

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1992, chapter 16

## **AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS**

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### **Bill 4**

Introduced by Mr Daniel Johnson, Minister for Administration and the Public Service  
and Chairman of the Conseil du trésor

Introduced 8 April 1992

Passage in principle 14 May 1992

Passage 22 June 1992

**Assented to 23 June 1992**

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**Coming into force: 23 June 1992**

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### **Acts amended:**

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)

Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16)

Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal (1987,  
chapter 136)





## CHAPTER 16

### **An Act to amend various legislative provisions respecting pension plans in the public and parapublic sectors**

*[Assented to 23 June 1992]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

c. R-9.2,  
s. 1.1, am.

**1.** Section 1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 8 of chapter 77 of the statutes of 1991, is amended

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

“(1) to every person who, on or after that date, holds, in a house of detention, employment as an intermediate officer contemplated in the Directive concernant l’ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d’agents de la paix à l’exclusion des directeurs des établissements de détention (C.T. 170451 dated 11 April 1989) or in the Directive concernant l’ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention (C.T. 170452 dated 11 April 1989);”;

(2) by inserting the words “, subject to the second paragraph,” after the word “belonging” in the first line of subparagraph 2 of the first paragraph;

(3) by replacing the first five lines of the second paragraph by the following words: “Any intermediate officer contemplated by a directive mentioned in subparagraph 1 of the first paragraph on 31 December 1991 who, on that date, is a member of the Government and Public”;

(4) by adding, at the end of the second paragraph, the following sentence: "The same applies to any person who, on 31 December 1991, belongs to a class or subclass of employees of the Institut Pinel, as determined by regulation, and who, on that date, is a member of the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan."

c. R-9.2,  
s. 17, am.

**2.** Section 17 of the said Act is amended

(1) by inserting, before the first paragraph, the following paragraph:

Periods  
credited  
without  
contribu-  
tions

"The days and parts of a day of a period during which an employee receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions, up to two years of service for each period of eligibility.";

(2) by striking out the words "an employee is eligible for salary insurance benefits or during which" in the first and second lines of the first paragraph.

c. R-9.2,  
ss. 23, 24,  
39, 57, 135  
and 139,  
am.

**3.** Sections 23, 24, 39, 57, 135 and 139 of the said Act, amended respectively by sections 16, 17, 18, 23, 33 and 34 of chapter 77 of the statutes of 1991, are again amended by replacing the word "working" wherever it appears by the words "holding employment".

c. R-9.2,  
s. 130, am.

**4.** Section 130 of the said Act, amended by section 10 of chapter 14 of the statutes of 1991 and by section 31 of chapter 77 of the statutes of 1991, is again amended by inserting the words "or who may elect to be" after the word "are" in the second line of paragraph 0.1.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,  
s. 10.2,  
added

**5.** The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 10.1, the following section:

Partition  
of family  
patrimony

**“10.2** For the purposes of partition of the family patrimony, the Government may render wholly or partly applicable to the plans established pursuant to section 10.0.1 and the fifth paragraph of section 10.1 the rules, adapted as required, prescribed in Chapter VII.1 of Title I or enacted by it under the provisions of that chapter. It may also, for the same purposes, prescribe special provisions concerning the establishment and assessment of the benefits accrued under such plans and the reduction, by reason of payment of the amounts granted to the spouse, of amounts payable under such plans.”

c. R-10,  
s. 21, am.

**6.** Section 21 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first three lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance plan in force on 31 December 1989 which, on that date”.

c. R-10,  
s. 147.1,  
am.

**7.** Section 147.1 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The Government may also provide that such expenses, if not paid by the date specified in the regulation, bear interest computed in the manner prescribed by the regulation and at the rates established in Schedule VI.”

c. R-10,  
s. 173.2,  
replaced

**8.** Section 173.2 of the said Act, enacted by section 23 of chapter 14 of the statutes of 1991, is replaced by the following section:

Composition  
of the  
committee

**“173.2** The committee is composed of the chairman of the Commission and of ten other members appointed by the Government for a period not exceeding two years. Among the ten members, five shall represent the Government and the other five shall represent the

employees. One of the five members representing the employees shall be chosen from among the persons belonging to a class of employees designated pursuant to section 10.1.”

c. R-10,  
s. 185.1,  
added

**9.** The said Act is amended by inserting, after section 185, the following section:

Immunity

**“185.1** No arbitrator may be prosecuted by reason of an official act performed in good faith in the exercise of his duties.”

#### ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,  
s. 5.0.1,  
added

**10.** The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 5, the following section:

Election

**“5.0.1** Except in the case of a pensioner under this plan or the Civil Service Superannuation Plan, a teacher or an officer, as the case may be, who has ceased to be a person to whom such a plan is applicable because he has become a Member of the National Assembly may elect to become a member of this plan if, within 180 days of the date on which he ceased to be a Member of the National Assembly, such a teacher holds pensionable employment under this plan or under the Government and Public Employees Retirement Plan, except, in the latter case, employment contemplated in Schedule I or II to the Act respecting the Civil Service Superannuation Plan, or if, within the same period, such an officer holds pensionable employment under this plan.

