

THIRD SESSION

THIRTY-SECOND LEGISLATURE

# NATIONAL ASSEMBLY OF QUÉBEC

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## Bill 93

**An Act respecting the abolition of compulsory retirement  
in the public and parapublic sectors  
and amending various legislation respecting pension plans**

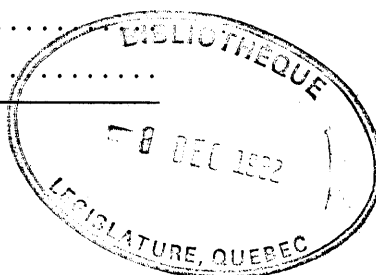
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First reading .....

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**M. YVES BÉRUBÉ**

**President of the Conseil du Trésor  
and Minister responsible for Administration**

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QUÉBEC OFFICIAL PUBLISHER

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#### EXPLANATORY NOTES

*The main object of this bill is to give effect to Bill 15 which was assented to on 1 April 1982 for the purpose of*

*(1) abolishing compulsory retirement age in the various public and parapublic pension plans;*

*(2) providing a normal retirement age;*

*(3) enabling, on certain conditions, the employees of the public and parapublic sectors to receive, at the same time, both a salary from their employment in those sectors and benefits under the plans concerned;*

*(4) specifying the rules governing the return to work of pensioners under the pension plans concerned;*

*(5) prescribing rules in respect of the indexing of benefits not paid after 65 years of age.*

*The bill also proposes, more particularly,*

*(1) to include in the average salary used to compute any pension that will be payable from the date of sanction under the pension plans of the public and parapublic sectors any lump sum paid to a pensioner as a salary increase or adjustment, regardless of the effective date of payment;*

*(2) to provide, in certain cases and in respect of one or more of the plans concerned, for the required participation of certain agencies or groups of employees, the continued participation of certain groups of employees and for the payment of the employers share of certain bodies or agencies;*

*(3) to increase the allowable annual pension from \$300 to \$700 and provide for its annual indexing under the pension plans of the public and parapublic sectors;*

*(4) to amend the provisions concerning the minimum pension after 10 years of service under the Teachers Pension Plan and the Civil Service Superannuation Plan to ensure their concordance with the rules*

*enacted under chapter 33 of the statutes of 1982 in relation to the indexing of pensions;*

*(5) to provide that the regulation made before 1 January 1984 under the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan, the Act respecting the Government and Public Employees Retirement Plan and the Act respecting pension coverage for certain teachers may apply with retroactive effect on any date not earlier than 1 July 1982.*

*Certain amendments have retroactive effect.*

#### 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 pension coverage for certain teachers (1978, chapter 16).



## Bill 93

An Act respecting the abolition of compulsory retirement  
in the public and parapublic sectors  
and amending various legislation respecting pension plans

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

**1.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by inserting, after subparagraph *f* of paragraph 2 of the first paragraph, the following subparagraphs:

“(f.1) the Town of Vaudreuil that were, on 31 May 1981, employees of the Station expérimentale de Vaudreuil;

“(f.2) the Ecole Socrates;

“(f.3) the Université du Québec contemplated in the Teachers Pension Plan or the Civil Service Superannuation Plan if an employee elects as in section 10;”;

(2) by adding after subparagraph 35, the following subparagraph:

“(36) full-time members and employees of the Centre d’Insémination artificielle du Québec (C.I.A.Q.) inc.”;

(3) by striking out the second paragraph.

**2.** The said Act is amended by inserting, after section 2, the following section:

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

(1) is under eighteen years of age;

(2) becomes an employee at the age of 71 or over;

(3) is employed on a one lesson or one medical act basis;

(4) is a resident physician or an intern;

(5) is employed on a casual or intermittent basis in accordance with the criteria established by regulation."

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

**"17.1** If the chairman is absent or unable to act, he is replaced by the vice-chairman.

If both the chairman and vice-chairman are absent or unable to act, they are replaced by a person appointed by the Government."

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

**"20.** The Government shall fix the allowances and indemnities to which the members of the Commission are entitled, and the salary or, if necessary, the additional salary of the chairman, the vice-chairman or, where such is the case, the person appointed by the Government under section 17.1."

**5.** The said Act is amended by inserting, after section 24, the following section:

**"24.1** The Commission may make regulations respecting the exercise of its powers and its internal management.

The Commission may, by regulation, delegate generally or specially, to such person as it may designate, the exercise of the powers assigned to it under this plan and the retirement and insurance plans entrusted to its administration.

The regulations made by the Commission under this section must be approved by the Government."

**6.** Section 27 of the said Act is replaced by the following section:

**"27.** Minutes of sittings of the Commission, approved by the Commission and certified by the chairman, the secretary or a person authorized therefor by the Commission, are authentic.

The same rule applies to documents or copies emanating from the Commission or forming part of its records if they are so certified."

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

**“36.1** An adjustment to a retirement plan by reason of a salary increase or adjustment is due only on the day on which the lump sum is paid. The amount due does not bear interest at the rate computed in the manner prescribed in section 76 until 60 days after receipt of an application for adjustment made after the day on which the adjustment becomes due.”

**8.** Section 39 of the said Act is replaced by the following section:

**“39.** A lump sum paid to an employee as an increase of or adjustment to his salary for a previous year is included

(1) in the case of an employee, in the pensionable salary for the year in which the lump sum is paid;

(2) in the case of a pensioner, in the pensionable salary for the year during which the employee retired.

The lump sum does not include the part of the amount attributable to an increase of or adjustment to the salary paid while the pensioner is contemplated in section 70.2, 70.15 or sections 80 and 80.1 if, in these last two cases, he has elected not to contribute.”

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

“However, an employee shall not be credited, during the year in which he retires, with more service than the service derived from a full-time employment for the period between 1 January and the date of his retirement.”

**10.** The said Act is amended by inserting, after section 51, the following section:

**“51.1** An employee having attained 71 years of age ceases to accumulate service and to contribute to this plan.”

**11.** Section 52 of the said Act is amended,

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

“(b) has attained normal retirement age, namely, 65 years of age; or”;

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

“In the case contemplated in subparagraph *c* of the first paragraph, if the employee is under sixty years of age at his retirement, the pension is reduced for its term by 1/2 of 1%, computed

for each month falling between the date on which the pension is granted and the date of the employee's sixtieth birthday."

**12.** The said Act is amended by inserting, after section 52, the following section:

**"52.1** A teacher, within the meaning of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), who becomes qualified for a pension under section 52 within two months after the end of a school year, within the meaning of the said Act, is entitled to his pension at the end of that school year."

**13.** Section 53 of the said Act is amended by striking out the second paragraph.

**14.** Subdivision 2 of Division VI of the said Act, including sections 55 to 57, is repealed.

**15.** Subdivisions 3 and 4 of Division VI of the said Act are renumbered 2 and 3.

**16.** The said Act is amended by inserting, after section 58, the following section:

**"58.1** In no case may the average pensionable salary be less than \$7 000."

**17.** Section 61 of the said Act is replaced by the following section:

**"61.** The pension becomes payable to the employee who is entitled to it from the day he retires or not later than the day he attains 71 years of age."

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

**"63.** The Commission, upon the application of a beneficiary other than a beneficiary contemplated in section 70.2, may, at any time after the pension becomes payable, make cash payment of the commuted value of a pension amounting to less than \$700 annually, in accordance with the standards established by regulation.

