

1994, chapter 20

AN ACT TO AMEND THE PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS AND OTHER LEGISLATIVE PROVISIONS

Bill 13

Introduced by Madam Monique Gagnon-Tremblay, Minister for Administration and the Public Service and Chairman of the Conseil du trésor

Introduced 28 April 1994

Passage in principle 7 June 1994

Passage 16 June 1994

Assented to 17 June 1994

**Coming into force: 17 June 1994, except sections 1, 5 to 10, 15 to 20, 22 and 24 to 28, which
will come into force on 1 January 1995**

Acts amended:

Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)

Act respecting police organization (R.S.Q., chapter O-8.1)

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

Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)

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

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

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



CHAPTER 20

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

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

c. C-34,
s. 21, am.

1. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 92 of chapter 15 of the statutes of 1993, section 207 of chapter 54 of the statutes of 1993 and section 1 of chapter 74 of the statutes of 1993, is again amended by replacing paragraph *p* by the following paragraph:

“(p) the appeals brought under section 74 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);”.

ACT RESPECTING POLICE ORGANIZATION

c. O-8.1,
s. 262,
French text,
am.

2. Section 262 of the Act respecting police organization (R.S.Q., chapter O-8.1) is amended, in the French text,

(1) by replacing the word “le” in the third line of the first paragraph by the word “la”;

(2) by replacing the word “ans” in the fifth line of the first paragraph by the word “années”.

c. O-8.1,
ss. 262.1,
262.2, added

3. The said Act is amended by inserting, after section 262, the following sections:

Require-
ments

“262.1 The pension referred to in the first paragraph of section 262 is granted without actuarial reduction to a person who is a participant in a pension plan if the person satisfies one of the following requirements:

(1) the person is 60 years of age or over;

(2) the person has 30 or more years of service; or

(3) the person has, in years of age and years of service, a combined total of 80 or more.

Reduction If the person does not satisfy any of the requirements, that part of his pension that pertains to the years and parts of years of service credited after 31 December 1991 is reduced for its duration by 0.25 % per month, computed for each month comprised between the date on which his pension is granted and the nearest date on which it would otherwise have been granted to him under subparagraph 1, 2 or 3 of the first paragraph.

Reduction **"262.2** The Government may, in respect of a person receiving a pension reduced pursuant to the second paragraph of section 262.1, provide for any measure to offset the reduction and prescribe the rules, terms and conditions applicable to such a measure."

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

c. R-9.1,
s. 31, am. **4.** Section 31 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting the words "and the pension credit" after the figure "20," in the third line.

c. R-9.1,
s. 59.1, am. **5.** Section 59.1 of the said Act, amended by section 4 of chapter 41 of the statutes of 1993 and by section 5 of chapter 74 of the statutes of 1993, is again amended by replacing the words "on review or on appeal on the basis of" in the fourth line of the last paragraph by the words "following a review or arbitration based on".

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

c. R-9.2,
s. 132.1, am. **6.** Section 132.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), amended by section 9 of chapter 41 of the statutes of 1993 and by section 7 of chapter 74 of the statutes of 1993, is again amended by replacing the words "on review or on appeal on the basis of" in the fourth line of the last paragraph by the words "following a review or arbitration based on".

c. R-9.2,
Chap. IX,
heading,
replaced **7.** The said Act is amended by replacing the heading of Chapter IX by the following heading:

“REVIEW AND ARBITRATION”.

c. R-9.2,
s. 141, am.

8. Section 141 of the said Act, amended by section 9 of chapter 74 of the statutes of 1993, is again amended by striking out the last sentence of the third paragraph.

c. R-9.2,
s. 142, am.

9. Section 142 of the said Act is amended

(1) by striking out the words “or, as the case may be, the president” in the first line of the first paragraph and by replacing the word “his” in the second line of the same paragraph by the word “its”;

(2) by adding, at the end, the following paragraphs:

Presumption

“However, if no decision is made because opinions are equally divided, the decision of the Commission is deemed maintained and the application for review is referred for decision to the arbitrator.

