Superannuation Plan or the Teachers Pension Plan may elect to become a member of this plan by sending a notice to that effect.”

12. Section 16 of the said Act is replaced by the following section:

“16. Every lump sum paid to an employee as a salary increase or adjustment for a previous year is part of the pensionable salary of the year in which the lump sum is paid.

In the case of a pensioner, any such lump sum is part of the pensionable salary of the last year in which service is credited to him.

The lump sum does not include the part of the amount that can be attributed to a salary increase or adjustment paid at a time section 60, 73, 116 or 117 applied to the pensioner if, in the latter two cases, he elected not to again become an employee within the meaning of section 3.”

13. Section 16.1 of the said Act is replaced by the following section:

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

(1) the body applies therefor in respect of all the employees who have been released for union activities to be employed by it;

(2) the body meets the conditions established for its category by the regulation made under paragraph 25 of section 134 and pays its contributory amount as an employer; and if

(3) the body is designated in Schedule II.1.”

14. Section 18 of the said Act is replaced by the following section:

“**18.** The pensionable salary of an employee who simultaneously holds more than one pensionable employment in a year is the aggregate of the salary paid to him for all such employments if the total service credited to him in respect of such employments is equal to one year or less.

If the total service credited to him in respect of the pensionable employments is greater than one year, his pensionable salary shall not be greater than the full salary for the employment he holds for a proportionately greater number of days in the year or, if he holds those employments for proportionately the same number of days, the full salary for the highest paid employment.”

15. Section 20 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**20.** If an employee simultaneously holds more than one pensionable employment, the service he accomplishes is credited up to one year of service.”

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

“**21.** The days and parts of a day during which an employee is entitled to salary insurance benefits or during which a female employee receives the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) by reason of the exercise of a right granted under section 40, 41 or 46 of the said Act, are credited with exemption from contributions.

However, in the case of salary insurance and if it so provides, the insurer shall pay the contributions that would have been paid by the employee; those contributions are credited to the account of the employee.”

17. Section 22 of the said Act is replaced by the following section:

“**22.** Every female employee may be credited, without contributions, with the days and parts of a day of a maternity leave in progress on 1 July 1983 or thereafter, up to 130 contributory days.”

18. Section 29 of the said Act is replaced by the following section:

“29. An employer shall, except in respect of a pensioner to whom section 71 or 117 applies, and as long as he has not elected to again become an employee within the meaning of section 3, make from the pensionable salary he pays to each employee and, in the case of a pensioner from any lump sum paid under section 16, an annual deduction equal to 7% from that part of the pensionable salary which exceeds 35% of the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

However, the exemption of 35% is, for the purposes of the deduction, established according to the number of days and parts of a day for which the employee or, as the case may be, the pensioner was assessed or exempt from contributions, out of the number of contributory days in a year, that is, 200 or 260, according to the basis of remuneration.”

19. Section 30 of the said Act is repealed.

20. Section 33 of the said Act is replaced by the following section:

“33. A pension is granted to an employee

- (1) who has attained normal retirement age, that is, 65 years of age;
- (2) who has 10 or more years of service and is 62 years of age or over;
- (3) who has, in years of age and years of service, a combined total of 90 or more;
- (4) who has attained 60 years of age.

The employee must be a member of this plan at the time he retires under any of the criteria listed above.”

21. Section 36 of the said Act is amended

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

“(1) dividing the pensionable salary for each year by the service credited except service credited under sections 22, 74 and 85.1;”;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”;

(3) by replacing the second paragraph by the following paragraph:

“A contributory period is, for the purposes of this subdivision, the number of contributory days in the period during which the employee was assessed or exempt from contributions in a year and during which days and parts of a day were otherwise credited to him with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, that is, 200 or 260, according to the basis of remuneration. The first contributory period of a new employee who is an employee within the meaning of section 3 begins on the first day in respect of which service is credited to him.”

22. The said Act is amended by inserting, after section 36, the following section:

“36.1 In no case may the amount of annual salaries obtained following a division under subparagraph 1 of the first paragraph of section 36 exceed the amount obtained by applying the percentage prescribed by regulation to the basic pensionable salary computed on a yearly basis, paid to the employee or, where such is the case, that would have been paid to the employee in accordance with the conditions of employment applicable to him on the last day credited to him in the year concerned.

If, however, the employee held part-time employment on the last day credited to him in a year, the basic pensionable salary which must be used for the purposes of the first paragraph is the salary he would have received on that last day if he had held that employment full time.”

23. Section 38 of the said Act is replaced by the following section:

“38. In the cases described in paragraphs 3 and 4 of section 33, the employee’s pension is reduced for its duration by 0.5% per month, computed for each month comprised between the date on which the pension is granted and

(1) the date of his sixtieth birthday, in the case contemplated in paragraph 3 of the said section; or

(2) the nearest date on which the pension would otherwise have been granted to him under paragraph 1, 2 or 3 of the said section, in the case contemplated in paragraph 4 of the said section.”

24. Section 41 of the said Act is replaced by the following section:

“41. The pension is paid to the pensioner for life.”

25. Section 45 of the said Act is replaced by the following section:

“45. The pension granted to the spouse is paid for life and runs until the first day of the month following the spouse’s death.”

26. Sections 47, 48 and 49 of the said Act are replaced by the following sections:

“47. If this plan ceases to be applicable to an employee, except where section 21 applies, before that employee is entitled to a pension and before two years of service are credited to him, the employee is entitled to the reimbursement of his contributions and the sums paid to acquire a pension credit, with interest, at the time and on the conditions prescribed by regulation.

“48. If this plan ceases to be applicable to an employee, except where section 21 applies, before the employee is entitled to a pension and after two years of service are credited to him but before he is entitled to only a deferred annuity, the employee may apply for a deferred annuity or obtain the reimbursement of his contributions and the sums paid to acquire a pension credit, with interest, provided he has not attained 65 years of age.

“49. In the cases described in sections 47 and 48, if the employee again holds pensionable employment without having obtained the reimbursement of his contributions and, in the case of section 47, without being entitled to a reimbursement, the years of service he accumulates are added to the years of service already credited.

However, in the case described in section 48, an employee who again holds pensionable employment within 180 days after the plan ceased to be applicable to him is entitled to the reimbursement of his contributions and the sums paid to acquire a pension credit provided he applies therefor within such 180 days.”

27. Section 50 of the said Act is amended by replacing the first paragraph by the following paragraph:

“50. In the case of a reimbursement, the interest paid under this plan, where such is the case, to have years or parts of a year credited or counted and the contributions from which the employee, or a female employee under section 21, was exempt are also reimbursed with interest.”

28. Section 51 of the said Act is amended by replacing that which precedes subparagraph 1 of the first paragraph by the following:

“51. If the plan ceases to be applicable to an employee before he is entitled to a pension, that employee is entitled, except if section 21 applies or if he has availed himself of a transferability agreement entered into under this Act in respect of this plan, provided he has 10 or more years of service and is 45 years of age or over, only to:”.

29. Section 52 of the said Act is replaced by the following section:

“52. For the purposes of eligibility for the deferred annuity granted under section 51, every continuous period of service from the first day the employee accomplished service after 31 December 1965 must be counted.”

30. Section 53 of the said Act is replaced by the following section:

“53. Any deferred annuity is cancelled if the employee again holds pensionable employment and the years of service he accumulates are added to the years of service already credited.

However, if the employee had elected to receive an amount and a deferred annuity, the recomputed pension is reduced by that part of the annual value of the original pension that was paid to him. If, at the time this plan ceases to be applicable to him, he is entitled to a deferred annuity, he cannot apply again for an amount representing up to 25% of the actuarial value of the recomputed pension.”

31. Section 54 of the said Act is amended by replacing the second paragraph by the following paragraph:

“ The deferred annuity is payable to the pensioner from the date of his sixty-fifth birthday and is paid for life.”

32. Section 56 of the said Act is repealed.

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

“74. For the purposes of eligibility for and computation of any employee’s pension, a maximum of 90 contributory days may be added to the service credited to the employee to enable him to make up any period of leave without pay while he was holding pensionable employment, except on contrary notice from the employee.”

34. Section 80 of the said Act is amended by replacing the first paragraph by the following paragraph:

“30. The Commission shall pay the pensions and the deferred annuities of persons who, upon the transfer of funds made following the poll held under section 6, were no longer members of a supplemental pension plan with an employer contemplated by this plan, if the funds for payment of the pensions are also transferred.”

35. Section 81 of the said Act is amended by replacing that which precedes subparagraph 1 of the first paragraph by the following:

“31. The person who, upon the transfer of funds made following the poll held under section 6, was no longer a member of a supplemental pension plan with an employer contemplated by this plan, is entitled”.

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

“32. The Commission shall pay the pensions according to the terms and conditions set out in the supplemental pension plan, but in the manner provided in section 148.”

37. Section 84 of the said Act is replaced by the following section:

“34. The pension granted pursuant to section 106 of this Act as it read before 1 July 1983 is paid to the pensioner for life.”

38. The said Act is amended by inserting, after section 85, the following:

“CHAPTER V.1

“SPECIAL MEASURES

“DIVISION I

“MATERNITY LEAVE

“35.1 Every employee who was granted maternity leave while she was a member of the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of the Teachers Pension Plan may be credited, without contributions, for pension purposes under this plan, with the days of the maternity leave, up to

(1) 90 contributory days for a leave which was in progress on 1 July 1965 or which began after that date but ended before 1 July 1976, if the 90-day period enables the employee to complete any school year that otherwise would be incomplete for pension purposes by reason of the leave;

(2) 120 contributory days for a leave which was in progress on 1 July 1976 or which began after that date but ended before 1 July 1983.

To be credited with the days of the maternity leave, the employee is required to have contributed to the pension fund of officers of education established by Part VIII of the Education Act, the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan, as the case may be, during the 12 months preceding the beginning of the maternity leave, and to have contributed again to the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan during the two years following the year in which the maternity leave ended even if, in the last two cases, she was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

The contributions paid by the employee to redeem the maternity leave pursuant to the provisions relating to the redemption of leave without pay are reimbursed without interest if the leave was redeemed while the Teachers Pension Plan or the Civil Service Superannuation Plan was applicable to her and the sums paid by the employee are reimbursed with interest if the leave was redeemed while this plan was applicable to her. However, if the period redeemed in respect of a maternity leave which ended before 1 July 1976 exceeds 90 days, the maternity leave cannot be credited without contributions and the contributions or, as the case may be, the sums paid by the employee cannot be reimbursed. If the period redeemed in respect of a maternity leave in progress on 1 July 1976, or which began after that date, exceeds the period credited pursuant to this section, the balance of the redeemed period remains credited to the account of the employee even if it is less than 30 days.

“85.2 That part of the pension attributable to service credited pursuant to section 85.1, if the service is credited for a year credited to the employee pursuant to section 85.3, only to the extent that the service is necessary to make up the maximum of 35 years of service, is increased annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 78 applies to the increase. In all other cases, sections 77 and 78 apply.

Section 99 and the last paragraph of section 130 apply in respect of service credited under this division.

“DIVISION II

“YEARS REIMBURSED BY REASON OF MARRIAGE, PREGNANCY OR ADOPTION

“85.3 Any employee who while she was a member of the pension fund of officers of education established by Part VIII of the Education Act or while she was a teacher within the meaning of the Teachers Pension Plan ceased to be covered by her pension plan by reason of marriage, pregnancy or adoption if, in the latter case, the adoption was subsequently recognized for legal purposes by a judgment, may be credited, for pension purposes under this plan with all or part of her years of teaching prior to 1 January 1968 for which she obtained a reimbursement of contributions, if the marriage, pregnancy or adoption occurred in the 12 months preceding or in the 24 months following the date on which she ceased to be covered by her plan.

To be credited with such years and parts of a year, the employee must pay the sum of \$1 000 per year. That amount must be increased by an amount equal to 1.65 % of her basic pensionable salary, computed on an annual basis, on the date of receipt of her application. If however, the employee held part-time employment on that date, the basic pensionable salary which must be used is the salary she would have received if she had held that employment full time. Any pension credit that may have been granted in respect of any or several years or parts of a year are cancelled, and any sums paid to cover the cost thereof is reimbursed with interest.