The amount of \$700 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act."

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



**“64.** On the death of a pensioner, the widow or widower or, where such is the case, the assigns of the pensioner are entitled to receive, until the first day of the month following such death, the pension which the pensioner would otherwise have received.”

**20.** Section 65 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

**“65.** From the month following the sixty-fifth birthday of a pensioner or, if he is 65 years of age or over, from the month following the date of his retirement, his pension is reduced by 0.7% of the average pensionable salary determined in section 58 per year of service subsequent to 31 December 1965.

Where the average salary used is the average salary fixed under section 58.1, such reduction is effected upon the average pensionable salary determined under section 58.”

**21.** Section 68 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“68.** From the date on which the payment of the pension of a pensioner who dies ceases, the widow or widower of the pensioner is entitled to receive, for life, in monthly instalments in arrears, a pension equal to one-half of the pension such pensioner was receiving or would otherwise have been entitled to receive.”

**22.** Section 69 of the said Act is amended by replacing the second paragraph by the following paragraph:

**“However,** such reduction does not apply to the part of the average pensionable salary in excess of the average maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan for the last five years preceding the date on which the employee retires.”

**23.** The said Act is amended by inserting, after section 70, the following:

**“70.1** If the total amount of the contributions of the employee, including the accrued interest, exceeds the amounts paid as pension to an employee and pension paid to the widow or widower of the employee, the excess amount shall be paid in a single payment.

Where amounts have been paid as pension and if the employee has thereafter held an employment contemplated in this plan, the total amount of the contributions of the employee including the accrued interest is reduced by the amounts paid as pension from the date the employee again holds an employment contemplated.

Interest is computed as provided in section 76 and in respect of any period for which no amount was paid as pension.

“DIVISION VI.1

“EMPLOYEE RECEIVING BENEFITS AND A SALARY

§ 1.—*General Provisions*

“**70.2** A person 65 years of age or over but under 71 may hold an employment contemplated in this plan and receive benefits as a pensioner by way of

(1) a pension under this plan, the teachers pension plan, the civil service superannuation plan or the plans established by the Government under sections 7 and 8,

(2) a pension contemplated in section 108,

(3) pension credit under this plan and the Act respecting pension coverage for certain teachers (1978, chapter 16), including any amount paid under section 24 of the said Act, or

(4) an annual pension contemplated in section 106.

“**70.3** An employee holding an employment contemplated in this plan who receives benefits is deemed to have retired and is not considered to be an employee for the purposes of the administration of this Act.

“**70.4** In no case may the benefits that a person may receive be greater than the amount by which the annual salary exceeds the basic salary contemplated in section 70.11.

“**70.5** To determine the benefits that a person may receive, the benefits are adjusted in accordance with the plan concerned and the Act respecting pension coverage for certain teachers.

“**70.6** The annual salary is equal to the employee’s basic salary minus the amounts contemplated in paragraph *a* to *e* of section 38

(1) received by him on the day preceding the day he retired, computed on a yearly basis, or

(2) that he would otherwise have received on the day preceding the day he retired or that he would have received on that day had he not, among other things, been on leave without salary or receiving salary insurance, computed on a yearly basis.

In the case of a part-time or seasonal employee, the annual salary is reduced to the same fraction as that credited to him in respect of service.

**“70.7** In the case of an employee who held more than one employment contemplated in this plan, the basic salary is

(1) the salary he received from his principal employment, on a full-time basis, or

(2) the salary he received from his principal employment and from his secondary employment, up to what was necessary, at the time of and having regard to such employments, to complete one year of service.

**“70.8** To determine the employee's annual salary for the years following the year in which he retired, the salary is indexed for each year concerned and at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the rate of increase of the Pension Index determined by the said Act.

However, the first adjustment is made proportionately to the number of days for which the employee received benefits in the year he retired in relation to the total number of days in that year.

**“70.9** The amounts payable as benefits are paid, as the case may be, in the following order:

- (1) the pension granted under this plan;
- (2) the pension granted under plans established by the Government pursuant to sections 7 and 8;
- (3) the pension granted under the civil service superannuation plan;
- (4) the pension granted under the teachers pension plan;
- (5) the pension credit granted under the Act respecting pension coverage for certain teachers;
- (6) the amount granted under section 24 of the said Act;
- (7) the pension credit acquired pursuant to sections 92 and 154 and the amounts payable under section 108;
- (8) the other pension credits granted under this plan;
- (9) the annual pension acquired under section 106.

Where any of those amounts is payable in part only, the payable part is taken, first, out of that portion of the benefits that relates to years of service later than 1 July 1982.

**“70.10** Every person who wishes to hold an employment contemplated in this plan and receive benefits must make an application therefor to the Commission.

He must accompany his application with a certificate of employment containing, in particular, the annual salary contemplated in section 70.6 and the other information that may be required by the Commission.

**“70.11** Within 30 days preceding the anniversary date of the day the employee began to hold an employment contemplated in this plan and receive benefits, the Commission must require the employer to file a report to it containing

(1) the amount of basic salary paid to the employee during the 12 months preceding the anniversary date or that would have been paid to him had he not been, among other things, on leave without salary or receiving salary insurance;

(2) the estimated amount of basic salary that the employer is to pay to him for the 12 months following the anniversary date;

(3) any other information that may be required by the Commission.

The basic salary is reduced by the amounts contemplated in paragraphs *a* to *e* of section 38.

**“70.12** If, as a result of a change or a departure, the salary estimated by the employer differs by 10% or more, the employer, not later than 30 days after changing the salary, must so inform the Commission.

**“70.13** If the amount of the benefits computed under section 70.4 becomes nil, sections 80.1 to 80.6 apply.

**“70.14** If the employee receives benefits that are greater or lower than those to which he is entitled, the Commission must,

(1) in the case of underpayment, pay the due amount within 2 months of receiving the report provided for in section 70.11,

(2) in the case of overpayment, deduct the amount of the overpayment from the benefits it pays to the employee within 12 months after the anniversary date contemplated in section 70.11.

No interest is exigible on any underpayment or overpayment.

*“§ 2.—Special provision*

**“70.15** Every person 71 years of age or over who holds an employment contemplated by this plan shall receive all his benefits.”

**24.** The said Act is amended by inserting, before section 77, the following:

*“§ 1.—Indexing of pension”.*

**25.** Section 77 of the said Act, replaced by section 8 of chapter 33 of the statutes of 1982, is amended

(1) by replacing the word “Pension” in the second line of subparagraph 1 of the first paragraph by the words “rate or increase of the Pension”;

(2) by replacing the word “index” in the fourth line of subparagraph 2 of the first paragraph by the word “rate”;

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

“Deferred annuities are indexed in the same manner. Indexing applies, in that case, only from 1 January following the date of the person’s sixty-fifth birthday.”

**26.** Section 77.1 of the said Act, enacted by section 8 of chapter 33 of the statutes of 1982, is amended by replacing paragraph 1 by the following paragraph:

“(1) to the number of days for which the pension was or would have been paid during the year the employee retired in relation to the total number of days in that year;”.

**27.** Sections 78 and 79 of the said Act are repealed.

**28.** Section 80 of the said Act is replaced by the following:

*§ 2.—Return to work of pensioners 65 years of age  
or under who, before 1 January 1983, held an employment  
contemplated in this plan*

**“80.** A pensioner who, before 1 January 1983, held an employment contemplated in this plan and who again holds such an employment before 65 years of age may continue to receive his pension until that age and receive his salary if he does not again contribute to this plan.

