

1991, chapter 81

**AN ACT RESPECTING THE PENSION PLAN
OF THE NON-TEACHING STAFF OF THE COMMISSION
DES ÉCOLES CATHOLIQUES DE MONTRÉAL**

Bill 196

Introduced by Mr William Cusano, Member for Viau

Introduced 6 December 1991

Passage in principle 16 December 1991

Passage 18 December 1991

Assented to 18 December 1991

Coming into force: 18 December 1991

Act amended: None





CHAPTER 81

An Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal

[Assented to 18 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Additional costs **1.** Notwithstanding section 125 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the amendments made by this Act to the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal may be effected without increasing the employee contributions and any resulting additional costs shall be paid out of the actuarial surplus of the plan.

Indexing **2.** From 1 January 1990, all pensions paid and payable shall be indexed, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), at the rate by which the rate of increase in the Pension Index determined under the said Act exceeds 3 %.

Restriction **However,** in no case may the indexing entail a decrease of the annual pension beneath the annual pension acquired on 31 December of the preceding year, should the indexing formula produce a negative result.

Retirement **3.** Any member may retire on the first day of any month following the month in which he attains 60 years of age provided he has been a member for at least two years.

Refund **4.** If a member who has been a member for less than two years ceases to be an employee for any reason other than retirement, he is entitled, so long as he does not again become a member, to the refund of his contributions, with accrued interest, in full satisfaction of his rights under the pension plan.

- 5.** If a member who has been a member for two years or more ceases to be an employee for any reason other than retirement, he is entitled to a pension payable on the first day of the month immediately following the month of his sixty-fifth birthday of an amount equal to the amount of the pension credited on the date of termination of employment computed as if it were a pension payable at normal retirement age.
- 6.** Sections 4 and 5 apply from 1 January 1990 in respect of the recognized service of a member.
- 7.** All employee contributions and additional voluntary contributions paid into the pension fund by a member before 1 January 1990, including any accrued interest, shall bear interest from that date at the rate specified in the pension plan.
- 8.** The employee contributions paid by a member, including accrued interest, shall not be used to pay more than 50 % of the value
- (1) of any pension benefit to which the member becomes entitled, including benefits related thereto;
 - (2) of any pension benefit to which a beneficiary becomes entitled, where the member dies before becoming entitled to a pension.
- 9.** Where a member dies before receiving any refund or pension benefit, his spouse or, if he has no spouse, his assigns, is or are entitled to receive a lump sum payment equal to or greater than
- (1) the value of any pension to which the member was entitled before his death;
 - (2) if the member was not entitled to a pension before his death, the value of the deferred pension to which he would have been entitled had he ceased to be an active member on the day of his death for any reason other than his death.
- Any additional voluntary contribution credited to the account of the member and any employee contributions paid in excess of the limit set by section 8, with accrued interest, shall be added to the values referred to in subparagraphs 1 and 2 of the first paragraph. The values shall, in addition, be established without reference to the assumptions as to survival or mortality for the period prior to the first payment of the pension.

Entitlement of spouse **10.** The spouse of a member is entitled to a pension from the time of the member's death if the member was receiving a pension before his death. The spouse may, before the date on which payment of the member's pension begins, waive such entitlement or revoke such a waiver, provided the pension committee is notified thereof in writing before that date.

Amount The amount of the spouse's pension shall be equal to 60 % of the amount of the member's pension.

Value The value of the pension provided for the spouse and the member's pension, reduced accordingly, shall, on the date payment of the pension begins, be at least actuarially equivalent to the pension the member would have received had entitlement to the spouse's pension not been granted by this section.

Postponed pension **11.** Where a member whose pension was postponed in whole or in part dies during the postponement period, the spouse of the member shall be entitled, unless the spouse has waived such entitlement, to a pension the value of which shall be equal to or greater than the higher of

(1) the value of the pension the spouse would have been entitled to receive pursuant to section 10 if payment of the postponed pension had begun on the day preceding the death of the member, and

(2) the value of the survivor pension the spouse would have been entitled to receive pursuant to section 9, under the postponed pension.

Amendments **12.** The pension plan may, in addition, be amended to

(1) define the notion of spouse in accordance with section 85 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

(2) replace, in the pension plan, all references to a widow or a widower by references to a spouse;

(3) establish a single contribution rate for all members of the plan;

(4) eliminate all distinctions as to the sex of a member in respect of the criteria for entitlement to a pension.

Administration funding **13.** The sums required for the administration of the pension plan shall be borne by the pension fund from 29 August 1990.

Coming into force **14.** This Act comes into force on 18 December 1991.