The employee may spread the payment of the amount determined under the second paragraph, with interest at the rate in force on the date the application is received, over such period and at such intervals as may be determined by the Commission.

“85.4 The sum of \$1 000 contemplated in the second paragraph of section 85.3 shall be adjusted, on 31 December of each year, at the interest rate established pursuant to section 217 and in force on that date.

“85.5 The part of the pension attributable to service credited pursuant to section 85.3, only to the extent that the service is necessary to make up the maximum of 35 years of service, is increased annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3 %. Section 78 applies to the increase.

Sections 55, 99 and the last paragraph of section 130 apply in respect of service credited under this division. The sums collected under section 85.3 are paid into the consolidated revenue fund.

“DIVISION III

“EARLY RETIREMENT

“85.6 This division applies to every employee who is less than 65 years of age but is 62 years of age or over and has two years of service for purposes of eligibility for the pension if, on 31 December 1986, he was a member of this plan and if he has never availed or is not availing himself of the early retirement measures under Chapter III of Title IV of this Act or under subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).

This division applies also to every employee whose pension has become payable under this plan between 31 March 1987 and (*insert here the date of assent to this Act*), if, on the day preceding the day on which he retired, he was a disabled person or in pre-retirement within the meaning of the conditions of employment applicable to him.

“85.7 Every employee who retires is entitled to obtain that one of the following amounts be added to the amount of the pension that is payable to him, with actuarial reduction, where that is the case:

(1) an amount equal to the amount attributable to the number of years and parts of a year recognized for the purposes of calculating his pension as may be comprised between his age on retirement date and the age of 65;

(2) an amount equal to the reduction applied to the retirement pension he is receiving under the Act respecting the Québec Pension Plan and which results from the adjustment provided for in section 120.1 of the said Act;

(3) an amount equal, where that is the case, to the actuarial reduction applied to the pension payable to him before the number of years and parts of a year is recognized under subparagraph 1.

The years and parts of a year recognized under subparagraph 1 of the first paragraph are deemed to be years of service credited after 30 June 1982 and the amounts added to the pension under the first paragraph are considered to be benefits acquired after that date. However, section 38 or, as the case may be, section 85.15 does not apply to the increased pension.

The pension increase of a pensioner described in the second paragraph of section 85.6 is payable only from (*insert here the date of assent to this Act*). However, the amount contemplated in subparagraph 2 of the first paragraph is payable in accordance with section 85.8 if the pensioner is not receiving the retirement pension under the Québec Pension Plan on (*insert here the date of assent to this Act*).

“85.8 The amount contemplated in subparagraph 2 of the first paragraph of section 85.7 becomes payable

(1) on the first day of the month which follows the date on which the Commission receives the application of the employee or, as the case may be, the pensioner if, on the date of the application, payment of the adjusted retirement pension under the Québec Pension Plan has begun; or

(2) on the date on which payment of such adjusted retirement pension begins if, on the date of the application, the payment has not begun.

No person is entitled to an amount under this section unless, in accordance with the first paragraph, that amount becomes payable on or before 1 July 1989 or before any later date that may be determined by the Government under section 85.17.

If the retirement pension received by the pensioner under the Act respecting the Québec Pension Plan ceases to be adjusted under section 120.1 of the said Act, the pensioner ceases to be entitled to the amount contemplated in subparagraph 2 of the first paragraph of section 85.7 from the date on which the adjustment of the pension ceased to apply. Moreover, if the retirement pension is recomputed in accordance with section 102.9 of the Act respecting the Québec Pension Plan, the amount contemplated in subparagraph 2 of the first paragraph of section 85.7 must be reduced to take into account the adjustment made to the retirement pension received by the pensioner under the said Act. The reduction is effective from the date on which the partition of earnings is deemed effected in accordance with section 102.10 of the said Act.

“85.9 The employee is entitled to any pension credit acquired, without actuarial reduction.

The employee, upon retirement, or a pensioner contemplated in the second paragraph of section 85.6, upon availing himself of this division, may also avail himself of the measure provided in Chapter IV of Title IV of this Act but only in respect of the annual amount of the old age security pension even if no agreement to that effect has

been entered into with his employer and even if he does not have 35 years of credited service for the purposes of the computation of his pension. However, the reduction provided for in section 205 may apply to any amount added under section 85.7.

The first and second paragraphs apply, where that is the case, to a pensioner contemplated in the second paragraph of section 85.6, only from (*insert here the date of assent to this Act*).

“85.10 The amounts added under section 85.7 are indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan,

(1) in the case of the amount allocated under subparagraph 2 of the first paragraph of section 85.7, by the rate of increase in the Pension Index determined under the said Act;

(2) in the case of the amounts allocated under subparagraphs 1 and 3 of the first paragraph of the said section, by the excess of the rate of increase in the Pension Index over 3%.

The first indexing of the amounts contemplated in subparagraph 2 of the first paragraph is made in the same proportion as that of the first indexing of the regular pension as established under section 78.

“85.11 In no case may the amount of the pension payable under this plan, increased by the amount established under subparagraph 1 of the first paragraph of section 85.7, exceed 70% of the average pensionable salary used in computing the pension.

“85.12 If the pensioner again holds pensionable employment, he ceases to be entitled to the amounts added under section 85.7 and to the benefits granted, as the case may be, under section 85.9, and he ceases, for the purposes of eligibility for and computation of any new pension, to be entitled to avail himself of this division.

Chapter VII of Title I of this Act and sections 207 to 209 apply to the reduced pension and to any other benefits paid to the pensioner.

“85.13 If the employee dies before the date on which his pension becomes payable, the pension granted to the spouse under section 43 is computed without taking into account the amounts provided for in the first paragraph of section 85.7.

“DIVISION IV

“TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION

“**85.14** Notwithstanding section 33, from 1 July 1987, a pension shall be granted to an employee

- (1) who has attained normal retirement age, that is 65 years of age;
- (2) who has 35 or more years of service;
- (3) who has 10 or more years of service and who is 62 years of age or over;
- (4) who has, in years of age and years of service, a combined total of 90 or more;
- (5) who has attained 60 years of age.

The employee is required to be a member of the plan at the time he retires under any of the criteria listed above.

“**85.15** Notwithstanding section 38, from 1 July 1987, in the cases described in subparagraphs 4 and 5 of the first paragraph of section 85.14, the employee’s pension is reduced for its duration by 0.5% per month, computed for each month comprised between the date on which the pension is granted and

(1) the nearest date on which the pension would otherwise have been granted to him under subparagraphs 2 and 5 of the first paragraph of the said section, in the case referred to in subparagraph 4 of the first paragraph of the said section; or

(2) the nearest date on which the pension would otherwise have been granted to him under subparagraphs 1, 3 and 4 of the first paragraph of the said section, in the case described in subparagraph 5 of the first paragraph of the said section.

“**85.16** If the pensioner again holds pensionable employment, Chapter VII of Title I of this Act applies.

Any pension that may have been granted to the pensioner under subparagraph 2 of the first paragraph of section 85.14 is cancelled, and the person again becomes an employee to whom this plan is applicable and he is no longer entitled to avail himself of the said paragraph 2. If, however, at the time he retired the pensioner was also entitled to a pension under subparagraph 1, 3, 4 or 5 of the first paragraph of section 85.14, Chapter VII of Title I of this Act applies to that pension and to any other benefits paid to the pensioner.

“DIVISION V

“APPLICATION, ACTUARIAL VALUATIONS AND FUNDING

“85.17 Except with respect to a person who has availed himself of it, Division III has effect until 30 June 1989 unless, following the valuation prepared under section 85.19, the Government determines, after consultations by the Commission of the Comité de retraite, the date until which that division will continue to apply. The measure provided in Chapter III of Title IV of this Act shall cease to have effect with respect to persons who are entitled to avail themselves of the measures provided in Division III of this chapter until this division ceases to have effect.

Division IV shall have effect until 31 December 1989, except with respect to a person who has availed himself of it.

To be entitled to avail himself of the measures provided in Divisions III and IV, an employee must apply therefor and retire before such divisions cease to have effect. Furthermore, to be entitled to avail himself of the measures provided in Division III, a pensioner described in the second paragraph of section 85.6 must apply therefor before that division ceases to have effect.

“85.18 The actuarial value of the benefits resulting from the measures provided in Division III, except the value resulting from benefits under section 85.9, and the actuarial value of the benefits resulting from the measures provided in Division IV, to the extent that it introduces, for the purposes of eligibility for and computation of any pension, the criterion of 35 years of service, shall be funded by the difference between

(1) the amount of the contributions paid by the employees and the contributory amounts paid by the employers for the period comprised between 31 December 1986 and 1 January 1990; and

(2) the amount of the contributions that would have been paid, for the same period, by the employees and the contributory amounts that would have been paid by the employers on the basis of the result of the actuarial valuation of this plan as of 31 December 1984 if the Government had, from 1 January 1987 and in accordance with section 177, revised the rate of contribution and if the rate had taken into account the introduction, for the purposes of eligibility for and computation of any pension, of the criterion of 62 years of age and 10 years of service.

The Commission shall transfer annually, with interest, from the employers' contributory fund of the Caisse de dépôt et placement du

Québec into the employees' contribution funds of the Caisse, one-half of the difference between the amount of the contributions paid by the employees as established under subparagraph 2 of the first paragraph, and the amount of the contributory amounts paid by the employers as established under the said paragraph.

“85.19 Not later than 1 April 1989, the Commission shall cause to be prepared by the actuaries it designates the valuation of the actuarial value of the benefits provided for in section 85.18 and of the sums intended for their funding. The premium paid or payable by the employer in relation, as the case may be, to persons who have availed themselves of any of the measures provided in Division III and who continue to be covered by the basic health insurance plan in accordance with the conditions of employment applicable to them must be added to the actuarial value of such benefits.

“85.20 The actuarial value of the benefits resulting from the measures provided in Division III, except that resulting from any benefits under the first paragraph of section 85.9, and the actuarial value of the benefits resulting from the measures provided in Division IV, to the extent that they introduce, for the purposes of eligibility for and computation of any pension, the criterion of 35 years of service, and the sums intended for their funding are not taken into account in determining the rate of contribution following the actuarial valuation prepared under section 174 as of 31 December 1987. They must, however, be taken into account in determining that rate following subsequent actuarial valuations prepared under the said section.

The actuarial value of the benefits resulting from the measures provided in Divisions I and II must be included in the actuarial valuations of the Teachers Pension Plan prepared under section 174.”

39. The said Act is amended by replacing the Title of Division I of Chapter VI of Title I by the following title:

“PAST SERVICE OF AN EMPLOYEE WHO WAS NOT A MEMBER
OF A RETIREMENT PLAN”.

40. Section 86 of the said Act is amended

(1) by replacing that part which precedes subparagraph 1 of the first paragraph by the following:

“86. An employee who, before this plan became applicable to him, was not a member of a retirement plan is entitled to a pension credit computed in relation to all or part of his years of past service up to a maximum of 15 years”;

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

“(2) if on 1 July 1973 his name was entered on a list of eligible persons of a sectorial or intersectorial employment office provided for by a collective agreement, or if he begins to contribute to this plan not later than 1 January 1989.”

41. Section 87 of the said Act is replaced by the following section:

“**87.** To be credited with past service, an employee must file an application therefor before 1 July 1989.”

42. Section 88 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**88.** The pension credit is equal, for each year of service, to 2% of the annual pensionable salary of the employee as of 1 July 1973 or if he has no pensionable salary on that date, his pensionable salary on the nearest subsequent date on which he began to contribute to this plan.”

43. The said Act is amended by replacing the title of Division II of Chapter VI of Title I by the following title:

“PAST SERVICE OF AN EMPLOYEE WHO WAS A MEMBER OF THE TEACHERS PENSION PLAN OR CIVIL SERVICE SUPERANNUATION PLAN”.

44. Section 98 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**98.** Every employee who, in accordance with section 13, elects to become a member of this plan shall be credited, for pension purposes, with the years or parts of a year of service credited under the Civil Service Superannuation Plan or the Teachers Pension Plan if his contributions have not been reimbursed to him.”