Notice

The Commission must receive a notice to this effect not later than 60 days after the expiry of the period referred to in the first paragraph, and this plan shall apply to every person who made such an election from the date on which that person held such employment.”

c. R-11,  
s. 18, am.

**11.** Section 18 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the

Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first three lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance plan in force on 31 December 1989 which, on that date,”.

c. R-11,  
s. 25, am.

**12.** Section 25 of the said Act is amended

(1) by replacing subparagraph 1 of the first paragraph and the word “, provided” which precedes it by a full stop;

(2) by replacing the words “(2) he pays” in the first line of subparagraph 2 of the first paragraph by the words “The teacher shall pay to the Commission”;

(3) by striking out the words “, within the same period,” in the first and second lines of the second paragraph.

c. R-11,  
s. 51, am.

**13.** Section 51 of the said Act, amended by section 6 of chapter 9 of the statutes of 1992, is again amended by inserting the words “or, if he has made the election provided for in section 5.0.1, from the time he ceases to be a member of this plan” after the word “Assembly” in the second line of subparagraph 4 of the first paragraph.

c. R-11,  
s. 52, am.

**14.** Section 52 of the said Act, amended by section 7 of chapter 9 of the statutes of 1992, is again amended by adding, at the end of the second paragraph, the words “or, if he makes the election provided for in section 5.0.1, from the time he ceases to be a member of this plan”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,  
s. 54.1,  
added

**15.** The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting, after section 54, the following section:

*Election*

**“54.1** Except in the case of a pensioner under the plan provided for in this division or under the Teachers Pension Plan, an officer or a teacher, as the case may be, who has ceased to be an employee within the meaning of the plan because he has become a Member of the National Assembly may elect to become a member of the plan provided for in this division if, within 180 days of the date on which

he ceased to be a Member of the National Assembly, such an officer holds pensionable employment under this plan or under the Government and Public Employees Retirement Plan, except employment contemplated in Schedule I or II to the Act respecting the Teachers Pension Plan or if, within the same period, such a teacher holds pensionable employment under the plan provided for in this division.

Notice      The Commission must receive a notice to this effect not later than 60 days after the expiry of the period referred to in the first paragraph, and the plan provided for in this division shall apply to every person who made such an election from the date on which that person held such employment.”

c. R-12,  
s. 55, am.      **16.** Section 55 of the said Act is amended by replacing the word and figure “section 54” in the first line of the first paragraph by the words and figures “sections 54 and 54.1”.

c. R-12,  
s. 60, am.      **17.** Section 60 of the said Act is amended

(1) by replacing the words “is entitled to salary insurance benefits are credited with exemption from contributions” in the second and third lines of the first paragraph by the following: “receives salary insurance benefits, or during which he would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he not receiving a disability benefit under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the Automobile Insurance Act (R.S.Q., chapter A-25), the Act to promote good citizenship (R.S.Q., chapter C-20), the Crime Victims Compensation Act (R.S.Q., chapter I-6) or under any other Act, other than an Act of Québec, having the same effect, shall be credited, without contributions,”;

(2) by replacing the first two lines of the second paragraph by the following: “However, the limit of two years of service prescribed in the first paragraph shall not apply in the case of a compulsory salary insurance”.

c. R-12,  
s. 84, am.      **18.** Section 84 of the said Act, amended by section 8 of chapter 9 of the statutes of 1992, is again amended by inserting the words “or, if he has made the election provided for in section 54.1, from the time he ceases to be a member of the plan provided for in this division” after the word “Assembly” in the second line of subparagraph 4 of the first paragraph.

c. R-12,  
s. 85, am.

**19.** Section 85 of the said Act, amended by section 9 of chapter 9 of the statutes of 1992, is again amended by adding, at the end of the second paragraph, the words “or, if he makes the election provided for in section 54.1, from the time he ceases to be a member of the plan provided for in this division”.

ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

c. R-16,  
s. 25,  
replaced

**20.** Section 25 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is replaced by the following section:

Date of  
payment

**“25.** The pension of a participant who is 60 years of age or more and who is no longer a member of the council becomes payable to him by the Commission from the date on which the application is received or, where that is the case, from any other later date indicated in the application.

Time limit

Notwithstanding the first paragraph, the pension becomes payable not later than 31 December of the year in which the participant reaches 71 years of age.”

ACT RESPECTING THE CORPORATION DE L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES DE MONTRÉAL

1987, c. 136,  
s. 52, am.

**21.** Section 52 of the Act respecting the Corporation de l'École des Hautes Études Commerciales de Montréal (1987, chapter 136) is amended by inserting the words “, except persons holding casual employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10),” after the word “school” in the first line.

MISCELLANEOUS AND FINAL PROVISIONS

Effect

**22.** Section 21 has effect from 1 January 1988.

Effect

**23.** Section 1 has effect from 1 January 1992.

Effect

**24.** To the extent that it concerns the pension plan established pursuant to section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, section 10.2 of the said Act, enacted by section 5 of this Act, has effect from 1 January 1992.

Coming into  
force

**25.** This Act comes into force on 23 June 1992.