

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 108**

**An Act to amend 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**

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First reading .....

Second reading .....

Third reading .....

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M. FRANÇOIS GENDRON

Ministre de la fonction publique

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L'ÉDITEUR OFFICIEL DU QUÉBEC

1980



## EXPLANATORY NOTES

*This bill proposes various amendments to 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 to give effect to the latest bargaining round in the public and parapublic sectors.*

*The main objects of the bill are*

*— to allow the members of the various associations a greater participation in the decisions of the Commission administrative du régime de retraite by increasing their number from seven to twelve;*

*— to introduce a mechanism for the appointment by the Government of a consulting actuary who will decide on the validity of the bases used by the Commission for the actuarial valuation of the Government and Public Employees Retirement Plan;*

*— to provide that an employee may retire on reaching 60 years of age, according to the terms and conditions of actuarial reduction set out in the act;*

*— to extend until 30 June 1981 the final date when an employee who belongs to the Teachers Pension Plan or to the Civil Service Superannuation Plan may request a transfer to the Government and Public Employees Retirement Plan; and*

*— to extend until 30 June 1982 the final date when an employee who belongs to the Government and Public Employees Retirement Plan may redeem unassessed years of past service.*

*Sec. 1. The purpose of the proposed amendment is to allow employees who contribute to the Civil Service Superannuation Plan or the Teachers Pension Plan to elect in favour of the Government and Public Employees Retirement Plan by sending a notice to that effect to the Commission no later than 30 June 1981.*

*Sec. 2. The purpose of the proposed amendment is to increase the number of members of the Pension Commission from seven to twelve and to specify the method by which four of the members are to be appointed, the terms of office of the members and the procedure for filling a vacancy that occurs during a term.*

## Bill 108

An Act to amend 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

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

**1.** Section 10 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by replacing the first paragraph by the following paragraph:

“**10.** Every employee contributing on 30 June 1973 to the Civil Service Superannuation Plan or the Teachers Pension Plan may, until 30 June 1981, elect in favour of this plan by sending a notice to that effect to the Commission in the prescribed manner.”

**2.** Section 17 of the said act is replaced by the following section:

“**17.** The Commission is composed of twelve members, including a chairman and a vice-chairman, appointed by the Government.

Three of the members are from the Confédération des syndicats nationaux, the Centrale de l'enseignement du Québec and the Fédération des travailleurs du Québec and are appointed after consultation with these bodies.

Another member is appointed from the lists provided by the employee-associations groups within the meaning of the Act respecting the organization of the management and union parties in view of collective bargaining in the sectors of education, social affairs and government agencies (1978, c. 14) and the associations of employees recognized or certified under the Civil Service Act (1978, c. 15).

Sec. 3. *The proposed amendment is for concordance with section 2.*

Sec. 4. *The object of the proposed amendment is to permit an employee who was on leave without pay, for the period determined therein, to be credited for that period in respect of the Government and Public Employees Retirement Plan.*

Sec. 5. *The object of the proposed amendment is to enable an employee to retire at the age of 60 on the terms and conditions of actuarial reduction which are provided for therein.*

The chairman is at the same time the director general of the Commission. He is appointed for not more than five years.

The members of the Commission, other than the chairman, are appointed for three years. However, three of the first members appointed following the coming into force of this section are appointed for one year, four of them for two years and the others for three years.

Any vacancy occurring during the term of a member appointed in accordance with the second or third paragraph is filled, for the remainder of the term, following the procedure prescribed for his appointment.

Any other vacancy is filled by a person appointed by the Government for the remainder of the term of the member to be replaced.”

**3.** Section 24 of the said act is amended by replacing the first paragraph by the following paragraph:

“**24.** Seven members of the Commission, including the chairman or the vice-chairman, constitute a quorum.”

**4.** The said act is amended by inserting, after section 45, the following section:

“**45.1** The Government may, by regulation, on the conditions that it fixes, permit an employee who belonged to an association of employees that it determines and who was on leave without pay for a period of at least thirty days between 22 June 1979 and 13 November 1979 to be credited for that period under this plan.”

**5.** Section 52 of the said act is replaced by the following section:

“**52.** The Commission shall grant an annual retirement pension to every employee who applies for it and who

(a) has attained 60 years of age; or

(b) has attained compulsory retirement age; or

(c) has, in years of age and years of service, including the years for which a paid-up annuity or pension credit has been redeemed, a combined total of 90 or more.