45. Section 99 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**99.** In the case of physical or mental disability, death or cessation of employment or in the case where the plan ceases to be applicable to the employee, the provisions of the Civil Service Superannuation Plan and of the Teachers Pension Plan which concern the eligibility for and the payment of a pension continue to apply in respect of the years and parts of a year credited pursuant to section 98, until a pension becomes payable under this plan. Such provisions continue to apply only if they are more advantageous than those of this plan.”

46. The said Act is amended by replacing the title of Division III of Chapter VI of Title I by the following title:

“PAST SERVICE OF AN EMPLOYEE WHO WAS A MEMBER OF A SUPPLEMENTAL PENSION PLAN WITH AN EMPLOYER CONTEMPLATED BY THIS PLAN”.

47. Section 101 of the said Act is amended

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

“**101.** The employees who, following the poll held under section 6, become members of this plan and the employees contemplated in paragraph 3 of section 2 are credited with the pension credit computed in relation to the years of past service and the salary allowable under the supplemental pension plan of which they were members, except if a paid-up annuity certificate is issued.”;

(2) by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) in the case provided for in section 12, if he is not required to again become a member of the plan; or

“(2) if he was a member of that plan on 30 June 1973 and if he transfers to another employment that is not pensionable employment under that plan but that is pensionable employment under this plan.”

48. Section 110 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**110.** The years and parts of a year of service completed by the support staff of the general and vocational colleges are credited, for pension purposes under this plan, for the period during which such employees were members of a supplemental pension plan or contributed to a trust fund for the period comprised between 21 April 1970 and the date they became members of this plan.”

49. Section 113 of the said Act is replaced by the following section:

“**113.** Every employee who applies therefor within 12 months of the date on which he begins to contribute to this plan is entitled to be credited with the years and parts of a year of active service in the regular Canadian Forces or in the forces levied by Canada in wartime contemplated by the Canadian Forces Superannuation Act, (R.S.C., 1970, chapter C-9) if he does not receive retirement benefits under the said Act.

The years and parts of a year are computed by the application of sections 88 to 93 and 95 to 97. However, the annual pensionable salary used to compute the pension credit is the salary that the employee receives on the date on which he begins to contribute to this plan."

50. Section 115 of the said Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) the salary he is entitled to receive during the first year in which he holds pensionable employment under this plan after having been a Member."

51. Section 115.1 of the said Act is replaced by the following section:

"115.1 Every employee who has held casual employment defined by regulation 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 1988 with an agency or body contemplated by the plan or with an agency or body which, in the opinion of the Commission, would have been contemplated by the plan had it not ceased to exist. For the purposes of this paragraph, any period in which the employee is entitled to salary insurance benefits is counted as a period of service.

The employee must, to be credited with that service, pay to the Commission an amount equal to the contributions he would have been required to pay if he had been a member of 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. If the employee applies to have only part of that service credited, the most recent service will be credited first. Any pension credit that may have been granted in respect of such service is cancelled and the sums paid in respect thereof are reimbursed with interest."

52. Section 115.3 of the said Act is repealed.

53. Section 115.4 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

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

54. Section 116 of the said Act is replaced by the following section:

“116. A pensioner who, before 1 January 1983, held an employment that is pensionable employment under this plan, the Civil Service Superannuation Plan or the Teachers Pension Plan, except if he has received or is entitled to only the reimbursement of his contributions for the period prior to that date, and who again holds an employment that is pensionable employment under this plan before 65 years of age may continue to receive his pension until that age and receive his salary if he does not elect to again become an employee to whom this plan is applicable.

If the pensioner elects to again become an employee to whom this plan is applicable the pension ceases to be paid and it is, at the time he ceases to hold his employment or not later than on his reaching 65 years of age, recomputed to take into account the years of service and the pensionable salary credited to him while he held that employment. When he reaches 65 years of age, the employee may elect to again become an employee to whom this plan is applicable as provided in section 118, and sections 117 to 122 apply.”

55. Sections 118 to 121 of the said Act are replaced by the following sections:

“118. The pensioner may elect to again become an employee to whom this plan is applicable.

“119. If the pensioner elects to again become an employee to whom this plan is applicable, his pension is, at the time he ceases to hold his employment, recomputed to take into account the years of service and the pensionable salary credited to him while he held that employment.

“120. If the pensioner does not elect to again become an employee to whom this plan is applicable, the pension benefits acquired by him under this plan are indexed in accordance with the plan for the period during which he holds pensionable employment.

“121. On ceasing to hold employment, the employee is entitled to receive the indexed pension or the recomputed pension, whichever is greater.

If the greater amount is the indexed pension, the contributions paid by the employee in the period during which he held employment are reimbursed to him with interest.”

56. Section 123 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) the list of the employees who are members of such plans on 1 July 1973 where they have not elected to become members of this plan.”

57. Section 128 of the said Act is replaced by the following section:

“128. The contributions, the contributory amounts and the interest on pension credits derived from the past service of an employee under a pension plan to which he was a member must be the subject of separate accounting.”

58. Section 134 of the said Act is replaced by the following section:

“134. The Government may, by regulation, after consultation by the Commission of the Comité de retraite in the case 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 or in the case of the Pension Plan of Certain Teachers,

(1) determine, for the purposes of paragraph 3 of section 4, the basis of employment or remuneration of the person;

(2) determine, for the purposes of paragraph 8 of section 4, the category of employees to which the plan does not apply;

(3) establish the rules governing a poll held under section 6;

(4) determine, in accordance with section 15, any amount that is excluded from the pensionable salary;

(5) determine the conditions to be met in the case of section 27;

(6) determine, for the purposes of section 36, the days and parts of a day which are not included in the contributory period;

(7) determine, for the purposes of section 36.1, the percentage of the basic yearly pensionable salary which must not be exceeded;

(8) determine, for the purposes of section 47, the time when the employee is entitled to the reimbursement of his contributions and prescribe the conditions thereof;

(9) determine, for the purposes of sections 51 and 79, the standards permitting the computation of the actuarial value;

(10) determine when and how funds are transferred to this plan;

(11) determine, for the purposes of sections 80 and 108, the order of priority for the reduction of benefits;

(12) establish the conditions of application of sections 101 to 108;

(13) establish the criteria, rules, actuarial principles and tables required for computing the pension credit in the cases contemplated in sections 105 and 106;

(14) define, for the purposes of section 115.1, the expression “casual employment”;

(15) determine, under section 124, the date of the increase in the rate of contribution;

(16) determine to what extent a compensation under sections 147 and 190 in respect of benefits may be effected out of sums owed to a person by the Commission;

(17) determine, for the purposes of section 148, when and on what conditions the payment of pension benefits are made;

(18) establish, in accordance with section 177, a new rate of contribution for each of the plans concerned;

(19) define the expression “employee who may be unionized”;

(20) determine, for the purposes of section 191.1, the terms according to which the various sums determined by regulation that are owed by the employer bear interest and prescribe the time within which the employer is required to pay such sums;

(21) fix, for the purposes of section 191.2, the amount of annual contributions which, if exceeded, constitutes for an employee an excess amount of contributions or, as the case may be, an insufficient amount of contributions;

(22) establish, based on the rate of return of certain categories of amounts contemplated in section 127 and designated by regulation, the rules and terms governing the computation of interest;

(23) determine, for the purposes of section 218, the percentages of the amount of interest payable on the contributions and on the sums paid to be credited with years or parts of a year of service to which an employee or any of his assigns is entitled and the periods to which those percentages apply;

(24) prescribe, for the purposes of section 219, the other sums that are deemed received at the mid-point of each year, and determine the manner of computing the interest on the contributions and on such other sums;

(25) determine the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I.”

59. Section 135 of the said Act is repealed.

60. Section 137 of the said Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) under sections 26, 28, 85.3, 115.2 and 221 of this Act, under sections 22, 23, 27, 28.3, 76 and 76.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), under sections 66.2, 99.7, 112 and 112.1 of the Act respecting the Civil Service Superannuation Plan, in the case of the determination of periods and dates of payment;

“(2) under sections 79, 86, 95, 100, 104, 115.1, 147, 149, 158 and 190 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 (R.S.Q. chapter R-9.1).”

61. Section 137.1 of the said Act is repealed.

62. Section 140 of the said Act is replaced by the following section:

“**140.** If the chairman is absent or unable to act, the Minister shall appoint one of the vice-chairmen to replace him.”

63. Section 144 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**144.** No deed, document or writing binds the Commission unless it is signed by the chairman, a vice-chairman or by an officer and, in the case of an officer, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.”

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

“148. Notwithstanding any inconsistent provision of any Act, regulation or order, every pension benefit under any of the pension plans the benefits of which are payable by the Commission is computed on a monthly basis and the monthly payment is paid at such intervals and on such conditions as may be determined by regulation. The regulation may prescribe the date on which the benefit becomes payable and the date on which it ceases to be paid.

The Commission may, however, make cash payment of the actuarial value or cash payment of the annual value of a pension benefit if it is authorized to do so by an Act, regulation or order.”

65. Section 151 of the said Act is amended by replacing that part which precedes subparagraph 1 by the following subparagraph:

“151. Every sum owing to a beneficiary, except contributions deducted in excess for years subsequent to the year 1986, under any retirement plan administered by the Commission bears interest, in the case of contributions deducted in excess in the course of a year, from 1 July of the following year and, in all other cases, from the sixty-first day after either of the following dates:”.

66. Section 154 of the said Act is amended by replacing that part which precedes paragraph 1 by the following:

“154. At least every three years, the Commission shall prepare a statement of participation for each employee who is a member of a retirement plan administered by it, setting forth”.

67. Section 158 of the said Act is amended by replacing the first paragraph by the following paragraph:

“158. The Commission may, with the authorization of the Government, enter into an agreement of transferability with a government in Canada or any other body having a retirement plan or with the body which administers the plan, to have counted or credited, as the case may be, in respect of an employee to whom the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan is applicable, all or part of the years of service counted under the retirement plan of which the employee was a member.”

68. Section 165 of the said Act is amended 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 employees and beneficiaries of the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan, the plans established by sections 9 and 10 of this Act and the Pension Plan for Certain Teachers;”.

69. Sections 187 to 191 of the said Act are replaced by the following sections:

“187. The employer of any person to whom a retirement plan administered by the Commission or a plan the benefits of which are payable by the Commission is applicable must deduct, from each payment of salary, the contributions fixed by each of such plans.

The employer must remit to the Commission, not later than the fifteenth of each month, all the amounts collected for the preceding month, together with the information and documents prescribed by the Commission.

This chapter applies to every retirement plan contemplated in the first paragraph notwithstanding any inconsistent provision of an Act, regulation or order.

“188. The employer must, not later than 1 March each year, transmit to the Commission a report showing the amount of contributions collected and containing such other information and documents as the Commission may determine in respect of each retirement plan.

“189. Every employer who, in the course of a year, fails to deduct any amount as contributions in respect of a person shall, in addition, pay to the Commission a sum equal to 10% of the undeducted contributions.

“190. For the years prior to the year 1987, the employer is indebted to the Commission for the contributions he is required to collect and the Commission shall reimburse with interest any contribution deducted in excess, without an application therefor being necessary.

The Commission may, in respect of any person, compensate any amount of insufficient contributions out of any amount of contribution deducted in excess. It may also compensate insufficient contributions out of any other sum due to that person but, before it does so, the Commission must notify the person.

Notwithstanding the compensation or, as the case may be, the payment by the person, the employer remains indebted for the interest payable on the contributions.

“191. For the years subsequent to the year 1986, the employer is indebted to the Commission for the contributions he is required to collect and he must reimburse to the person any contribution deducted in excess. The Commission may compensate any amount of contributions that should have been collected by the employer out of the contributions deducted in excess.

If, during any of those years, a person held more than one pensionable employment under the same retirement plan and contributed to that plan in respect of such employments, the Commission shall, on the person's application, reimburse, with interest, the contributions deducted in excess, except those resulting from the application of the first paragraph. Sections 151 and 218 apply to the contributions.