Notification

The review committee shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary changes. The committee shall send the employee’s or beneficiary’s application for review to the arbitrator within the time prescribed in such provisions.”

c. R-9.2,
s. 143,
replaced

10. Section 143 of the said Act is replaced by the following section:

Application

“143. The employee or the beneficiary may apply for arbitration within 90 days of the date the decision of the review committee is mailed. The arbitrator shall be an arbitrator appointed under section 183 of the Act respecting the Government and Public Employees Retirement Plan and sections 182 and 184 to 186 of the said Act apply.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
s. 84, am.

11. Section 84 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding, at the end, the following paragraph:

Spouse or
assigns

“The spouse or, where there is no spouse, the assigns of a deceased pensioner are entitled to receive, until the first day of the month following the death of the pensioner, the pension he would have received or would otherwise have received.”

c. R-10,
s. 86, am.

12. Section 86 of the said Act is amended by replacing the figure “1994” in the last line of subparagraph 2 of the first paragraph by the figure “1995”.

c. R-10,
s. 87, am.

13. Section 87 of the said Act is amended by replacing the figure “1994” in the second line by the figure “1995”.

c. R-10,
s. 91, am.

14. Section 91 of the said Act is amended by adding, at the end, the following paragraph:

Spouse or
assigns

“The spouse or, where there is no spouse, the assigns of a deceased pensioner are entitled to receive, until the first day of the month following the death of the pensioner, the pension credit he would have received or would otherwise have received.”

c. R-10,
s. 180, am.

15. Section 180 of the said Act, amended by section 10 of chapter 74 of the statutes of 1993, is again amended

(1) by striking out the words and figure “or to the Commission des affaires sociales, according to the cases set out in section 181” in the last two lines of the third paragraph;

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

Notification

“The Comité de retraite shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary changes. The committee shall send the employee’s or beneficiary’s request for reexamination to the arbitrator within the time prescribed in such provisions.”

c. R-10,
Title III,
Chap. IV,
Div. II,
heading,
replaced

16. The said Act is amended by replacing the heading of Division II of Chapter IV of Title III by the following heading:

“ARBITRATION”.

c. R-10,
s. 181,
replaced

17. Section 181 of the said Act is replaced by the following section:

Application

“181. The employee or the beneficiary may apply for arbitration within 90 days of the date the decision of the Comité de retraite is mailed.”

c. R-10,
s. 182, am.

18. Section 182 of the said Act is amended by replacing the words “have himself represented by his association or union in the case provided for in paragraph 1 of section 181” in the first, second and third lines by the words “be represented by his association or his union”.

c. R-10,
headings,
struck off

19. The said Act is amended by striking out, after section 182, the following:

“DIVISION III

“ARBITRATION”.

c. R-10,
s. 183, am.

20. Section 183 of the said Act is amended

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

Arbitrators
and substit-
tute

“183. The Government shall, after consulting the Comité de retraite, appoint two arbitrators for a period not exceeding 2 years. It shall also appoint, in the same manner and for a period not exceeding 2 years, a substitute to replace the arbitrators whenever they are absent or unable to act.

Expiry of
term

At the expiry of their term, the arbitrators and the substitute shall remain in office until they are replaced or reappointed.”;

(2) by replacing the word “However” in the first line of the second paragraph by the words “Notwithstanding the first paragraph”.

c. R-10,
s. 205, am.

21. Section 205 of the said Act is amended

(1) by replacing the word “pension” in the second line of the first paragraph by the word “benefit”;

(2) by adding, at the end of the first paragraph, the following sentence: “However, the aggregate of those annual amounts is reduced in the cases and in the manner prescribed by regulation.”;

(3) by replacing the words “The aggregate” in the first line of the second paragraph by the words “The aggregate of the annual amounts, reduced where applicable in the manner prescribed by regulation,”.

c. R-10,
s. 216.1, am.

22. Section 216.1 of the said Act, amended by section 30 of chapter 41 of the statutes of 1993 and by section 11 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth and fifth lines of the last paragraph by the words “following a review or arbitration based on”.

c. R-10,
Sched. II,
am.

23. Schedule II to the said Act, amended by section 72 of chapter 44 of the statutes of 1992 and by Orders in Council 577-93 of 28 April 1993 and 1728-93 of 8 December 1993, is again amended by adding the words “, except employees engaged after 16 June 1994 during the years or parts of years in which they pay contributions to the Régime général des retraites de l’État français” in paragraph 1

at the end of each of the following names: “the Collège Marie de France” and “the Collège Stanislas inc.”

