

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 73

An Act to amend the Supplemental Pension Plans Act

First reading

Second reading

Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The amendments to the Supplemental Pension Plans Act proposed by this bill mainly concern:

(a) the obligation of the administrator of a plan to disclose to the members of the plan certain information related to it that is to be prescribed by regulation;

(b) the power of the Régie des rentes du Québec to determine by regulation the information which the administrator of a plan must disclose and the terms and conditions he must follow in doing so;

(c) the prohibition against reducing the amount of a benefit payable under a private plan by any amount equivalent to an increase in the amount of the benefits payable under a public plan;

(d) the authorization given to the administrator of a plan to delegate all or part of his duties as administrator to a trust company registered in a province having similar legislation.

Sec. 1. *Section 1 of the bill replaces the first paragraph of section 26 of the act and strikes out the fourth paragraph of that section.*

Section 26 of the act presently reads as follows:

“26. A supplemental plan shall contractually provide that every member of the plan shall receive a written explanation of the pertinent provisions of the plan and of any amendments to it, together with an explanation of his rights and duties and any other prescribed information.

Such documents must be furnished to every member within 90 days of the last of the following dates:

(a) the date of the beginning of his membership in the plan;

(b) the date on which the certificate of registration of the plan is issued by the Board.

In the case of an amendment to a plan, such documents must be furnished to every member within 90 days of the approval of the amendment by the Board.

Upon the termination of the employment or membership of an employee, every employer shall furnish such employee with a statement of the pension, benefits and refunds to which he is entitled.”

Sec. 2. *This section is entirely new legislation.*

Bill 73

An Act to amend the Supplemental Pension Plans Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1965,
(1st sess.),
c. 25, s. 26,
am.

1. Section 26 of the Supplemental Pension Plans Act (1965, 1st session, chapter 25), replaced by section 8 of chapter 18 of the statutes of 1975, is amended:

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

Written
explana-
tion.

“26. The administrator of a supplemental plan must provide every member of that plan with a written explanation of the pertinent provisions of the plan and of any amendments to it, together with an explanation of the member’s rights and duties.”;

(b) by striking out the fourth paragraph.

1965,
(1st sess.),
c. 25, s. 27,
am.

2. Section 27 of the said act, replaced by section 8 of chapter 18 of the statutes of 1975, is amended by adding at the end the following paragraphs:

Access to
documents.

“Where the member of a plan or his mandatary applies to the employer to take cognizance of any prescribed documents, the employer must, within thirty days following receipt of such application, allow the member or his mandatary to do so, during normal business hours, at the employer’s main office situated in Québec, unless the employer provides the member or his mandatary with a copy of those documents.

Sec. 3. *This section is entirely new legislation.*

Sec. 4. *The object of the proposed amendment is to extend the principle set forth in section 32a of the act to all the benefits payable under a supplemental pension plan.*

Section 32a of the act presently reads as follows:

“32a. The amount of a pension in payment on 9 December 1975 or the payment of which begins after such date shall not be reduced subsequently in respect of any change in the benefits paid under a prescribed public pension plan.”

Sec. 5. *Section 46 of the act presently reads as follows:*

“46. Unless otherwise provided in the plan, an administrator may delegate all or part of his duties to a trust company registered in the Province.”

Sec. 6. *This section provides concordance with section 2 of the bill.*

Written application.

The application contemplated in the second paragraph must be made in writing. It must indicate those prescribed documents of which the member or his mandatary wishes to take cognizance. No such application may be made more than once in any period of twelve consecutive months.

Free of charge.

No employer may, under this section, require a fee from the member or his mandatary."

1965,
(1st sess.),
c. 25,
ss. 27a,
27b, added.
Statement
of
prescribed
informa-
tion.

3. The said act is amended by inserting after section 27 the following sections:

"27a. The administrator of a supplemental plan must, in the prescribed manner, at the prescribed times and within the prescribed periods, furnish a statement containing the prescribed information to every member of that plan and every beneficiary under it, or to the mandatary or assign of such person.

Employer,
etc.,
deemed
adminis-
trator.

"27b. In the case of an insured plan to which an employer contributes or which has been established by a professional syndicate for its members, the employer or the professional syndicate is deemed to be the administrator of the plan for the purposes of sections 26 and 27a.

Profes-
sional
syndicate
deemed
adminis-
trator.

In the case of a plan established by a professional syndicate for its members, the syndicate is deemed to be the employer for the purposes of section 27."

1965,
(1st sess.),
c. 25,
s. 32a, am.

4. Section 32a of the said act, enacted by section 9 of chapter 18 of the statutes of 1975, is amended by adding at the end the following paragraph:

No
reduction
of benefit.

"The same rule applies in respect of the amount of any other benefit in payment under a supplemental plan on (*insert here the date of the coming into force of Bill 73*), or the payment of which begins after that date."

1965,
(1st sess.),
c. 25, s. 46,
replaced.

5. Section 46 of the said act is replaced by the following section:

Delegation.

"46. Unless otherwise provided in the plan, an administrator may delegate all or part of his duties to a trust company registered in Québec or in another province having similar legislation."

1965,
(1st sess.),
c. 25, s. 58,
am.

6. Section 58 of the said act, amended by section 3 of chapter 50 of the statutes of 1969 and by section 11 of chapter 19 and section 18 of chapter 18 of the statutes of 1975, is again amended by adding at the end the following paragraph:

Sec. 7. *This section provides concordance with section 1 of the bill.*

“(w) the information or documents which an administrator or an employer must furnish to a member or a beneficiary, or to his mandatary or assign, or of which he must allow such person to take cognizance, as well as the manner, times and periods for so doing.”

1965 (1st
sess.),
c. 25, s. 60,
am.

7. Section 60 of the said act, replaced by section 19 of chapter 18 of the statutes of 1975, is amended by replacing paragraph *d* by the following paragraph:

“(d) contravenes any provision contained in a supplemental plan according to sections 33 and 37,”.

Coming
into force.

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