“191.1 Every sum for which the employer is indebted to the Commission under this chapter bears interest in accordance with the terms and conditions prescribed by regulation.

If the contributions, including any interest payable on those contributions and any penalty under section 189, have not been paid within the prescribed time, the employer must pay those sums with interest.

The Commission may set off any sum owed by an employer against the amount of all contributions deducted in excess by such employer.

“191.2 For the purposes of the plans contemplated in section 187 and this chapter, any annual amount that is less than the amount fixed by regulation does not constitute an excess amount of contributions or an insufficient amount of contributions for any year subsequent to the year 1986.”

70. Section 192 of the said Act is replaced by the following section:

“192. Every person to whom a collective agreement to which the Government is a party applies and every person whose remuneration and other conditions of employment are determined by the Government or by a body or class of bodies designated by the Government, may, if he is a member of the retirement plan provided by this Act, the Teachers Pension Plan or the Civil Service Superannuation Plan, be governed by the measures provided in this Title.

The Commission shall administer this Title. Any decision rendered in respect of a person pursuant to any provision of this Title may be contested in the manner provided in the plan of which he is or was a member.”

71. Section 194 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**194.** The employer must deduct from the salary he pays to the person the amount prescribed under the plan of which the person is a member.”

72. Section 200 of the said Act is replaced by the following section:

“**200.** If the person dies before the date on which the pension becomes payable, the plan of which he was a member applies without taking into account the number added to his years of service and years of age.”

73. Section 202 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**202.** If, at the time the person holds or again holds pensionable employment under the retirement plan provided by this Act, he is under 65 years of age and was not entitled to a pension at the time he retired, he becomes or again becomes an employee to whom this plan is applicable. However, if he was entitled to a pension, the provisions of the retirement plans respecting the return to work of a pensionner under 65 years of age apply.”

74. Section 211 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**211.** The employer must deduct from the salary he pays to the person the amount prescribed under the plan of which the person is a member.”

75. Section 213 of the said Act is replaced by the following section:

“**213.** In case of a reimbursement, only the contributions actually paid by the person and the contributions from which he was exempt are reimbursed. The contributions from which he was exempt are computed on that part of the salary he would have received had he not been receiving salary insurance benefits or, as the case may be, had the person not exercised the right granted under sections 40, 41 and 46 of the Act respecting occupational health and safety.”

76. The said Act is amended by inserting, after section 213, the following chapter:

“CHAPTER V.1

**“MEASURES CONCERNING PERSONS IN PRE-RETIREMENT
AND RECEIVING ONE-HALF OF THEIR SALARIES**

“213.1 This chapter applies to a person who is a member of the teaching personnel of a school board and who, following an agreement with his employer, is in a period of pre-retirement during which he receives only one-half of his salary.

Sections 211 to 213 apply to that person.”

77. Section 214 of the said Act is replaced by the following section:

“214. The Government shall make the regulations under this Title after consultation by the Commission of the Comité de retraite. The regulations may have effect twelve months or less before they are made.”

78. Section 215 of the said Act is amended by replacing the first paragraph by the following paragraph:

“215. The measures provided in this Title are under the responsibility of the Government, except where, in respect of any part of the provisions of each of Chapters II to V.1, the Government designates a person responsible for them to such extent as it determines.”

79. Section 218 of the said Act is replaced by the following section:

“218. The employee and his assigns are entitled only to a percentage determined by regulation of the amount of interest payable on contributions, on contributions deducted in excess for the years prior to the year 1987 and on the sums paid to be credited with years or parts of a year of service.”

80. Section 220 of the said Act is replaced by the following section:

“220. The Government may, by order, amend Schedules I, II, II.1, III and VI. Any such order may have effect twelve months or less before it is made.

Any order made under paragraphs 1 and 4 of section 2 and under paragraph 7 of section 4 may have effect six months or less before

it is made. However, any order made under paragraph 2 of section 2 may have effect from any date after 31 December 1976.”

81. Section 221 of the said Act is amended by replacing that part which precedes subparagraph 1 of the first paragraph by the following:

“221. The days during which an employee is, after becoming a member of the retirement plan provided by this Act, on leave without pay for a period of at least thirty consecutive days ending before 1 July 1983, are credited to him under the retirement plan, if”.

82. The said Act is amended by inserting, after section 222, the following section:

“222.1 Every employee who was a member of the Civil Service Superannuation Plan on 31 December 1986 and who made an election under section 13 between 31 August 1986 and (*insert here the date of assent to this Act*), may cancel such election if he meets the requirements of subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan and if he avails himself thereof before the said subdivision ceases to have effect.”

83. Schedule I to the said Act, amended by Order 832-86 dated 15 June 1986, Order 183-87 dated 11 February 1987 and Order 639-87 dated 29 April 1987, is again amended in paragraph 1 by adding the words “the Syndicat des Professionnelles et des Professionnels des Affaires sociales du Québec” after the words “the Syndicat des professeurs du CEGEP de l’Outaouais”.

84. The said Act is amended by inserting, after Schedule II, the following schedule:

“SCHEDULE II.1

“(Section 16.1)

**“BODIES REQUIRED TO DEDUCT CONTRIBUTIONS FROM
THE PENSIONABLE SALARY THEY PAY TO ALL EMPLOYEES
RELEASED FOR UNION ACTIVITIES AND EMPLOYED BY THEM**

“The Provincial Association of Protestant Teachers of Québec

“The Syndicat de l’enseignement de la Haute Côte Nord

“The Syndicat des fonctionnaires provinciaux du Québec inc.”

85. Schedule III to the said Act, amended by section 1 of chapter 98 of the statutes of 1986 and by Order 832-86 dated 16 June 1986 and Order 639-87 dated 29 April 1987, is again amended in paragraph 1 by adding the words “The Syndicat des Professionnelles et des Professionnels des Affaires sociales du Québec” after the words “the Syndicat des professeurs du CEGEP de l’Outaouais”.

ACT RESPECTING THE TEACHERS PENSION PLAN

86. The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 2, the following section:

“**2.1** For the purposes of this plan, a teacher within the meaning of this plan is deemed to hold pensionable employment when he holds full-time or part-time employment contemplated by this plan, which includes, among other periods, any period during which he is on leave without pay, is entitled to salary-insurance benefits or, in the case of a female teacher, is on maternity leave.

For the purposes of this plan, a teacher is deemed to be a member of a pension plan from the first day he holds pensionable employment and such teacher is deemed to remain a member of the plan as long as he remains a teacher to whom this plan is applicable.

For the purposes of this plan, salary insurance means the salary insurance that is mandatory for the teacher.”

87. Section 3 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) a teacher employed or remunerated on the basis determined by regulation.”

88. Section 4 of the said Act is replaced by the following section:

“**4.** A teacher having attained 71 years of age ceases to accumulate service and to be a teacher to whom this plan is applicable.”

89. Section 5 of the said Act is replaced by the following section:

“**5.** A person who is a member of this plan or of the Civil Service Superannuation Plan when such plan ceases to be applicable to him and who, within 180 days of the date his plan ceased to be applicable to him, holds or again holds pensionable employment under this plan, becomes a member of this plan, unless he elects to become a member of the Government and Public Employees Retirement Plan.”

90. Section 9 of the said Act is replaced by the following section:

“9. A teacher who becomes a member of the staff of the Lieutenant-Governor or of a minister or who becomes a member of the staff of a person contemplated in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) continues to be a member of this plan if his contributions have not been reimbursed to him and if fewer than 180 days have elapsed between the date on which this plan ceased to be applicable to him and that on which he becomes a member of the staff of a minister or of the Lieutenant-Governor or a member of the staff of a person contemplated in section 124.1 of the Act respecting the National Assembly.”

91. Section 13 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“13. Every lump sum paid as a salary increase or adjustment for a previous year is part of the pensionable salary of the years during which the lump sum is paid.

In the case of a pensioner, any such lump sum is part of the pensionable salary of the last year in which service is credited to him.”

92. Section 13.1 of the said Act is replaced by following section:

“13.1 The pensionable salary of a teacher who is released for union activities is the salary paid to him by his employer and, where such is the case, any salary paid to him by the body for the benefit of which he is released if, in the latter case, the body is designated in Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

The first paragraph applies from the date on which the designation of the body in Schedule II.1 takes effect and the body begins to pay contributory amounts as an employer.”

93. Section 15 of the said Act is replaced by the following section:

“15. The pensionable salary of a teacher who simultaneously holds more than one pensionable employment in a year is the aggregate of the salary paid to him for all such employments if the total service credited to him in respect of such employments is equal to one year or less.

If the total service credited to him for the pensionable employments is greater than one year, his pensionable salary shall not be greater than the full salary for the employment he holds for a proportionately

greater number of days in the year or, if he holds those employments for proportionately the same number of days, the full salary for the highest paid employment.”

94. Section 17 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**17.** If a teacher simultaneously holds more than one pensionable employment, the service he accomplishes is credited up to one year of service.”

95. Section 18 of the said Act is replaced by the following section:

“**18.** The days and parts of a day during which a teacher is entitled to salary insurance benefits or during which a female teacher receives the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) by reason of the exercise of a right granted under section 40, 41 or 46 of the said Act, are credited with exemption from contributions.

However, in the case of salary insurance and if it so provides, the insurer shall pay the contributions that would have been paid by the teacher; the contributions are credited to the account of the teacher.”

96. Section 19 of the said Act is replaced by the following section:

“**19.** Every female teacher may be credited, without contributions, with the days and parts of a day of a maternity leave in progress on 1 July 1983 or thereafter, up to 130 contributory days.”

97. The said Act is amended by inserting, after section 28, the following:

“CHAPTER II.1

“SPECIAL PROVISIONS

“DIVISION I

“MATERNITY LEAVE

“**28.1** Every teacher who was granted maternity leave while she was a member of the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of this plan, may be credited, without contributions, with the days of the maternity leave, up to

(1) 90 contributory days for a leave which was in progress on 1 July 1965 or which began after that date but ended before 1 July 1976, if the 90-day period enables her to complete any school year that otherwise would be incomplete for pension purposes by reason of the leave;

(2) 120 contributory days for a leave which was in progress on 1 July 1976 or which began after that date but ended before 1 July 1983.

To be credited with the days of the maternity leave, the teacher is required to have contributed to the pension fund of officers of education established by Part VIII of the Education Act, to the Civil Service Superannuation Plan or to this plan, as the case may be, during the 12 months preceding the beginning of the maternity leave and to have contributed again to this plan or to the Civil Service Superannuation Plan during the two years following the year in which the maternity leave ended even if, in the latter case, she was not a teacher within the meaning of this plan at the time she again contributed.

Any contributions paid by the teacher to redeem the maternity leave pursuant to the provisions relating to the redemption of leave without pay, are reimbursed without interest. However, if the redeemed period, in respect of a maternity leave which ended before 1 July 1976 exceeds 90 days, the maternity leave cannot be credited without contributions and the contributions paid by the teacher cannot be reimbursed. If the redeemed period, in respect of a maternity leave which was in progress on 1 July 1976, or which began after that date, exceeds the period credited pursuant to this section, the balance of the redeemed period remains credited to the account of the teacher even if it is less than 30 days.

“28.2 That part of the pension attributable to service credited pursuant to section 28.1, if the service is credited for a year credited to the teacher pursuant to section 28.3, only to the extent that the service is necessary to make up the maximum of 35 years of service, is increased annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 64 applies to the increase. In all other cases, sections 63 and 64 apply.

“DIVISION II

“YEARS REIMBURSED BY REASON OF MARRIAGE, PREGNANCY OR ADOPTION

“28.3 Any teacher who while she was a member of the pension fund of officers of education established by Part VIII of the Education Act or while she was a teacher within the meaning of this plan ceased to be covered by her pension plan by reason of marriage, pregnancy or adoption if, in the last case, the adoption was subsequently recognized for legal purposes by a judgment, may be credited with all or part of her years of teaching prior to 1 January 1968 for which she obtained a reimbursement of contributions, if the marriage, pregnancy or adoption occurred in the 12 months preceding or in the 24 months following the date on which she ceased to be covered by her pension plan.