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,
s. 10.1, am.

24. Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 16 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,
s. 111.0.1,
am.

25. Section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 43 of chapter 41 of the statutes of 1993 and by section 19 of chapter 74 of the statutes of 1993, is again amended by replacing the words “on review or on appeal on the basis of” in the fourth line of the last paragraph by the words “following a review or arbitration based on”.

TRANSITIONAL AND FINAL PROVISIONS

Provisions
not applica-
ble

26. Sections 8 and 9 do not apply to an application for the review of a decision of the Commission administrative des régimes de retraite et d'assurances that was referred to the president of the Commission by the review committee before 1 January 1995 under the third paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, as it read on 31 December 1994. Section 10 applies, with the necessary changes, to that decision where it was rendered by the president of the Commission after 31 December 1994.

Provisions
applicable

27. Paragraph *p* of section 21 of the Act respecting the Commission des affaires sociales, section 143 of the Act respecting the Pension Plan of Peace Officers in Correctional Services and sections 180, 181 and 182 of the Act respecting the Government and Public Employees Retirement Plan, as they read on 31 December 1994, continue to apply in respect of decisions rendered before 1 January 1995 by the review committee set up under section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, by the president of the Commission administrative des régimes de retraite et d'assurances or by the Comité de retraite established under section 163 of the Act respecting the Government and Public Employees Retirement Plan.

Provisions
applicable

28. The last paragraph of sections 132.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, 10.1 of the Act respecting the Teachers Pension Plan and 111.0.1 of the Act respecting the Civil Service Superannuation Plan, as it read on 31 December 1994, continues to apply in respect of decisions rendered after that date by the Commission des affaires sociales.

Effect

29. The first regulation made pursuant to section 205 of the Act respecting the Government and Public Employees Retirement Plan may, if it so provides, have effect from any date not earlier than 22 December 1992.

Cessation of
participation

30. An employee of the Collège Marie de France or of the Collège Stanislas inc., who, on 16 June 1994, is participating in the Government and Public Employees Retirement Plan or the Teachers Pension Plan may cease to participate in his plan and obtain, notwithstanding any inconsistent provision of those plans, a refund of his contributions if, on that date, he is paying contributions to the Régime général des retraites de l'État français. To that end, the employee must send a notice to the Commission administrative des régimes de retraite et d'assurances before 1 July 1995, and he shall cease to participate in his plan on the date on which the notice is received by the Commission.

Refund

The Commission shall refund to an employee having sent the notice referred to in the first paragraph the contributions pertaining to the years and parts of years of service in respect of which he also paid contributions to the Régime général des retraites de l'État français, with, where applicable, interest accrued at the rates and in the manner provided for in the Act respecting the Government and Public Employees Retirement Plan.

Refund

31. A person who is not a pensioner, who is not participating in the Government and Public Employees Retirement Plan or in the Teachers Pension Plan, but who participated in either of those plans before 17 June 1994 may, notwithstanding any inconsistent provision of either of those plans, obtain a refund of his contributions pertaining to the years or parts of years of service in respect of which, while he was an employee of the Collège Marie de France or of the Collège Stanislas inc., he also paid contributions to the Régime général des retraites de l'État français, with, where applicable, interest accrued at the rates and in the manner provided for in the Act respecting the Government and Public Employees Retirement Plan. To that end, the person must send a notice to the Commission before 1 July 1995.

Exceptions

32. Notwithstanding any inconsistent provision of the Act respecting the Government and Public Employees Retirement Plan, the following years or parts of years of service may not be credited or counted under that plan:

(1) the years or parts of years of service in respect of which contributions have been refunded pursuant to sections 30 and 31;

(2) the years or parts of years of service completed after 16 June 1994 at the Collège Marie de France or at the Collège Stanislas inc. during which the employee was not participating in the Government and Public Employees Retirement Plan or in the Teachers Pension Plan and was paying contributions to the Régime général des retraites de l'État français.

Coming into
force

33. This Act comes into force on 17 June 1994, except sections 1, 5 to 10, 15 to 20, 22 and 24 to 28, which will come into force on 1 January 1995.