If the employee elects to contribute, the pension is, when he retires 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 contributed.

*“§ 3.—Return to work of a person 65 years of age or over or, if under 65, who held an employment contemplated in this plan after 31 December 1982*

**“80.1** Where a pensioner or a person who has received the commuted value of his pension holds or again holds an employment contemplated in this plan, the payment of any benefit contemplated in subparagraphs 1 to 9 of the first paragraph of section 70.9 ceases in respect of every employee

(1) 65 years of age or over;

(2) under 65 years of age who held for the first time an employment contemplated in this plan after 31 December 1982 or who received or is entitled only to a refund of his contributions if he held such an employment before the said date.

However, the first paragraph does not apply in respect of a widow's or widower's pension or in the cases where the rules provided in sections 70.2 to 70.12, 70.14 and 70.15 apply.

**“80.2** The pensioner may elect to contribute to the plan and resume his status as an employee for the purposes of the administration of this Act.

**“80.3** If the employee elects to contribute to the plan, the pension is recomputed on his retirement to take into account the years of service and the pensionable salary credited to him while he contributed.

**“80.4** If the employee does not contribute, the pension acquired under this plan is indexed in accordance with the plan for the period during which he holds a contemplated employment.

**“80.5** On retiring, 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 since beginning to contribute again are refunded to him with interest computed as provided in section 76.

**“80.6** To determine the benefits, other than the pension acquired under this plan, to which the employee will be entitled when he ceases to be employed, the benefits are adjusted in accordance with the plan concerned and with the Act respecting pension coverage for certain teachers.

**29.** The said Act is amended by inserting, after section 84, the following section:

**“84.1** Pension credit is deemed, for the purposes of computing premiums, to be payable at 65 years of age or, if the employee purchases pension credit after he is 65 years of age, on the date of purchase.”

**30.** Section 85 of the said Act is replaced by the following sections:

**“85.** Pension credit is granted as a life annuity payable to the employee from 65 years of age or, if the employee retires at an age other than 65, on the date of his retirement.

**“85.1** If the date on which the annual pension becomes payable is prior to the date of the employee’s sixty-fifth birthday, the pension credit is reduced, for its duration, by  $1/2$  of 1% per month, computed for each month falling between the date on which pension credit is payable to him and his sixty-fifth birthday.

However, if the beneficiary contemplated in section 80.1 again holds an employment contemplated by this plan, the reduced pension credit is increased by  $1/2$  of 1% per month, computed for each month comprised in the period during which pension credit is not paid before 65 years of age.

**“85.2** If the date on which the annual pension becomes payable is later than the date of the employee’s sixty-fifth birthday, all or part of the unpaid pension credit is increased, for its duration, by  $3/4$  of 1% per month, computed for each month comprised in the period during which all or part of the pension credit was not paid after 65.

**“85.3** If the employee is over 65 years of age on purchasing pension credit and the date on which the pension becomes payable is later than the date of purchase of pension credit, all or part of the unpaid pension credit is increased, for its duration, by  $3/4$  of 1% per month, computed for each month comprised in the period during which all or part of the pension credit was not paid after the date of purchase.”

**31.** Section 87 of the said Act, amended by section 10 of chapter 33 of the statutes of 1982, is again amended

(1) by replacing the words “compulsory retirement age of the employee” in the eighth line of the second paragraph by the words “date on which the employee retires or not later than the date on which he attains 71 years of age if he has not retired before that age”;

(2) by replacing the words “the pension credit” in the third and fourth lines of the fourth paragraph by the words “that cost”.

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

“**89.** If, at the death of the beneficiary of pension credit contemplated in this division the amount which he had to pay to acquire the pension credit, with accrued interest, exceeds the total of the amounts paid to him, the excess amount is paid to him in a single payment.

If amounts have been paid as pension credit whereas the employee is contemplated in section 80, the amount which he had to pay to acquire the pension credit, with accrued interest, is reduced by the amounts paid as pension credit on the date the employee reaches 65 years of age.

Interest is computed as provided under section 76 and in respect of any period during which no amount was paid as pension credit in a year or, as the case may be, during the period contemplated in section 70.11.”

**33.** Section 90 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Account shall be taken, in applying sections 70.1 and 72, of every payment made in accordance with the second paragraph in respect of the years of service so credited.”

**34.** Section 92 of the said Act is amended by replacing the second, third, fourth and fifth paragraphs by the following paragraphs:

“Notwithstanding any other adjustment provided for in the supplemental pension plan, sections 84.1 to 85.3 apply to all or part of the pension credit.

However, if the supplemental pension plan provided that the retirement pension to which the person would have been entitled was to be indexed by the rate of increase of the Pension Index determined in section 119 of the Act respecting the Québec Pension Plan, the increase contemplated in sections 85.2 and 85.3 is the annual indexing pursuant to that rate.”

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

“**98.** If the supplemental pension plan provides that the retirement pension to which the employee would have been entitled under



such plan should be adjusted by indexing, the pension credit is adjusted in the same manner except in respect of the period during which the adjustment provided for in the second paragraph of section 92 applied.”

**36.** Section 100 of the said Act is replaced by the following section:

“**100.** If the pension credit or the paid-up annuity certificate contemplated in section 92 is less than the pension credit contemplated in section 84, the employee may make up the difference by paying the premiums computed as provided in section 86.”

**37.** Section 106 of the said Act is amended by striking out subsection 6.

**38.** The said Act is amended by inserting, after section 106, the following section:

“**106.1** Sections 85 to 85.3 do not apply in the case provided for in section 106.

However, if the person holds an employment contemplated in this plan after the normal retirement age provided for by the supplementary pension plan, the whole or part of a pension unpaid after that age is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the excess of the rate of increase of the Pension Index determined by the said Act over 3% for any period during which he holds such an employment. Section 77.1 applies *mutatis mutandis*.”

**39.** The said Act is amended by inserting, after section 111, the following section:

“**111.1** If the person holds an employment contemplated in this plan after the normal retirement age provided for by the supplemental pension plan, all or part of the pension or deferred annuity not paid after that age is indexed in accordance with the supplemental pension plan in the case where the supplemental plan provided that the pension would, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, be indexed by the rate of increase of the Pension Index determined pursuant to the said Act.

In all other cases, all or part of the pension or deferred annuity not paid after that age is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the excess of the rate of increase of the Pension Index determined by the said Act over 3% for any period during which he holds such an employment. Section 77.1 applies *mutatis mutandis*.

However, all or part of the pension paid is indexed in accordance with the supplemental pension plan.”

**40.** Section 116 of the said Act is amended by replacing the first line of the first paragraph by the following:

**“116.** The employer shall, except in respect of an employee contemplated in section 70.13 or 80.1 so long as he has not elected to contribute, deduct his employees’ contributions”.

**41.** Section 120 of the said Act is amended by replacing subparagraph 10 of the first paragraph by the following subparagraphs:

“(10) the Régie de l’assurance automobile du Québec;

“(11) the Fonds d’indemnisation established by section 122 of the Automobile Insurance Act (R.S.Q., chapter A-25);

“(12) the town of Vaudreuil with respect to employees who, before 1 June 1981, were employees of the Station expérimentale de Vaudreuil;

“(13) the Centre d’Insémination artificielle du Québec (C.I.A.Q.) inc.;

“(14) the École Socrates;

“(15) any body or institution contemplated in subparagraph 2 of section 2 to which the Government expressly makes this section applicable.”