To be credited with such years and parts of a year, the teacher must pay the sum of \$1 000 per year.

The teacher may spread the payment, with interest at the rate in force, on the date the application is received, pursuant to the Act respecting the Government and Public Employees Retirement Plan, over such period and at such intervals as may be determined by the Commission.

“28.4 The sum of \$1 000 contemplated in the second paragraph of section 28.3 shall be adjusted, on 31 December of each year, at the interest rate established pursuant to section 217 of the Act respecting the Government and Public Employees Retirement Plan and in force on that date.

“28.5 The part of the pension attributable to service credited pursuant to section 28.3, only to the extent that the service is necessary to make up the maximum of 35 years of service, is increased annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 64 applies to the increase.

“DIVISION III

“ACTUARIAL VALUATIONS AND FUNDING

“28.6 The actuarial value of the benefits resulting from the measures provided in this chapter, Divisions I and II of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and subdivisions 1 and 2 of Division II.1 of the Civil Service Superannuation Plan (R.S.Q., chapter R-12) shall be funded by the difference between

(1) the amount of the contributions paid by the teachers and the contributory amounts paid by the employers for the period comprised between 31 December 1986 and 1 January 1990; and

(2) the amount of the contributions that would have been paid, for the same period, by the teachers and the contributory amounts that would have been paid by the employers on the basis of the result of the actuarial valuation of this plan as of 31 December 1984 if the Government had revised the rate of contribution from 1 January 1987 in accordance with section 177 of the Act respecting the Government and Public Employees Retirement Plan.

In addition, the measures are funded, also, by the sums paid by the teacher, employee or officer under Division II of this chapter, under Division II of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan or under subdivision 2 of Division II.1 of the Act respecting the Civil Service Superannuation Plan.

“28.7 The actuarial value of the benefits referred to in section 28.6 and the sums intended for their funding must be taken into account in determining the rate of contribution following the actuarial valuations of this plan prepared pursuant to section 174 of the Act respecting the Government and Public Employees Retirement Plan. The years and parts of a year giving entitlement to those benefits are, for the purposes of the valuations, deemed to be credited after 30 June 1982.

The Commission shall cause an additional actuarial valuation, as of 31 December 1987, to be prepared by the actuaries designated by it, which shall not take into account the actuarial value of the benefits referred to in the first paragraph or the sums intended for the funding of such benefits.”

98. Section 29 of the said Act is replaced by the following section :

“29. Every employer shall, except in respect of a teacher contemplated, as the case may be, in section 43.2 or 89.5 of the Act respecting the Civil Service Superannuation Plan as long as he has not elected to become a member deduct annually, from the pensionable salary he pays to each teacher, or to a pensioner in the case of a lump sum within the meaning of section 13, an amount equal to

(1) 8.08% up to that part of his pensionable salary which corresponds to his personal exemption within the meaning of the Act respecting the Québec Pension Plan;

(2) 6.28% of that part of his pensionable salary which exceeds his personal exemption up to his maximum pensionable earnings within the meaning of the said Act; and

(3) 8.08% of that part of his pensionable salary which exceeds his maximum pensionable earnings.”

99. Section 30 of the said Act is repealed.

100. Section 32 of the said Act is amended by adding the following paragraph:

“The teacher must be a member of this plan at the time he retires under any of the criteria listed above.”

101. Section 35 of the said Act is amended

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

“(1) dividing the pensionable salary for each year by the service credited except service credited under sections 19, 28.1 and 62;”;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”;

(3) by replacing the second paragraph by the following paragraph:

“A contributory period is, for the purposes of this subdivision, the number of contributory days in the period during which the teacher was assessed or was exempt from contributions in a year and during which days and parts of a day were otherwise credited with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, that is, 200 or 260, according to the basis of remuneration. The first contributory period of a new teacher begins on the first day in respect of which service is credited to him.”

102. The said Act is amended by inserting, after section 35, the following section:

“35.1 In no case may the amount of annual salaries obtained following a division under subparagraph 1 of the first paragraph of section 35 exceed the amount obtained by applying the percentage

prescribed by regulation to the basic pensionable salary, computed on a yearly basis, paid to the teacher or, where such is the case, that would have been paid to the teacher in accordance with the conditions of employment applicable to him on the last day credited to him in the year concerned.

If, however, the teacher held part-time employment on the last day credited to him in a year, the basic pensionable salary which must be used for the purposes of the first paragraph is the salary he would have received on that last day if he had held that employment full time.”

103. Section 42 of the said Act is replaced by the following section:

“**42.** The pension is paid to the pensioner for life.”

104. Section 49 of the said Act is replaced by the following section:

“**49.** The pension granted to the spouse and children runs until the first day of the month following the date the beneficiary ceases to be entitled to it.”

105. Section 50 of the said Act is amended by replacing that which precedes paragraph 1 by the following:

“**50.** A teacher who, after ten years of service and before being entitled to a pension, ceases to be a teacher to whom this plan is applicable is entitled to only a deferred pension, unless”.

106. Section 54 of the said Act is replaced by the following section:

“**54.** Any deferred pension is cancelled if the teacher again becomes a member of this plan, and the years of service he accumulates are added to the years of service already credited.”

107. Section 55 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The deferred pension is paid to the pensioner for life.”

108. Section 56 of the said Act is replaced by the following section:

“**56.** A teacher to whom this plan ceases to be applicable before he is eligible for a pension or deferred pension is entitled, unless he is a member of this plan, to the reimbursement of his contributions the amount of which is reduced, where such is the case, by the amounts paid as a pension by reason of physical or mental disability.

However, a person contemplated in section 5 who was a member of this plan is entitled to the reimbursement of his contributions if he applies thereof within 180 days of the date on which this plan ceased to be applicable to him.”

109. Section 59 of the said Act is replaced by the following section:

“59. Where contributions are reimbursed, the contributions from which the teacher was exempt pursuant to section 18 are also reimbursed. The same applies to the sums paid by the teacher under the second paragraph of section 28.3 and, where that is the case, under section 28.4.”

110. Section 62 of the said Act is replaced by the following section:

“62. For the purposes of eligibility for and computation of any teacher’s pension, a maximum of 90 contributory days may be added to the service credited to the teacher after 30 June 1965 to enable him to make up any period of absence without pay while he was holding pensionable employment, except on contrary notice from the teacher.”

111. Section 67 of the said Act is amended by replacing the first paragraph by the following paragraph:

“67. A person who receives a pension and holds employment that is pensionable employment under the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan, and who continues to hold such employment until he is sixty-five years of age may continue to receive his pension and his salary until that age. However, if the person holds employment that is pensionable employment under the Government and Public Employees Retirement Plan, he is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee to whom that plan is applicable for any period during which he holds pensionable employment until he attains 65 years of age.”

112. Sections 70 and 71 of the said Act are replaced by the following sections:

“70. A pensioner 65 years of age or over who holds an employment that is pensionable employment under the Government and Public Employees Retirement Plan may elect to become an employee to whom this plan is applicable as provided in section 118 of the Act respecting the Government and Public Employees Retirement Plan and sections 117 to 122 of the said Act apply.

“71. If a pensioner who attains 65 years of age continues to hold an employment that is pensionable employment under the Civil Service Superannuation Plan he may, if the rules of section 63.8 of the Act respecting the Civil Service Superannuation Plan do not apply, elect to become a member of such plan and the rules provided in sections 117 to 122 of the Act respecting the Government and Public Employees Retirement Plan apply, adapted as required.”

113. Section 73 of the said Act is replaced by the following section :

“73. The Government may, by regulation, after consultation by the Commission of the Comité de retraite,

(1) define what constitutes a pedagogical position and an educational position ;

(2) determine the conditions governing the participation of a teacher whose services are requested by an association of teachers or by an educational body listed in Schedule II ;

(3) determine, for the purposes of paragraph 2 of section 3, the basis of employment or remuneration of a teacher ;

(4) determine, in accordance with section 12, any amount that is excluded from the pensionable salary ;

(5) determine what constitutes a physical or mental disability ;

(6) determine, for the purposes of section 35, the days and parts of a day which are not included in the contributory period ;

(7) determine, for the purposes of section 35.1, the percentage of a teacher’s basic annual pensionable salary that must not be exceeded ;

(8) designate, for the purposes of section 47, the other educational institutions ;

(9) determine, for the purposes of section 66, the standards for computing the actuarial value ;

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

114. Section 74 of the said Act is repealed.

115. Section 76 of the said Act is amended by replacing that which precedes subparagraph 1 of the first paragraph by the following:

“76. The days during which a teacher was on leave without pay for any period of not less than 30 consecutive days, which ended before 1 July 1983 but which occurred after 1 July 1976, or the days during which, in the interval described, this plan ceased to be applicable to him while he pursued specialized studies, are credited to that teacher upon his request, if he”.

116. Section 76.1 of the said Act is amended

(1) by replacing that part which precedes subparagraph 1 of the first paragraph by the following:

“76.1 The days during which a teacher was on leave without pay for any period of not less than 30 consecutive days between 16 July 1970 and 1 July 1976 and the days during which this plan ceased, between 30 June 1965 and 1 July 1973, to be applicable to him while he pursued specialized studies, are credited to the teacher upon his request, if he”;

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

“(2) has contributed to this plan from the end of the leave without pay or specialized studies; and”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

117. Section 3 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is replaced by the following section:

“3. An officer who attains 71 years of age ceases to accumulate service and to be an officer to whom the plan provided for in this division is applicable.”

118. Section 18 of the said Act is replaced by the following section:

“18. The employer, except in respect of an officer contemplated in section 71 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) as long as he has not elected to become a member, shall deduct annually, from the salary he pays to each officer and, where such is the case, to a pensioner in the case of a lump sum contemplated in section 20, an amount equal to

(1) 7.25 %, up to that part of his pensionable salary which corresponds to his personal exemption within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(2) 5.45 % of that part of his pensionable salary which exceeds his personal exemption, up to the maximum pensionable earnings within the meaning of the said Act;

(3) 7.25 % of that part of his pensionable salary which exceeds his maximum pensionable earnings.”

119. Section 18.1 of the said Act is repealed.

120. Section 20 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**20.** A lump sum paid as a salary increase or adjustment for a previous year is part of the pensionable salary for the year during which the lump sum is paid.

In the case of a pensioner, any such lump sum is part of the pensionable salary for the last year in which service is credited to him.”

121. Section 22 of the said Act is replaced by the following section:

“**22.** The pensionable salary of an officer who simultaneously holds more than one pensionable employment in a year is the aggregate of the salary paid to him for all such employments if the total service credited to him in respect of such employments is equal to one year or less.

If the total service credited to him in respect of the pensionable employments is greater than one year, his pensionable salary shall not be greater than the full salary for the employment he holds for a proportionately greater number of days in the year or, if he holds such employments for proportionately the same number of days, the full salary for the highest paid employment.”

122. Section 24.1 of the said Act is replaced by the following section:

“**24.1** An officer 65 years of age or over but under 71 may continue to hold pensionable employment under the plan provided for in this division and receive benefits as a pensioner, and the rules provided in sections 61 to 72 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) apply, adapted as required.

An officer 71 years of age or over who holds pensionable employment under the plan provided for in this division shall receive his benefits.”

123. Section 31 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the officer is not a member of the plan provided for in this division, but is a member of the Government and Public Employees Retirement Plan if he holds pensionable employment under that plan.”

124. Section 42 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**42.** A person who receives a pension and holds employment that is pensionable employment under the Teachers Pension Plan or the Government and Public Employees Retirement Plan, and who continues to hold such employment until he is 65 years of age may continue to receive his pension and salary until that age. However, if the person holds employment that is pensionable employment under the Government and Public Employees Retirement Plan, he is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee to whom that plan is applicable for any period during which he holds pensionable employment until he attains 65 years of age.”

125. Sections 43.1 and 43.2 of the said Act are replaced by the following sections:

“**43.1** A pensioner who is 65 years of age or over and who holds an employment that is pensionable employment under the Government and Public Employees Retirement Plan may elect to become an employee to whom that plan is applicable as provided in section 118 of the Act respecting the Government and Public Employees Retirement Plan, and sections 117 to 122 of the said Act apply.