In the case contemplated in subparagraph *a*, the pension is reduced for its term by one-half of one per cent computed for each month falling between the date on which the pension is granted to the employee and the nearest date on which it would otherwise have been granted to him under subparagraph *b* or *c*.

*Sec. 6. The object of the proposed amendment is to specify that the 90 days added are used to qualify for a pension and to enable an employee to make up any period of leave without pay during his service.*

*Sec. 7. The proposed amendment is for concordance with section 5.*

*Sec. 8. The proposed amendment is for concordance with section 11 of the Act respecting the Government and Public Employees Retirement Plan.*

*Sec. 9. The object of the proposed amendment is to enable an employee to redeem unassessed past service until 30 June 1982.*

In the case contemplated in subparagraph *c*, if the employee is under sixty years of age at his retirement, the pension is reduced for its term by one-half of one per cent computed for each month falling between the date on which the pension is granted and the date of the employee's sixtieth birthday."

**6.** Section 53 of the said act is replaced by the following section:

**"53.** For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the employee's duration of service to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the employee to the Commission.

In no case, however, may the days provided for in the first paragraph be added in respect of a period of service subsequent to the date on which the employee ceased to occupy an employment contemplated in this act."

**7.** Section 56 of the said act is amended by replacing the second paragraph by the following paragraph:

"However, a teacher who attains his sixty-fifth birthday or who becomes qualified for a pension under subparagraph *a* or *c* of the first paragraph of section 52 within the two months following the end of a school year within the meaning of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) is deemed to be eligible for his pension at the end of that school year."

**8.** Section 81 of the said act, amended by section 73 of chapter (*insert here the chapter number of Bill 96*) of the statutes of 1980, is again amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) that on 1 July 1973 his name is entered on a list of eligible persons of a sectorial or intersectorial employment office provided for by a collective agreement, or that he begins to contribute to this plan not later than 1 January 1982."

**9.** Section 82 of the said act, amended by section 74 of chapter (*insert here the chapter number of Bill 96*) of the statutes of 1980, is again amended by replacing the first paragraph by the following paragraph:

**"82.** An employee wishing to avail himself of section 81 and to be credited, for the computation of such pension credit, with all or part of the number of such years of past service contemplated

Sec. 10. *The proposed amendment is for concordance with section 8.*

Sec. 11. *The object of the proposed amendment is to provide for the appointment by the Government of a consulting actuary responsible for deciding on the validity of the bases used by the Commission in actuarial valuations of the Government and Public Employees Retirement Plan.*

Sec. 12. *The proposed amendment is to the same effect as that provided for in section 6.*

in that section, must give a notice to that effect to the Commission not later than 30 June 1982.”

**10.** Section 84 of the said act is replaced by the following section:

“**84.** Pension credit is equal, for each year of service so computed, to 2% of the annual pensionable salary of the employee as of 1 July 1973 if he was then receiving a salary or, if he was not, of the annual pensionable salary he is receiving on the date prior to 1 January 1982 on which he begins to contribute to the pension plan established by this act, less 0.7% of his maximum pensionable earnings at such date by virtue of the Québec Pension Plan.”

**11.** Section 138 of the said act is replaced by the following section:

“**138.** At least once every three years, the Commission must cause an actuarial valuation of this plan to be prepared by the actuaries designated by it.

The Government, after consulting with the members of the Commission appointed in accordance with the second or third paragraph of section 17, shall appoint a consulting actuary responsible for reporting to the Minister within a period of thirty days from his appointment, on the validity of the bases used for the actuarial valuation of this plan. The Minister must, within ninety days after receiving the report, send it to the Commission and the executive committee.

The fees and expenses of the consulting actuary are to be paid by the Commission.”

**12.** Section 12 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), amended by section 8 of chapter 42 of the statutes of 1979, is again amended by replacing the second paragraph by the following paragraph:

“For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the teacher’s duration of service after 30 June 1965 to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the teacher to the Commission.

In no case, however, may the days provided for in the second paragraph be added in respect of a period of service subsequent to the date on which a teacher ceased to occupy a position contemplated in this act.”

Sec. 13. *The proposed amendment is to the same effect as that provided for in section 6.*

**13.** The Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) is amended by inserting after section 67, the following section:

**“67.1** For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the officer’s or employee’s duration of service after 31 December 1978 to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the officer or employee to the Commission.

In no case, however, may the days provided for in the first paragraph be added in respect of a period of service subsequent to the date on which an officer or employee ceased to occupy an office contemplated in this act.”

**14.** This act comes into force on the day of its sanction.