**42.** Section 123 of the said Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) the contributory amounts received from the bodies contemplated in subparagraphs 1 to 14 of the first paragraph of section 120, and, as the case may be, the contributory amounts of the bodies or institutions contemplated in subparagraph 15 of the first paragraph of that section; and”.

**43.** Section 125 of the said Act is replaced by the following section:

**“125.** The Commission shall deposit the contributory amounts received from the bodies and institutions contemplated in subparagraph 15 of the first paragraph of section 120 with the Caisse de dépôt et placement du Québec or with the consolidated revenue fund, as the Government may determine.”

**44.** Section 127 of the said Act; replaced by section 15 of chapter 33 of the statutes of 1982, is amended by striking out the words "deferred pensions," in the first paragraph.

**45.** Section 136 of the said Act is amended by replacing the first paragraph by the following paragraph:

**"136.** The function of the committee is to prescribe, in respect of funds derived from the contributions of employees who may be unionized, general standards of allocation of investments to be taken into account by the Caisse de dépôt et placement."

**46.** The said Act is amended by inserting, after section 154, the following section:

**"154.1** If the agreement entered into under section 154 provides for the acquisition of pension credit, sections 84.1 to 85.3 apply.

However, regarding agreements entered into with the Government of Canada and with the Société de développement de la Baie James, the increase in the pension credit provided for in sections 85.2 and 85.3 is the indexing rate provided for by those agreements."

**47.** Section 156 of the said Act is repealed.

**48.** Schedules I and I.1 to the said Act are replaced by the following schedules:

## “SCHEDULE I

“(Section 86)

*“Premiums the employee must pay to be entitled to the pension credit contemplated in section 84 in respect of years of service prior to 1 July 1982*

“Premium per \$10.00 of annual pension

Age	Men	Women	Age	Men	Women
18	\$ 3,141	\$ 3,537	46	\$14,065	\$15,838
19	3,314	3,731	47	14,839	16,709
20	3,496	3,937	48	15,655	17,628
21	3,688	4,153	49	16,516	18,597
22	3,891	4,382	50	17,424	19,620
23	4,105	4,623	51	18,382	20,699
24	4,331	4,877	52	19,393	21,838
25	4,569	5,145	53	20,460	23,039
26	4,820	5,428	54	21,585	24,306
27	5,086	5,727	55	22,772	25,643
28	5,365	6,042	56	24,139	27,181
29	5,660	6,374	57	25,587	28,812
30	5,972	6,724	58	27,122	30,541
31	6,300	7,094	59	28,750	32,373
32	6,647	7,484	60	30,475	34,316
33	7,012	7,896	61	32,303	36,375
34	7,398	8,330	62	34,241	38,557
35	7,805	8,788	63	36,296	40,870
36	8,234	9,272	64	38,474	43,323
37	8,687	9,782	65	40,782	45,922
38	9,165	10,320	66	39,684	44,959
39	9,669	10,887	67	37,976	43,933
40	10,201	11,486	68	36,806	42,885
41	10,762	12,118	69	35,683	41,817
42	11,353	12,784	70	34,485	40,782
43	11,978	13,488			
44	12,637	14,229			
45	13,332	15,012			

## "SCHEDULE I.1

"(Section 86)

*"Premiums the employee must pay to be entitled to the pension credit contemplated in section 84 in respect of years of service subsequent to 30 June 1982*

"Premium per \$10.00 of annual pension

Age	Men	Women	Age	Men	Women
18	\$ 3,769	\$ 4,244	46	\$16,878	\$19,006
19	3,977	4,477	47	17,807	20,051
20	4,195	4,724	48	18,786	21,154
21	4,426	4,984	49	19,819	22,316
22	4,669	5,258	50	20,909	23,544
23	4,926	5,548	51	22,058	24,839
24	5,197	5,852	52	23,272	26,206
25	5,483	6,174	53	24,552	27,647
26	5,784	6,514	54	25,902	29,167
27	6,103	6,872	55	27,326	30,772
28	6,438	7,250	56	28,967	32,617
29	6,792	7,649	57	30,704	34,574
30	7,166	8,069	58	32,546	36,649
31	7,560	8,513	59	34,500	38,848
32	7,976	8,981	60	36,570	41,179
33	8,414	9,475	61	38,764	43,650
34	8,878	9,996	62	41,089	46,268
35	9,366	10,546	63	43,555	49,044
36	9,881	11,126	64	46,169	51,988
37	10,424	11,738	65	48,938	55,106
38	10,998	12,384	66	47,621	53,951
39	11,603	13,064	67	45,571	52,720
40	12,241	13,783	68	44,167	51,462
41	12,914	14,542	69	42,820	50,180
42	13,624	15,341	70	41,382	48,938 ».
43	14,374	16,186			
44	15,164	17,075			
45	15,998	18,014			

**49.** Section 1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended

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

“(a) “teacher” means a person holding a pedagogical or educational position at the École Socrates or a person holding a pedagogical or educational position in a teaching institution under the control”;

(2) by striking out paragraphs *d* and *l*.

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

“**3.1** A teacher who becomes the executive assistant or a member of the executive staff of a minister or of any other person contemplated in section 117 of the Civil Service Act (R.S.Q., chapter F-3.1) continues to participate in this plan if his contributions have not been reimbursed to him and if fewer than 180 days elapsed between the date on which he ceased to be a teacher and that on which he becomes an executive assistant or a member of an executive staff.”

**51.** The said Act is amended by inserting, after section 5, the following section:

“**5.1** Any teacher having attained the age of seventy-one ceases to accumulate service and to contribute to this plan.”

**52.** Section 7 of the said Act is amended by replacing subparagraph *f* of the first paragraph by the following subparagraph:

“(f) who has reached normal retirement age, namely, sixty-five years of age.”

**53.** Section 8 of the said Act is amended by replacing the fifth and sixth paragraphs by the following paragraphs:

“Nevertheless, from the month following the teacher’s retirement by reason of infirmity, from the month following his sixty-fifth birthday or, as the case may be, from the month following the date on which he retires, if that date is subsequent to his sixty-fifth birthday, the pension is reduced by 0.7% of the average salary per year of service after 31 December 1965.

Where the average salary used is the average salary fixed under section 8.1, the reduction is effected on the average salary determined under the first paragraph.”

**54.** The said Act is amended by inserting, after section 8, the following sections:

**“8.1** In no case may the average salary be less than \$7 000.

**“8.2** A teacher sixty-five years of age or over but under seventy-one may continue to hold a position contemplated by this plan and receive pension benefits as a pensioner, and the rules provided for in sections 70.3 to 70.14 of the Act respecting the Government and Public Employees Retirement Plan apply, *mutatis mutandis*.

A teacher seventy-one years of age or over who holds a position contemplated by this plan shall receive all his benefits.”

**55.** Section 9 of the said Act, replaced by section 24 of chapter 33 of the statutes of 1982, is amended.

(1) by replacing the word “Pension” in the second line of subparagraph 1 of the first paragraph by the words “the rate of increase of the Pension”;

(2) by replacing the word “index” in the third line of subparagraph 2 of the first paragraph by the word “rate”;

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

“Deferred pensions shall be indexed in the same manner. Indexing applies, in that case, only from 1 January following the date on which the person reaches sixty-five years of age or, in the case of a female person, sixty years of age.”