“**43.2** If a pensioner who attains 65 years of age continues to hold employment that is pensionable employment under the Teachers Pension Plan he may, if the rules of section 61 of the Act respecting the Teachers Pension Plan do not apply, elect to become a member of that plan and the rules provided in sections 117 to 122 of the Act respecting the Government and Public Employees Retirement Plan apply, adapted as required.”

126. Section 52 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“52. A lump sum paid as a salary increase or adjustment for a previous year is part of the pensionable salary for the year in which the lump sum is paid.

In the case of a pensioner, any such lump sum is part of the pensionable salary for the last year in which service is credited to him.”

127. Section 53 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“(1) an officer who is employed or remunerated on a basis prescribed by regulation;”.

128. Section 53.1 of the said Act is replaced by the following section:

“53.1 An officer having attained 71 years of age ceases to accumulate service and to be an officer to whom the plan provided for in this division is applicable.”

129. Section 54 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“However, a person who is a member of any of the plans provided for in this Act or of the Teachers Pension Plan when such plan ceases to be applicable to him and who, within 180 days of the date his plan ceases to be applicable to him, holds or again holds pensionable employment under the plan provided for in this division, becomes a member of the plan provided for in this division, unless he elects to become a member of the Government and Public Employees Retirement Plan.

A teacher placed on reserve who is a member of the Teachers Pension Plan and who is granted leave without pay to hold employment that is pensionable employment under the plan provided for in this division becomes a member of such plan.”

130. Section 55 of the said Act is replaced by the following section:

“55. Every person referred to in section 54 is considered to be an officer for the purposes of this division.

For the purposes of this Act, an officer within the meaning of this Act is deemed to hold pensionable employment when he holds full-time or part-time employment, which includes, among other periods, any period during which he is on leave without pay, is entitled to salary insurance benefits and, in the case of a female officer, is on maternity leave.

For the purposes of this Act, an officer is a member of a pension plan from the first day he holds pensionable employment and the officer is deemed to be a member of the plan as long as he remains an officer to whom this plan is applicable.

For the purposes of this Act, salary insurance means the salary insurance that is mandatory for the officer.”

131. Section 56 of the said Act is amended

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

“(2) has 10 or more years of service and has reached 62 years of age or, in the case of a female officer, 60 years of age or over;”;

(2) by adding, after the second paragraph, the following paragraph:

“The officer must be a member of this plan at the time he retires under any of the criteria listed above.”

132. Section 59 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**59.** If an officer simultaneously holds more than one pensionable employment, the service he accomplishes is credited up to one year of service.”

133. Section 60 of the said Act is replaced by the following section:

“**60.** The days and parts of a day during which an officer is entitled to salary insurance benefits or during which a female officer receives the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) by reason of the exercise of a right granted under section 40, 41 or 46 of the said Act are credited, with exemption from contributions.

However, in the case of salary insurance and if it so provides, the insurer shall pay the contributions that would have been paid by the officer; these contributions are credited to the account of the officer.”

134. Section 60.2 of the said Act is replaced by the following section:

“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 if, in the latter case, the body is designated in Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan.

The first paragraph applies from the date on which the designation of the body in the said Schedule II.1 takes effect and the body pays its contributory amount as an employer.”

135. Section 62 of the said Act is replaced by the following section:

“62. The pensionable salary of an officer who simultaneously holds more than one pensionable employment in a year is the aggregate of the salary paid to him for all such employments if the total service credited to him in respect of such employments is equal to one year or less.

If the total service credited to him in respect of the pensionable employments is greater than one year, his pensionable salary shall not be greater than the full salary for the employment he holds for a proportionately greater number of days in the year or, if he holds those employments for proportionately the same number of days, the full salary for the highest paid employment.”

136. Section 63.1 of the said Act is amended

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

“(1) dividing the pensionable salary for each year by the service credited except service credited under sections 67, 67.1 and 99.5;”;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”;

(3) by replacing the second paragraph by the following paragraph:

“A contributory period is, for the purposes of this Act, the number of contributory days in the period during which the officer was assessed or was exempt in a year and during which days and parts of a day were

otherwise credited to him with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, that is, 200 or 260, as the case may be, according to the basis of remuneration. The first contributory period of a new officer begins on the first day in respect of which service is credited to him.”

137. The said Act is amended by inserting, after section 63.1, the following section:

“63.1.1 In no case may the amount of the annual salaries obtained following a division under subparagraph 1 of the first paragraph of section 63.1 exceed the amount obtained by applying the percentage prescribed by regulation to the basic pensionable salary, computed on a yearly basis, paid to the officer or, where such is the case, that would have been paid to the officer in accordance with the conditions of employment applicable to him on the last day credited to him in the year concerned.

If, however, the officer held part-time employment on the last day credited to him in a year, the basic pensionable salary which must be used for the purposes of the first paragraph is the salary he would have received on that last day if he had held that employment full time.”

138. Section 63.6 of the said Act is replaced by the following section:

“63.6 In computing the pension, ten years are added to the number of years of service of an officer to whom the plan provided for in this division ceases to be applicable and who held, during one or more periods totalling at least five years, an employment contemplated in Schedule III or that was, for the purposes of such addition of ten years, pensionable employment when he held it.”

139. Section 66 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, the time during which the service of an officer has been interrupted by reason of active service in the armed forces of Her Majesty or of her allies during a war shall be credited without contributions, except for the purposes of subparagraph 2 of the first paragraph of section 56.”

140. Section 67 of the said Act is replaced by the following section:

“67. Every female officer may be credited, without contribution, with the days and parts of days of a maternity leave in progress on 1 July 1983 or thereafter up to 130 contributory days.”

141. Sections 67.1 and 68 of the said Act are replaced by the following sections:

“67.1 For the purposes of eligibility for and computation of any officer’s pension, a maximum of 90 days may be added to the service credited to the officer after 31 December 1978 to enable him to make up any period of leave without pay while he was holding pensionable employment, except on contrary notice from the officer.

“68. The pension becomes payable to an officer who is entitled to it from the day he retires or not later than the day he attains 71 years of age. The pension is paid to the pensioner for life.”

142. Section 69 of the said Act is replaced by the following section:

“69. The employer, except in respect of an officer contemplated in section 71 of the Act respecting the Teachers Pension Plan as long as he has not elected to become a member, shall deduct annually, from the salary he pays to each officer and, where such is the case, to a pensioner in the case of a lump sum contemplated in section 52, an amount equal to

(1) 7.25%, up to that part of his pensionable salary which corresponds to his personal exemption within the meaning of the Act respecting the Québec Pension Plan;

(2) 5.45% of that part of his pensionable salary which exceeds his personal exemption, up to his maximum pensionable earnings within the meaning of the said Act; and

(3) 7.25% of that part of his pensionable salary which exceeds his maximum pensionable earnings.”

143. Section 70 of the said Act is repealed.

144. Section 80 of the said Act is replaced by the following section:

“80. The pension granted to the spouse and children runs until the first day of the month following the date the beneficiary ceases to be entitled to it.”

145. Section 82 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“82. An officer to whom the plan provided for in this division ceases to be applicable before he is eligible for a pension or deferred pension is entitled, unless he is a member of the said plan, to the reimbursement of his contributions the amount of which is reduced, where such is the case, by the amounts paid as a pension by reason of physical or mental disability.

However, a person contemplated in the second paragraph of section 54 who was a member of the plan provided for in this division is entitled to the reimbursement of his contributions if he applies therefor within 180 days after the date on which the said plan ceased to be applicable to him.”

146. Section 83 of the said Act is amended by replacing that part which precedes paragraph 1 by the following:

“83. An officer to whom the plan provided for in this division ceases to be applicable after ten years of service and before he is eligible for a pension is entitled to only a deferred pension, unless”.

147. Section 88 of the said Act is replaced by the following section:

“88. Where contributions are reimbursed, the contributions from which the officer was exempt pursuant to section 60 are also reimbursed. The same applies to the sums paid by the officer pursuant to the second paragraph of section 99.7 and, where that is the case, under section 99.8.”

148. Section 89 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, he is not a member of the plan provided for in this division, but he is a member of the Government and Public Employees Retirement Plan if he holds employment that is pensionable employment under the latter plan.”

149. Section 89.2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“89.2 A person who receives a pension and holds employment that is pensionable employment under the Teachers Pension Plan or the Government and Public Employees Retirement Plan and who continues to hold such employment until he is 65 years of age may continue to receive his pension and salary until that age. However, if the person holds employment that is pensionable employment under the Government and Public Employees Retirement Plan, he is,

notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee to whom that plan is applicable for any period during which he holds pensionable employment until he attains 65 years of age.”

150. Sections 89.4 and 89.5 of the said Act are replaced by the following sections:

“89.4 A pensioner who is 65 years of age or over and who holds employment that is pensionable employment under the Government and Public Employees Retirement Plan may elect to become an employee to whom that plan is applicable as provided in section 118 of the Act respecting the Government and Public Employees Retirement Plan, and sections 117 to 122 of the said Act apply.

“89.5 If a pensioner who attains 65 years of age continues to hold employment that is pensionable employment under the Teachers Pension Plan he may, if the rules of section 61 of the Act respecting the Teachers Pension Plan do not apply, elect to become a member of such plan, and the rules provided in sections 117 to 122 of the Act respecting the Government and Public Employees Retirement Plan apply, adapted as required.”

151. Section 95 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“95. Any member of the Bureau de surveillance du cinéma who was formerly the president thereof may be credited with his years or a portion of his years of service on the Bureau de surveillance du cinéma by giving, within the year following the date on which he begins to pay contributions to the plan provided for in this division, a written notice and by paying, without interest, an amount equal to the deductions which would have been made from his salary if the said plan had been applicable to him.

Any officer who was on active service in the regular Canadian Forces or the forces levied by Canada in wartime contemplated by the Canadian Forces Superannuation Act may be credited with such years or a portion of such years of service provided that he does not receive retirement benefits under the said Act, by sending, during the year following the date on which he begins to pay contributions to the plan provided for in this division, or not later than 31 December 1975 if he began to pay contributions to the said plan before 1 January 1975, a written notice and by paying, without interest, an amount equal to the deductions which would have been made from his salary in the regular Canadian Forces if the said plan had been applicable to him.”

152. Section 96 of the said Act is amended

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

“Any officer who began to pay contributions to the plan provided for in this division after 17 November 1959 but before 1 January 1970 must have given notice, before 1 January 1971, of his intention to avail himself of the provisions of the first paragraph, indicating the period he wishes to be credited with, and any officer who began to pay contributions to the plan provided for in this division after 31 December 1969 must give or, as the case may be, have given such notice within twelve months after the day he began or begins to pay contributions.”;

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

“Any officer who is a member of the plan provided for in this division and who has already been subject to the application of the Act respecting the Teachers Pension Plan is entitled to be credited, for the purposes of his pension, with the time he was entitled to be credited with for the purposes of the latter plan at the time it ceased to be applicable to him, as if it were a period during which he was in the service of Québec within the meaning of the first paragraph of this section by giving a notice to that effect within the year following 13 December 1974 for any teacher who became an officer between 1 July 1965 and 13 December 1974. Any teacher who became an officer after 13 December 1974 must have given or, as the case may be, give such a notice within the twelve months following the date on which he began or begins to pay contributions to the plan provided for in this division.”

153. The said Act is amended by inserting, after section 99.4, the following division:

“DIVISION II.1

“SPECIAL MEASURES

“§ 1.—*Maternity leave*

“**99.5** Every officer who was granted a maternity leave while she was participating in the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of the Teachers Pension Plan may be credited, without contributions, with the days of the maternity leave, up to

(1) 90 contributory days for a leave which was in progress on 1 July 1965 or which began after that date but ended before 1 July 1976, if the 90-day period enables her to complete any school year that otherwise would be incomplete for pension purposes by reason of the leave;

(2) 120 contributory days for a leave which was in progress on 1 July 1976 or which began after that date but ended before 1 July 1983.

To be credited with the days of the maternity leave, the officer is required to have contributed to the pension fund of officers of education established by Part VIII of the Education Act, the Teachers Pension Plan or, as the case may be, to the plan provided for in Division II during the 12 months preceding the beginning of the maternity leave, and to have contributed again to the Teachers Pension Plan or, as the case may be, the plan provided for in Division II during the two years following the year in which the maternity leave ended even if, in the last two cases, she was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

Any contributions paid by the officer to redeem the maternity leave pursuant to provisions relating to the redemption of leave without pay are reimbursed without interest. However, if the period redeemed for a maternity leave which ended before 1 July 1976, exceeds 90 days, the maternity leave cannot be credited without contributions and the contributions paid by the officer cannot be reimbursed. If the period redeemed for a maternity leave in progress on 1 July 1976 or which began after that date exceeds the period credited pursuant to this section, the balance of the redeemed period remains credited to the officer even if it is less than 30 days.

“99.6 That part of the pension attributable to service credited under section 99.5, if the service is credited for a year credited to the officer under section 99.7, only to the extent that the service is necessary to make up a maximum of 35 years of service, is increased annually at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 64.1 applies to the increase. In all other cases, sections 64 and 64.1 apply.

“§ 2.— Years redeemed by reason of marriage, pregnancy or adoption

“99.7 Any officer who, while she was a member of the pension fund of officers of education established by Part VIII of the Education Act or while she was a teacher within the meaning of the Teachers Pension Plan, ceased to be covered by her pension plan by reason of marriage, pregnancy or adoption if, in the last case, the adoption was

subsequently recognized for legal purposes by a judgment, may be credited with all or part of her years of teaching prior to 1 January 1968 for which she obtained a reimbursement of contributions, if the marriage, pregnancy or adoption occurred in the 12 months preceding or in the 24 months following the date on which her plan ceased to be applicable to her.

To be credited with such years and parts of a year, the officer must pay the sum of \$1 000 per year. That amount must be increased by an amount equal to 1.65% of her basic pensionable salary, computed on an annual basis on the date of receipt of her application. If, however, the officer held part-time employment on that date, the basic pensionable salary which must be used is the salary she would have received if she had held that employment full time.

The officer may spread the payment of the amount determined under the second paragraph with interest at the rate in force, on the date the application is received, under the Act respecting the Government and Public Employees Retirement Plan, over such period and at such intervals as may be determined by the Commission.

“99.8 The sum of \$1 000 contemplated in the second paragraph of section 99.7 shall be adjusted, on 31 December of each year, at the interest rate established pursuant to section 217 of the Act respecting the Government and Public Employees Retirement Plan and in force on that date.

“99.9 That part of the pension attributable to service credited pursuant to section 99.7, only to the extent that the service is necessary to make up a maximum of 35 years of service, is increased annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 64.1 applies to the increase.

“§ 3.—Early retirement

“99.10 This subdivision applies to every officer who is a member of the plan provided for in Division II, who is less than 65 years of age and who

- (1) has 10 or more years of service and is 62 years of age or over; or
- (2) has 32 or more years of service.

This subdivision applies also to every officer whose pension has become payable under the plan provided for in Division II, between 31 March 1987 and (*insert here the date of assent to this Act*), if on the

day preceding the day on which he retired he was a disabled person or in pre-retirement within the meaning of the conditions of employment applicable to him.

This subdivision does not apply, however, to an officer who has previously availed or now avails himself of the early retirement measures provided in Division III of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan or in Chapter III of Title IV of the said Act.

“99.11 Every officer who retires is entitled to obtain that one of the following amounts be added to the amount of the pension that is payable to him:

(1) an amount equal to the smaller of the amounts attributable to the number of years and parts of a year recognized for the purposes of calculating his pension as may be comprised between his age on retirement date and the age of 65 and, between the number of his credited years and parts of a year of service and 35;

(2) an amount equal to the reduction applied to the retirement pension he is receiving under the Act respecting the Québec Pension Plan and which results from the adjustment provided for in section 120.1 of the said Act.

The years and parts of a year recognized under subparagraph 1 of the first paragraph are deemed to be years of service credited after 30 June 1982 and the amounts added to the pension under the first paragraph are considered to be benefits acquired after that date.

The pension increase of a pensioner described in the second paragraph of section 99.10 is payable only from (*insert here the date of assent to this Act*). However, the amount contemplated in subparagraph 2 of the first paragraph is payable in accordance with section 99.12 if the pensioner is not receiving the retirement pension under the Québec Pension Plan on (*insert here the date of assent to this Act*).

“99.12 The amount contemplated in subparagraph 2 of the first paragraph of section 99.11 becomes payable:

(1) on the first day of the month which follows the date on which the Commission receives the application of the officer or, as the case may be, the pensioner if, on the date of the application, payment of the adjusted retirement pension under the Québec Pension Plan has begun; or

(2) on the date on which payment of such adjusted retirement pension begins if, on the date of the application, the payment has not begun.

No person is entitled to an amount under this section unless, in accordance with the first paragraph, that amount becomes payable on or before 1 July 1989 or before any later date that may be determined by the Government under section 99.18.

If the retirement pension received by the pensioner under the Act respecting the Québec Pension Plan ceases to be adjusted under section 120.1 of the said Act, the pensioner ceases to be entitled to the amount contemplated in subparagraph 2 of the first paragraph of section 99.11 from the date on which the adjustment of the pension ceased to apply. Moreover, if the retirement pension is recomputed in accordance with section 102.9 of the Act respecting the Québec Pension Plan, the amount contemplated in subparagraph 2 of the first paragraph of section 99.11 must be reduced to take into account the adjustment made to the retirement pension received by the pensioner under the said Act. The reduction is effective from the date on which the partition of earnings is deemed effected in accordance with section 102.10 of the said Act.

“99.13 The officer, upon retirement, or a pensioner contemplated in the second paragraph of section 99.10, upon availing himself of this subdivision, may also avail himself of the measure provided in Chapter IV of Title IV of the Act respecting the Government and Public Employees Retirement Plan but only in respect of the annual amount of the old age security pension even if no agreement to that effect has been entered into with his employer and even if he does not have 35 years of credited service for the purposes of the computation of his pension. However, the reduction provided for in section 205 may apply to any amount added under section 99.11.

The first paragraph applies, where that is the case, to a pensioner contemplated in the second paragraph of section 99.10, only from (*insert here the date of assent to this Act*).

“99.14 The amounts added under section 99.11 are indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan,

(1) in the case of the amount allocated under subparagraph 2 of the first paragraph of section 99.11, by the rate of increase in the Pension Index determined by the said Act;

(2) in the case of the amounts allocated under subparagraph 1 of the first paragraph of the said section, by the excess of that rate over 3%.

The first indexing of the amount contemplated in subparagraph 2 of the first paragraph is made in the same proportion as that of the first indexing of the regular pension established in accordance with section 64.1.

“99.15 In no case may the amount of the pension payable under Division II, increased by the amount established under subparagraph 1 of the first paragraph of section 99.11, exceed 70% of the average pensionable salary used in computing the pension.

“99.16 If the pensioner holds pensionable employment under the Government and Public Employees Retirement Plan, he ceases to be entitled to the amounts added under section 99.11 and to the benefits granted, as the case may be, under section 99.13, and he ceases, for the purposes of eligibility for and computation of any new pension, to be entitled to avail himself of this subdivision. If, however, the pensioner was not otherwise eligible for a pension when he retired, he becomes an employee to whom the Government and Public Employees Retirement Plan is applicable.

Sections 89.2 to 89.6 apply to the reduced pension, and sections 207 to 209 of the Act respecting the Government and Public Employees Retirement Plan apply to the pension or any new pension that will be granted to that person even if it is payable under the Government and Public Employees Retirement Plan.

“99.17 If the officer dies before the date on which his pension becomes payable, the pension granted to the spouse and children under sections 76 and 78 is computed without taking into account the amounts provided for in the first paragraph of section 99.11.

“§ 4.—Application, actuarial valuations and funding

“99.18 Except with respect to a person who has availed himself of it, the measure provided in subdivision 3 has effect until 30 June 1989 unless, following the valuation prepared under section 99.20, the Government determines, after consultation by the Commission of the Comité de retraite, the date until which that subsection will continue to apply. The measure provided in Chapter III of Title IV of the Act respecting the Government and Public Employees Retirement Plan shall cease to have effect with respect to persons who are entitled to avail themselves of the measures provided in subdivision 3 of this division until it ceases to have effect.

To be entitled to avail himself of the measures provided in subdivision 3, the officer must apply therefor and retire before the

subdivision ceases to have effect. Furthermore, to be entitled to avail himself of those measures, a pensioner contemplated in the second paragraph of section 99.10 must apply therefor before subdivision 3 ceases to have effect.

“99.19 The actuarial value of the benefits resulting from the measures provided in subdivision 3, except the value resulting from benefits under section 99.13, shall be funded by the difference between

(1) the amount of the contributions paid by the officers and the contributory amounts paid by the employers for the period comprised between 31 December 1986 and 1 January 1990; and

(2) the amount of the contributions that would have been paid, for the same period, by the officers and the contributory amounts that would have been paid by the employers on the basis of the result of the actuarial valuation of the plans provided for in this Act, as of 31 December 1984, if the Government had, from 1 January 1987 and in accordance with section 177 of the Act respecting the Government and Public Employees Retirement Plan, revised the rate of contribution and if the rate had taken into account the introduction, for the purposes of eligibility for and computation of any pension, the criterion of eligibility enacted by subparagraph 2 of the first paragraph of section 56.

“99.20 Not later than 1 April 1989, the Commission shall cause to be prepared by the actuaries it designates the valuation of the actuarial value of the benefits provided for in section 99.19 and of the sums intended for their funding. The premium paid or payable by the employer in relation, as the case may be, to persons who have availed themselves of any of the measures provided in subdivision 3 and who continue to be covered by the basic health insurance plan in accordance with the conditions of employment applicable to them must be added to the actuarial value of such benefits.

“99.21 The actuarial value of the benefits resulting from the measure provided in subdivision 3, and the sums intended for their funding are not taken into account in determining the rate of contribution following the actuarial valuation prepared under section 174 of the Act respecting the Government and Public Employees Retirement Plan as of 31 December 1987. They must, however, be taken into account in determining that rate following subsequent actuarial valuations prepared under the said section.

The actuarial value of the benefits resulting from the measures provided in subdivisions 1 and 2 must be included in the actuarial

valuations of the Teachers Pension Plan prepared under section 174 of the Act respecting the Government and Public Employees Retirement Plan.”

154. Section 109 of the said Act is replaced by the following section:

“**109.** The Government may, by regulation, after consultation by the Commission of the Comité de retraite,

(1) define, for the purposes of this Act, the expression “physical or mental disability”;

(2) determine, in accordance with sections 19 and 51, every amount excluded from the pensionable salary;

(3) determine, for the purposes of paragraph 1 of section 53, the basis of employment or remuneration of the officer;

(4) determine, for the purposes of paragraph 5 of section 53, the categories of officers to whom the plan does not apply;

(5) determine, for the purposes of section 63.1, the days and parts of a day that are not included in the contributory period;

(6) determine, for the purposes of section 63.1.1, the percentage of the basic annual pensionable salary which must not be exceeded;

(7) determine, for the purposes of this Act, standards for computing the actuarial value;

(8) designate, for the purposes of section 78, the other educational institutions;

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

155. Section 110 of the said Act is repealed.

156. Section 112.1 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) contributed to the plan provided for in Division II from the end of his leave without pay; and”.

157. The said Act is amended by inserting, after section 114.1, the following section:

“114.2 Subparagraph 2 of the first paragraph of section 56 applies notwithstanding section 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

158. Paragraph 12 of Schedule I to the said Act is repealed.

159. Schedule II to the said Act is amended

(1) by striking out the words “the Fondation pour le développement de la science et de la technologie” in paragraph 1, after the words “the Agence québécoise de valorisation industrielle de la recherche”;

(2) by striking out the words “the Fondation pour le développement de la science et de la technologie” in paragraph 3, after the words “The Conseil de la Science et de la Technologie”.

160. Paragraph 9 of Schedule III to the said Act is repealed.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

161. Section 2 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing paragraph 1 by the following paragraph:

“(1) is a member of the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan;”.