**56.** Section 9.1 of the said Act, enacted by section 24 of chapter 33 of the statutes of 1982, is amended by replacing paragraph 1 by the following paragraph:

“(1) to the number of days for which the pension was or would have been paid during the year in which the teacher retired in relation to the total number of days in that year;”.

**57.** Section 10 of the said Act is repealed.

**58.** Section 11 of the said Act is replaced by the following section:

**“11.** In no case may the amount of any pension or widow’s or widower’s pension granted after ten years of service, other than that contemplated in section 29, be less,

(1) if the pension became payable before 1 July 1982, than \$2 740, indexed annually and at the time prescribed in accordance with section 119 of the Act respecting the Québec Pension Plan, by the rate of increase of the Pension Index determined by the said Act, less the basic amount of the pension under the general plan, even if that pension is not paid;

(2) if the pension became payable after 1 July 1982, than \$2 740, indexed at the time prescribed by the said section 119 and for each year concerned after that date, and until the year in which it became payable, by the rate of increase of the index and, for the subsequent years, indexed as provided in section 9, reduced in accordance with section 8, even if the pension under the general plan is not paid.”

**59.** Section 12 of the said Act is amended by striking out the third paragraph.

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

“**14.** Every lump sum paid as a salary increase or readjustment for a previous year is part,

(1) in the case of a teacher, of the pensionable salary for the year during which the lump sum is paid;

(2) in the case of a pensioner, of the pensionable salary for the year during which he retired.

The lump sum does not include that part of the amount which is attributable to an increase of or readjustment to the salary paid while the pensioner is contemplated in section 8.2 or in section 80.1 of the Act respecting the Government and Public Employees Retirement Plan if, in this latter case, he has elected not to contribute.”

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

“**17.** The pension becomes payable to the teacher who is entitled to it from the day he retires or not later than the day he reaches 71 years of age.”

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

“**18.** A teacher who becomes qualified for a pension under section 7, except the pension contemplated in subparagraph *d* of the first paragraph of that section, within two months after the end of a school year is entitled to his pension at the end of that school year.”



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

**"20.** The Commission, upon the application of a beneficiary other than a beneficiary contemplated in the first paragraph of section 8.2, may, at any time after the pension becomes payable, make cash payment of the commuted value of a pension, deferred pension or widow's or widower's pension amounting to less than \$700 annually, in accordance with the standards established by regulation.

The amount of \$700 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act."

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

**"21.** On the death of a pensioner, the widow or widower or, where such is the case, the assigns of the pensioner are entitled to receive, until the first day of the month following his death, the pension which the pensioner would otherwise have received."

**65.** Section 22 of the said Act is amended by inserting the words "or would otherwise have been entitled to receive," after the words "was receiving" in the fourth line.

**66.** Section 23 of the said Act is amended

(1) by inserting the words "or would otherwise have been entitled to receive," after the word "receiving" in the fourth line of the first paragraph;

(2) by replacing the sixth and seventh lines of the second paragraph by the following: "pension which the teacher was receiving or would otherwise have been entitled to receive, or would have been entitled to receive until he reaches the".

**67.** Section 24 of the said Act is amended by replacing the sixth line by the following line: "pension which the teacher was receiving or would otherwise have been, or would have been entitled to receive".

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

**"25.** In the case of a teacher who dies after January 1968 and before he reaches sixty-five years of age, the benefits contemplated in sections 22, 23 and 24 are computed by making the reduction contemplated for the case of retirement by reason of infirmity."

**69.** Section 30 of the said Act is replaced by the following sections:

**“30.** A person who receives a pension and holds an office or employment contemplated by the Civil Service Superannuation Plan or by the Government and Public Employees Retirement Plan, and who continues to hold such an office or employment until he is sixty-five years of age may continue to receive his pension and his salary until that age.

However, if that person holds an office or employment contemplated by the Civil Service Superannuation Plan, the pension granted under section 7, except the pension contemplated in subparagraph *d* of the first paragraph of the said section, or the deferred pension is reduced by the excess amount of the salary that the person receives over the part exceeding 30% of the average salary used to determine his pension.

**“30.1** Payment of the pension granted under subparagraph *d* of the first paragraph of section 7 ceases on the first day of the month following the date on which the reason for which the pension was obtained no longer applies or on the date on which the person holds an employment contemplated by the Act respecting the Government and Public Employees Retirement Plan.

**“30.2** No pension or deferred pension, except that granted under section 22, 23 or 24, may be paid if the pensioner who is sixty-five years of age or over holds an office or employment contemplated by the Civil Service Superannuation Plan or by the Government and Public Employees Retirement Plan, unless the rules provided in sections 70.2 to 70.12, 70.14 and 70.15 of the Act respecting the Government and Public Employees Retirement Plan and in section 63.2 of the Act respecting the Civil Service Superannuation Plan apply.

**“30.3** The pensioner who is sixty-five years of age or over and who holds an employment contemplated by the Government and Public Employees Retirement Plan may elect to contribute to that plan as provided under section 80.2 of the Act respecting the Government and Public Employees Retirement Plan.

**“30.4** If the pensioner who is sixty-five years of age or over holds an office or employment contemplated by the Civil Service Superannuation Plan and if the rules of section 63.2 of the Act respecting the Civil Service Superannuation Plan do not apply, sections 80.1 to 80.6 of the Act respecting the Government and Public Employees Retirement Plan apply.

**“30.5** If the pensioner who is sixty-five years of age or over has not transferred his years of service to the Civil Service Superannuation

Plan or to the Government and Public Employees Retirement Plan, as the case may be, the pension is indexed in accordance with this plan for the period during which he holds the employment or office contemplated by those plans.”

**70.** Section 35 of the said Act, replaced by section 28 of chapter 33 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

“**35.** The École Socrates or any employer contemplated in subparagraph 4 of paragraph *a* of section 1 who does not receive any grant under the General and Vocational Colleges Act (R.S.Q., chapter C-29), the Act respecting grants to school boards (R.S.Q., chapter S-36) or the Act respecting private education (R.S.Q., chapter E-9) shall pay to the Commission, at the same time as it or he remits the contributions of the teachers, an amount equal to such contributions.”

**71.** Section 49 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**49.** Every teacher may have counted the years of service, except those for which his contributions were reimbursed to him, to which, on 1 July 1965, he was entitled for pension purposes under Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235), on the conditions prescribed therein.”

**72.** Section 2 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended

(1) by adding, after subparagraph *d* of the first paragraph, the following subparagraph:

“(e) has attained normal retirement age, namely, 65 years of age;”

(2) by replacing “or *d*” in the last line of the second paragraph by the following: “*d* or *e*”.

**73.** The said Act is amended by inserting, after section 5, the following section:

“**5.1** A public officer or employee having attained 71 years of age ceases to accumulate service and to contribute to the plan provided for in this division.”

**74.** Section 7 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“Nevertheless, from the month following the retirement of the officer or employee by reason of infirmity from the month following his sixty-fifth birthday or, where such is the case, from the month following the date on which he retires, if that date is after his sixty-fifth birthday, his pension is reduced by 0.7% of the average salary per year of service after 31 December 1965.