162. Section 3 of the said Act is amended

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

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

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(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 been a member of the pension fund of officers of education established by Part VIII of the Education Act; or”.

163. Section 4 of the said Act is amended by adding, at the end, the following paragraphs:

“For the purposes of this plan, a person to whom this plan applies is deemed to hold pensionable employment when he holds a full-time or part-time position or employment contemplated by the plan, which includes, among other periods, any period during which he is on leave without pay, is entitled to salary insurance benefits and, in the case of a female person, is on maternity leave.

For the purposes of this plan, a person is deemed to be a member of a pension plan from the first day he holds pensionable employment and such person is deemed to remain a member of the plan as long as he remains a person to whom this plan is applicable.

For the purposes of this plan, salary insurance means the salary insurance that is mandatory for the person.”

164. Section 5 of the said Act is replaced by the following section:

“**5.** A person who holds employment that is pensionable employment under the Teachers Pension Plan or the Civil Service Superannuation Plan must, to be entitled to benefits under this plan, elect to become a member of this plan in the manner set out in section 13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) even if he holds employment with an employer who is not subject to the said Act.

If, however, that person’s pension becomes payable before the date this plan becomes applicable to him as determined under the said section 13, the person is deemed to be subject to this plan from the date the pension becomes payable.”

165. Section 8 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**8.** Where a person who is an employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan is a member of this plan, the rate of contribution provided for in the said Act applies to him, and sections 29 and 31 of the said Act apply.”

166. Section 9 of the said Act is replaced by the following section:

“9. The pensionable salary and the years of service are, for the purposes of this plan, determined as provided in sections 14 to 23 of the Act respecting the Government and Public Employees Retirement Plan.”

167. Sections 10 and 11 of the said Act are replaced by the following sections:

“10. Every person who had been or who was a member of the Teachers Pension Plan or the Civil Service Superannuation Plan before this plan became applicable to him shall be credited, for pension purposes under this plan, with the years and parts of a year of service credited under any of those plans if his contributions have not been refunded.

“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 of which he was a member as if they were years and parts of a year of service credited under this plan.”

168. Section 13 of the said Act is replaced by the following section:

“13. A person who is a member of this 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 credited to their account pursuant to paragraph 2 of section 2, over 15.

Where a person was a member of a supplemental pension plan while employed by an employer contemplated by 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.”

169. Section 16 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In the case of a person laicized after 1 July 1978 or a person referred to in section 7 who became a member of 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 (R.S.Q., chapter P-32.1) 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 became a member of 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.”

170. Section 18 of the said Act is replaced by the following section:

“18. A person who is a member of this plan may redeem or, as the case may be, be credited under this plan, with any year or part of a year of service which may be redeemed or credited pursuant to the Act respecting the Government and Public Employees Retirement Plan, subject to the conditions prescribed therein or, as the case may be, pursuant to agreements concerning the pension plan provided for in the said Act entered into in accordance with section 158 of the said Act.

The person is not entitled, however, to avail himself of the right to redeem any year or part of a year of service pursuant to sections 86, 100 and 104 of the Act respecting the Government and Public Employees Retirement Plan.”

171. Section 19 of the said Act is amended

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

“19. The pension computed in accordance with sections 35, 36, 36.1 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”;

(2) by inserting, after the first paragraph, the following paragraph:

“The person must be a member of this plan at the time he retires under any of the criteria listed above.”

172. Section 25 of the said Act is amended by replacing the first paragraph by the following paragraph:

“25. The pension, increased in accordance with section 20, is indexed in the manner set out in sections 77 and 78 of the Act respecting the Government and Public Employees Retirement Plan.”

173. Section 29 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Any person who has become or becomes eligible for a deferred annuity or a pension by reason of mental or physical disability under any of the pension plans referred to in the first paragraph is entitled to the increase provided for in section 20 from his sixty-fifth birthday. However, if that person has become eligible, before 26 June 1986, for 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 a member of that plan, 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, with regard to the person’s age, as of 26 June 1986.”

174. Sections 36 and 37 of the said Act are replaced by the following sections:

“**36.** Every person who is a member of this plan may avail himself of the provisions contained in Division IV of Chapter IV of Title I and in Title IV of the Act respecting the Government and Public Employees Retirement Plan, subject to the conditions prescribed therein.

“**37.** The 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.

Chapter VII of Title I of the Act respecting the Government and Public Employees Retirement Plan applies in respect of a pensioner under this plan who again holds pensionable employment within the meaning of the said Act.

Where a person contemplated in the first or second paragraph elects to become or, as the case may be, again become an employee within the meaning of this plan, he becomes a member of this plan and sections 8, 9, 18, 34, 36, 54 and 55 apply, adapted as required.”

175. Section 38 of the said Act is replaced by the following section:

“**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 to whom such plan ceases to be applicable after that date and after becoming eligible for a deferred annuity. The person referred to herein must be

(1) a teaching religious laicized before 1 July 1965 who has been a member of 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 been a member of the pension fund of officers of education established by Part VIII of the Education Act.”

176. Section 39 of the said Act is amended by replacing the second paragraph by the following paragraph:

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

177. Section 43 of the said Act is amended by replacing the second paragraph by the following paragraph:

“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 for in section 20 and taking into account his age when this plan ceased to be applicable to him, 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, with regard to his age, as of 26 June 1986.”

178. Section 45 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**45.** A person whose pension under the Teachers Pension Plan or the Civil Service Superannuation Plan became payable before 26 June 1986 or a person to whom such plan ceased to be applicable before that date but after he becomes eligible for a deferred annuity is or will be entitled to receive, if section 24 of the Act respecting pension coverage for certain teachers was applicable, 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.”

179. Section 51 of the said Act is amended by replacing the first paragraph by the following paragraph:

“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 or, as the case may be, in section 45. Where that person elects to become or, as the case may be, again become an employee within the meaning of this plan, he becomes a member of this plan and sections 8, 9, 18, 34, 36, 54 and 55 apply.”

180. Section 57 of the said Act is replaced by the following section:

“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. However, the rate of contribution applicable under this plan is the rate provided for in section 29 of the Act respecting the Government and Public Employees Retirement Plan or the rate determined, where such is the case, in respect of the latter plan by the Government pursuant to section 177 of the said Act.”

181. A person who availed or avails himself of one of the voluntary separation indemnisation programs [programmes d’indemnisation des départs volontaires] provided for by decision of the Conseil du trésor bearing number 145110 dated 21 June 1983, amended by decisions 150625 dated 15 May 1984, 154077 dated 11 December 1984, 154740 dated 5 February 1985, 156063 dated 16 April 1985, 161064 dated 20 May 1986, 163090 dated 16 December 1986 and 163431 dated 10 February 1987, including any future amendment, or by a decision of the Conseil du trésor bearing number 153100 dated 10 October 1984, amended by decision 153615 dated 13 November 1984, replaced by decision 161065 dated 20 November 1986 and amended by decision 163430 dated 10 February 1987, including any future amendment, and who meets the requirements of Division III of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and of subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan is entitled to avail himself of that division or subdivision, as the case may be, only if his participation in a voluntary separation indemnization program is cancelled after an agreement with his employer.

Moreover, a person who made an agreement with his employer pursuant to one of the voluntary separation indemnization programs referred to in the first paragraph before (*insert here the date of assent to this Act*), is eligible for retirement under the criterion of 35 years

of service under the Government and Public Employees Retirement Plan or the criterion of 62 years of age and 10 years of service under that plan or the Civil Service Superannuation Plan only if the agreement is cancelled. If the agreement is not cancelled, sections 33 and 38 of the Act respecting the Government and Public Employees Retirement Plan or, as the case may be, section 56 of the Act respecting the Civil Service Superannuation Plan, as they read before being amended by sections 20, 23 and 131 of this Act, apply to that person.

182. The regulations made under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan may, until 1 July 1988 and if they so provide, apply from any date not prior to 1 January 1987.

183. Sections 47 and 49 of the Act respecting the Government and Public Employees Retirement Plan, as they read before being amended by this Act, continue to apply until the regulation under section 47, as amended by section 26 of this Act, is made. However, the said sections, to the extent that they have been amended by section 26 of this Act to apply to an employee to whom that plan ceases to be applicable, have effect from 1 January 1987.

184. Sections 87 and 127 have effect from 1 January 1988. However, they apply from that date only in respect of any teacher or officer who, on 31 December 1987, is a member of the Teachers Pension Plan or of the Civil Service Superannuation Plan.

185. Sections 14, 93, 121 and 135 have effect from 1 January 1984.

186. Section 13, section 84 to the extent that Schedule II.1 enacted by it refers to the Syndicat des fonctionnaires provinciaux du Québec inc., and sections 92 and 134 have effect from 20 June 1985.

187. Section 159 has effect from 15 August 1985.

188. Section 12 to the extent that it enacts the first and second paragraphs of section 16 of the Act respecting the Government and Public Employees Retirement Plan, and sections 18, 91, 98, 118, 120, 126 and 142 apply in respect of any pension granted after 31 December 1985 if the employee, teacher or officer, as the case may be, ceased to hold his employment, position or office, ceased to be covered by his plan, retired or died after that date.

The said sections also apply for the purpose of computing the pension granted to the spouse and, where such is the case, to the children, after 31 December 1985 if a pension or a deferred annuity or pension had not been granted to the employee, teacher or officer, as the case may be, before that date.

189. Sections 83 and 85 have effect from 1 January 1986.

190. Section 84 has effect from 19 June 1986 to the extent that Schedule II.1 enacted by it refers to the Provincial Association of Protestant Teachers of Québec and from 1 September 1986 to the extent that the said Schedule applies to the Syndicat de l'enseignement de la Haute Côte Nord.

191. Sections 158 and 160 have effect from 18 September 1986.

192. Sections 16, 27, 75, 95, 109, 133 and 147 apply in respect of the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety for any protective re-assignment in effect on 1 January 1987 or beginning after that date. However, sections 16, 95 and 133, to the extent that they omit the third paragraph of the sections they replace, have effect from 1 January 1987.

193. Sections 1, 2 and 4 to 11, section 12 to the extent that it enacts the third paragraph of section 16 of the Act respecting the Government and Public Employees Retirement Plan, sections 15 and 19, section 20 to the extent that it adds the second paragraph of section 33 of the said Act, paragraph 3 of section 21, sections 24 and 25, section 26 to the extent that it replaces section 48 of the said Act, sections 28 to 37 and 39, paragraph 1 of section 40, sections 43 to 50 and 52 to 57, section 58 to the extent that it enacts paragraph 17 of section 134 of the said Act, section 60, to the extent that section 137 of the said Act no longer refers to sections 82 and 148, sections 61, 64, 66 to 68, 70 to 74, 81, 86, 88 to 90, 94, 99 and 100, paragraph 3 of section 101, sections 103 to 108, 110 to 112, 115 to 117, 119, 122 to 125 and 128 to 130, paragraph 2 of section 131, section 132, paragraph 3 of section 136, sections 138, 141, 143 to 146, 148 to 152, 156 and 161 to 170, paragraph 2 of section 171 and sections 172 to 180 have effect from 1 January 1987.

194. Sections 22, 102 and 137 apply in respect of any pension granted after 30 June 1987 if the employee, the teacher or the officer, as the case may be, ceased to hold his employment, position or office, ceased to be covered by his plan, retired or died after that date.

They also apply for the purpose of computing the pension granted to the spouse and, where such is the case, to the children, after 30 June 1987 if a pension or a deferred annuity or pension had not been granted to the employee, teacher or officer, as the case may be, before that date.

195. This Act comes into force on (*insert here the date of assent to this Act*), except sections 3 and 51, section 58 to the extent that it enacts paragraphs 1 and 14 of section 134 of the Act respecting the Government and Public Employees Retirement Plan, section 60 to the extent that section 137 of the said Act refers to section 115.1, section 113 to the extent that it enacts paragraph 3 of section 73 of the Act respecting the Teachers Pension Plan and section 154 to the extent that it enacts paragraph 3 of section 109 of the Act respecting the Civil Service Superannuation Plan which come into force on 1 January 1988.