Where the average salary used is the average salary fixed under section 7.1, such reduction shall be effected upon the average salary determined under section 3.”

**75.** The said Act is amended by inserting, after section 7, the following section:

“**7.1** In no case may the average salary be less than \$7 000.”

**76.** Section 8 of the said Act, replaced by section 31 of chapter 33 of the statutes of 1982, is amended

(1) by replacing the word “Pension” in the second line of subparagraph 1 of the first paragraph by the words “the rate of increase of the Pension”;

(2) by replacing the word “index” in the third line of subparagraph 2 of the first paragraph by the word “rate”;

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

“Deferred annuities must be indexed in the same manner. Indexing applies, in that case, only from 1 January following the date on which the person attains 60 years of age.”

**77.** Section 8.1 of the said Act, enacted by section 31 of chapter 33 of the statutes of 1982, is amended by replacing paragraph 1 by the following paragraph:

“(1) to the number of days for which the pension was or would have been paid during the year in which the officer or employee retired, in relation to the total number of days in that year;”.

**78.** Section 9 of the said Act is repealed.

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

“**10.** In no case may the amount of any pension or widow’s or widower’s pension granted after 10 years of service, other than that contemplated in section 35, be less,

(1) if the pension became payable before 1 July 1982, than \$2 740, indexed annually and at the time prescribed in accordance with section 119 of the Act respecting the Québec Pension Plan, by the rate of increase of the Pension Index determined by the said Act, less the basic amount of the pension under the general plan even if that pension is not paid;

(2) if the pension became payable after 1 July 1982, than \$2 740, indexed at the time prescribed in the said section 119 and for each year concerned after that date, and until the year in which it became payable, by the rate of increase of the index and, for the following years, indexed as provided in section 8, reduced in accordance with section 7, even if the pension under the general plan is not paid.”

**80.** Sections 15 and 16 of the said Act are repealed.

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

“**17.** Only those who have been members of the civil service for ten years may benefit by sections 12 to 14.”

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

“**20.** A lump sum paid as an increase of or adjustment to salary for a previous year is included,

(1) in the case of a public officer or employee, in the pensionable salary for the year during which the lump sum is paid;

(2) in the case of a pensioner, in the pensionable salary for the year in which he retired.

The lump sum does not include that part of the amount attributable to an increase of or adjustment to the salary paid while the pensioner is contemplated in section 24.1 or in section 80.1 of the Act respecting the Government and Public Employees Retirement Plan, if in the latter case, he has elected not to contribute.”

**83.** The said Act is amended by inserting, after section 24, the following section:

“*A.1—Officer receiving benefits and a salary*

“**24.1** An officer 65 years of age or over but under 71 may continue to hold an office contemplated by the plan provided for in this division and receive benefits as a pensioner by way of a pension and the rules provided in sections 70.3 to 70.14 of the Act respecting the Government and Public Employees Retirement Plan apply, *mutatis mutandis*.

An officer 71 years of age or over who holds an office contemplated by the plan provided for in this division shall receive all his benefits."

**84.** The said Act is amended by inserting, before section 25, the following section:

**"24.2** The pension becomes payable to the officer or employee entitled to it from the day he retires or not later than the day he attains 71 years of age."

**85.** Section 26 of the said Act is replaced by the following section:

**"26.** The Commission, upon the application of a beneficiary other than a beneficiary contemplated in the first paragraph of section 24.1, may, at any time after the pension becomes payable, make cash payment of the commuted value of a pension, deferred annuity or widow's or widower's pension amounting to less than \$700 annually, in accordance with the standards established by regulation.

The amount of \$700 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act."

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

**"27.** On the death of a pensioner, the widow or widower or, where such is the case, the assigns of the pensioner are entitled to receive, until the first day of the month following such death, the pension which the pensioner would otherwise have received."

**87.** Section 28 of the said Act is amended

(1) by inserting after the word "receiving", in the fourth line of the first paragraph, the following: "or would otherwise have been entitled to receive,";

(2) by replacing the seventh line of the second paragraph by the following: "or employee was receiving or would otherwise have been entitled to receive, or would have been entitled to receive,".

**88.** Section 29 of the said Act is amended

(1) by inserting, after the word "receiving" in the fourth line of the first paragraph, the following: "or would otherwise have been entitled to receive,";

(2) by inserting, after the word "receiving" in the seventh line of the second paragraph, the following: "or would otherwise have been entitled to receive,".

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

**"30.** In the case of an officer who dies after 1 January 1968 and before 65 years of age, the benefits contemplated in sections 28 and 29 shall be computed by making the reduction prescribed for the case of retirement by reason of infirmity."

**90.** Sections 37 and 38 of the said Act are repealed.

**91.** Section 40 of the said Act is replaced by the following section:

**"40.** Any officer or employee aged less than sixty years, who has retired by reason of physical or mental infirmity, who becomes able to render services, may be called upon by the Government to fill any public office, the duties of which his previous services have enabled him to discharge, and which is not inferior in rank and emoluments to that which he had left; provided always that the discharge of the duties of such office permits of his residing either at the seat of the Government or in the district in which he last resided.

However, he shall not contribute to the plan contemplated in this division but shall contribute to the Government and Public Employees Retirement Plan if he holds an employment contemplated by the latter plan."

**92.** Sections 42 and 43 of the said Act are replaced by the following sections:

**"42.** A person who receives a pension and holds a position or employment contemplated by the Teachers Pension Plan or the Government and Public Employees Retirement Plan, and who continues to hold such position or employment until he is 65 years of age may continue to receive his pension and salary until that age.

However, if the person receives an annual remuneration from the Government or one of its agencies, the pension is reduced by the amount of the remuneration.

**"43.** No pension or deferred annuity, except that granted under section 28 or 29, may be paid if the pensioner 65 years of age or over holds a position or employment contemplated by the Teachers Pension Plan or by the Government and Public Employees Retirement Plan, unless the rules provided in sections 70.2 to 70.12, 70.14

and 70.15 of the Act respecting the Government and Public Employees Retirement Plan and in section 8.2 of the Act respecting the Teachers Pension Plan apply.

**“43.1** The pensioner who is 65 years of age or over and who holds an employment contemplated by the Government and Public Employees Retirement Plan may elect to contribute to that plan as provided in section 80.2 of the Act respecting the Government and Public Employees Retirement Plan.

**“43.2** If the pensioner who is 65 years of age or over holds a position or employment contemplated by the Teachers Pension Plan and if the rules of section 8.2 of the Teachers Pension Plan do not apply, sections 80.1 to 80.6 of the Act respecting the Government and Public Employees Retirement Plan apply.

**“43.3** If the pensioner who is 65 years of age or over has not transferred his years of service to the Teachers Pension Plan or to the Government and Public Employees Retirement Plan, as the case may be, the pension, except in the case contemplated in section 40, is indexed in accordance with the plan provided for in this division for the period during which he holds the position or employment contemplated by either of those plans.”

**93.** Section 48 of the said Act is repealed.

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

**“52.** A lump sum paid as an increase of or adjustment to salary for a previous year is included,

(1) in the case of a public officer or employee, in the pensionable salary for the year in which the lump sum is paid;

(2) in the case of a pensioner, in the pensionable salary for the year in which he retired.

The lump sum does not include that part of the amount attributable to an increase of or adjustment to the salary paid while the pensioner is contemplated in section 63.2 or in section 80.1 of the Act respecting the Government and Public Employees Retirement Plan if, in the latter case, he has elected not to contribute.”

**95.** The said Act is amended by inserting after section 53, the following section:

**“53.1** A public officer or employee having attained 71 years of age ceases to accumulate service and to contribute to the plan provided for in this division.”



**96.** Section 55 of the said Act is amended by adding, after paragraph 14, the following paragraph:

“(15) the executive assistant or a member of the executive staff of a minister or any other person contemplated in section 117 of the Civil Service Act (R.S.Q., chapter F-3.1).”

**97.** Section 56 of the said Act is amended by replacing subparagraph *d* of the first paragraph by the following subparagraph:

“(d) who has attained normal retirement age, namely, 65 years of age; or”.

**98.** Section 57 of the said Act is repealed.

**99.** Section 63 of the said Act is amended by replacing the seventh and eighth paragraphs by the following paragraphs:

“From the month following the retirement of the officer or employee by reason of infirmity, from the month following his sixty-fifth birthday or, where such is the case, from the month following the date of his retirement if that date is after his sixty-fifth birthday, his pension is reduced by 0.7% of the average salary per year of service after 31 December 1965.

Where the average salary used is the average salary fixed under section 63.1, such reduction shall be effected upon the average salary determined under the first paragraph.”

**100.** The said Act is amended by inserting, after section 63, the following sections:

“**63.1** In no case may the average pensionable salary be less than \$7 000.

“**63.2** An officer or employee 65 years of age or over but under 71 may continue to hold an office or employment contemplated by the plan provided for in this division and to receive benefits as a pensioner by way of a pension, and the rules provided in sections 70.3 to 70.14 of the Act respecting the Government and Public Employees Retirement Plan apply, *mutatis mutandis*.

An officer 71 years of age or over who holds a position or employment contemplated by the plan provided for in this division shall receive all his benefits.”

**101.** Section 64 of the said Act, replaced by section 33 of chapter 33 of the statutes of 1982, is amended.

(1) by replacing the word "Pension" in the second line of subparagraph 1 of the first paragraph by the words "the rate of increase of the Pension";

(2) by replacing the word "index" in the third line of subparagraph 2 of the first paragraph by the word "rate";

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

"Deferred annuities shall be indexed in the same manner. Indexing applies, in that case, only from 1 January following the date on which the person reaches 65 years of age or, in the case of a female person, 60 years of age."

**102.** Section 64.1 of the said Act, enacted by section 33 of chapter 33 of the statutes of 1982, is amended by replacing paragraph 1 by the following paragraph:

"(1) to the number of days for which the pension was or would have been paid during the year in which the officer or employee retired, in relation to the total number of days in that year;"

**103.** Section 65 of the said Act is replaced by the following section:

"**65.** In no case may the amount of a pension or widow's or widower's pension granted after ten years of service, other than that contemplated in section 84, be less,

(1) if the pension became payable before 1 July 1982, than \$2 740, indexed annually and at the time prescribed in accordance with section 119 of the Act respecting the Québec Pension Plan, by the rate of increase of the Pension Index determined by the said Act, less the basic amount of the pension under the general plan, even if that pension is not paid;

(2) if the pension became payable after 1 July 1982, than \$2 740, indexed at the time prescribed by the said section 119, and for each year concerned after that date and until the year in which it became payable, by the rate of increase of the index and, for subsequent years, indexed as provided in section 64, reduced in accordance with section 63, even if the pension under the general plan is not paid."

**104.** Section 67.1 of the said Act is amended by striking out the second paragraph.

**105.** Section 68 of the said Act is replaced by the following section:

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

**106.** Section 72 of the said Act, amended by section 35 of chapter 33 of the statutes of 1982, is again amended by replacing the first paragraph by the following paragraph:

**“72.** The bodies referred to in subparagraphs 1 to 8 and 10 to 13 of section 120 of the Act respecting the Government and Public Employees Retirement Plan shall pay their contributions to the Commission at the same time as they remit the contributions of the officers or employees. The Commission shall pay such contributions monthly into the consolidated revenue fund.”

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

**“74.** The Commission, upon the application of a beneficiary other than a beneficiary contemplated in the first paragraph of section 63.2, may, at any time after the pension becomes payable, make cash payment of the commuted value of a pension, deferred annuity or widow's or widower's pension amounting to less than \$700 annually, in accordance with the standards established by regulation.

The amount of \$700 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act.”

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

**“75.** On the death of a pensioner, the widow or widower, or, where such is the case, the assigns of the pensioner are entitled to receive, until the first day of the month following such death, the pension which the pensioner would otherwise have received.”

**109.** Section 77 of the said Act is amended

(1) by inserting, after the word “receiving” in the fourth line of the first paragraph, the following: “or would otherwise have been entitled to receive,”;

(2) by replacing the seventh line of the second paragraph by the following: “or employee was receiving or would otherwise have been entitled to receive, or would have been entitled to receive”.

**110.** Section 78 of the said Act is amended

(1) by inserting, after the word "receiving" in the fourth line of the first paragraph, the following: "or would otherwise have been entitled to receive,";

(2) by inserting, after the word "receiving" in the seventh line of the second paragraph, the following: "or would otherwise have been entitled to receive,".

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

**"79.** In the case of an officer who dies after 1 January 1968 and before 65 years of age, the benefits contemplated in sections 77 and 78 shall be computed by making the reduction prescribed for the case of retirement by reason of infirmity."

**112.** Section 87 of the said Act is repealed.

**113.** Section 89 of the said Act is replaced by the following sections:

**"89.** Any officer or employee aged less than sixty-five years, who has retired for any physical or mental infirmity, who becomes able to render services, may be called upon by the Government to fill any public office which is not inferior in rank and emoluments to that which he had left, if such office permits of his residing either in the locality where he has his residence or in that where he resided when he retired.

However, he shall not contribute to the plan contemplated in this division but he shall contribute to the Government and Public Employees Retirement Plan if he holds an employment contemplated in the latter plan.

**"89.1** If the officer or employee refuses to accept the office so offered, he shall lose the right to any pension other than the deferred annuity.

**"89.2** A person who receives a pension and holds a position or employment contemplated by the Teachers Pension Plan or the Government and Public Employees Retirement Plan and who continues to hold such a position or employment until he is 65 years of age may continue to receive his pension and salary until that age.

However, if that person receives an annual remuneration from the Government or one of its agencies, the pension paid shall be reduced by the amount of his remuneration.

**"89.3** No pension or deferred annuity, except if granted under section 77 or 78, may be paid if the pensioner 65 years of age or

over holds a position or employment contemplated in the Teachers Pension Plan or the Government and Public Employees Retirement Plan, unless the rules provided in sections 70.2 to 70.12, 70.14 and 70.15 of the Act respecting the Government and Public Employees Retirement Plan and in section 8.2 of the Act respecting the Teachers Pension Plan apply.

**"89.4** The pensioner who is 65 years of age or over and who holds an employment contemplated by the Government and Public Employees Retirement Plan may elect to contribute to that plan as provided in section 80.2 of the Act respecting the Government and Public Employees Retirement Plan.

**"89.5** If the pensioner who is 65 years of age or over holds a position or employment contemplated by the Teachers Pension Plan and if the rules of section 8.2 of the Act respecting the Teachers Pension Plan do not apply, sections 80.1 to 80.6 of the Act respecting the Government and Public Employees Retirement Plan apply.

**"89.6** If the pensioner who is 65 years of age or over has not transferred his years of service to the Teachers Pension Plan or to the Government and Public Employees Retirement Plan, as the case may be, the pension, except in the case contemplated in section 89, is indexed in accordance with the plan provided for in this division for the period during which he holds the position or employment contemplated in either of those plans."

**114.** Section 94 of the said Act is amended by replacing the third paragraph by the following paragraph:

"The instalments contemplated in the second paragraph shall be paid in the manner determined in the third paragraph of section 95 until the officer retires; any balance then due by him shall be deducted from the pension instalments which first become payable to him after the date when he retires."

**115.** The said Act is amended by inserting, after section 99.1, the following sections:

**"99.2** The officers of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation who, on 9 August 1981, became full-time members or employees of the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc. continue to participate in this plan.

**"99.3** The employees of the town of Vaudreuil who, on 31 May 1981, were employees of the Station expérimentale de Vaudreuil continue to participate in this plan."

**116.** Section 110 of the said Act is amended by striking out paragraphs *a* and *b*.

**117.** Section 1 of the Act respecting pension coverage for certain teachers (1978, chapter 16) is amended by replacing paragraphs *f* and *g* by the following paragraphs:

“(f) “Plan” means the plan established pursuant to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

“(g) “pension plan” means the pension plan established pursuant to the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) or the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);”.

This section has effect from 1 September 1979.

**118.** Section 2 of the said Act is amended by replacing in the fourth line of paragraph *f* the expression “Commission” by the expression “Commission administrative du régime de retraite”.

**119.** Section 14 of the said Act is amended

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

“**14.** The pension credit provided for in this division is granted as a life annuity payable to the employee from 65 years of age or, where such is the case, from the date on which he retires if that date is subsequent to his sixty-fifth birthday.”;

(2) by replacing the words “is superannuated” in the fourth line of the second paragraph by the word “retires”.

**120.** Section 17 of the said Act, replaced by section 39 of chapter 33 of the statutes of 1982, is amended by adding the following paragraph:

“However, any amount or part of an amount of that pension credit unpaid after the person has attained 65 years of age is adjusted annually by indexing in the manner and at the time provided in those sections, *mutatis mutandis*.”

**121.** Section 18 of the said Act is amended by replacing what precedes subparagraph *a* of the first paragraph by the following:

“**18.** The employee may, at any time before he retires, elect to receive, instead of the life annuity provided for in section 14, an annuity arising out of the amount of the pension credit payable, in one of the following methods:”.

**122.** The said Act is amended by replacing the expression "Plan" wherever it appears, and *mutatis mutandis*, by the expression "Act respecting the Government and Public Employees Retirement Plan" or by the expression "Act" in cases where the expression "Plan" appears one or several more times in the same section.

The said Act is also amended by renumbering the numbers that refer to the expression "Plan" according to the concordance table attached to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

The amendments provided in this section are deemed to have been made from 1 September 1979.

**123.** Regulations made under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting pension coverage for certain teachers may, until 1 January 1984, once published in the *Gazette officielle du Québec* and, if they so provide, apply from any date not prior to 1 July 1982.

**124.** The persons who held an office, position or employment contemplated by the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Government and Public Employees Retirement Plan and who are in pre-retirement on 31 December 1982 are deemed to have left the office, position or employment they formerly held.

**125.** Section 71 has effect from 12 August 1967, except with regard to proceedings in progress in relation to the years for which contributions have been refunded to the teacher.

**126.** Section 41, to the extent that it introduces subparagraph 10 of the first paragraph of section 120 of the Act respecting the Government and Public Employees Retirement Plan, has effect from 1 September 1977.

**127.** Section 41, to the extent that it introduces subparagraph 11 of the first paragraph of section 120 of the Act respecting the Government and Public Employees Retirement Plan, has effect from 16 February 1978.

**128.** The following provisions have effect on 1 July 1978:

(1) paragraph 1 of section 1, to the extent that it introduces paragraph f.2 of subparagraph 2 of the first paragraph of section 2 of the Act respecting the Government and Public Employees Retirement Plan;

(2) section 41, to the extent that it introduces subparagraph 14 of the first paragraph of section 140 of this Act;

(3) section 42, to the extent that it concerns contributions paid by the École Socrates;

(4) paragraph 1 of section 49;

(5) section 70.

**129.** Sections 50 and 96 have effect from 1 April 1979.

**130.** The following provisions have effect from 1 June 1981:

(1) paragraph 1 of section 1, to the extent that it introduces paragraph *f.1* of subparagraph 2 of the first paragraph of section 2 of the Act respecting the Government and Public Employees Retirement Plan;

(2) section 41, to the extent that it introduces subparagraph 12 of the first paragraph of section 120 of the Act respecting the Government and Public Employees Retirement Plan;

(3) section 115, to the extent that it enacts section 99.3 of the Act respecting the Civil Service Superannuation Plan.

**131.** The following provisions have effect from 9 August 1981:

(1) paragraph 2 of section 1;

(2) section 41, to the extent that it introduces paragraph 13 of the first paragraph of section 120 of the Act respecting the Government and Public Employees Retirement Plan;

(3) section 115, to the extent that it enacts section 99.2 of the Act respecting the Civil Service Superannuation Plan.

**132.** Section 42 and section 106, to the extent that section 123 of the Act respecting the Government and Public Employees Retirement Plan and section 72 of the Act respecting the Civil Service Superannuation Plan refer to contributions paid by

(1) the Régie de l'assurance automobile du Québec, have effect from 1 September 1977.

(2) the Fonds d'indemnisation, have effect from 16 February 1978;

(3) the town of Vaudreuil, have effect from 1 June 1981;



(4) the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc., have effect from 9 August 1981.

**133.** The following provisions apply in respect of any pension that becomes payable after (*insert here the date of the coming into force of the Act*):

(1) section 7;

(2) section 8, to the extent that it refers to the first paragraph of section 39 of the Act respecting the Government and Public Employees Retirement Plan, as replaced by section 8;

(3) section 60, to the extent that it refers to the first paragraph of section 14 of the Act respecting the Teachers Pension Plan, as replaced by section 60;

(4) sections 82 and 94, to the extent that they refer to the first paragraph of sections 20 and 52, respectively, of the Act respecting the Civil Service Superannuation Plan, as replaced by sections 82 and 94.

**134.** Section 25, paragraph 2 of section 31, sections 55, 58, 76, 79, 101 and 103 have effect from 1 July 1982.

**135.** The following provisions have effect on the date of the sanction of this Act:

(1) paragraph 1 of section 1, to the extent that it introduces paragraph *f.3* of subparagraph 2 of the first paragraph of section 2 of the Act respecting the Government and Public Employees Retirement Plan;

(2) sections 3 to 6;

(3) section 41, to the extent that it introduces paragraph 15 of section 120 of the Act respecting the Government and Public Employees Retirement Plan;

(4) section 42, to the extent that subparagraph *c* of the first paragraph of section 123 of the Act respecting the Government and Public Employees Retirement Plan refers to paragraph 15 of the said Act;

(5) sections 43, 117, 118, 122 to 137.

**136.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 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).

**137.** This Act will come into force on 1 January 1983, except section 45, which will come into force on the date fixed by proclamation of the Government.