



## CHAPTER 16

An Act respecting pension coverage for certain teachers

[Assented to 23 June 1978]

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

### DIVISION I

#### DEFINITIONS AND APPLICATION

Interpre-  
tation:  
"year of  
teaching";

**1.** In this act, unless the context indicates otherwise,

(a) "year of teaching" means any period of at least ten months duration, comprised between 1 July of one year and 30 June of the following year, for which an employee has taught, including a similar period for which an employee, after beginning to teach, has pursued further educational studies full time;

"teacher";

(b) "teacher" means a person holding or having held a pedagogical or educational position as defined by regulation;

"teaching  
religious";

(c) "teaching religious" means a teacher who, before 1 July 1965, belonged to a religious community recognized by regulation;

"em-  
ployee";

(d) "employee" means

(i) a teaching religious laicized after 30 June 1965,

(ii) a teaching religious laicized before 1 July 1965 who, after being laicized, did not contribute to the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes, 1964, chapter 235),

(iii) a former teaching religious laicized after 30 June 1965,

(iv) a lay teacher having taught in Québec at the primary, secondary or college level, in a private institution belonging to a religious community or to the secular clergy, or in a youth protection institution, who did not contribute to the pension fund of officers of education established by Part VIII of the Education Act,  
or

(v) a teacher having belonged to the secular clergy who has years of teaching to his credit with a teaching institution contemplated in paragraph *a* of section 1 of the Teachers Pension Plan (1965, 1st session, chapter 68) or with a teaching institution recognized by regulation;

(*e*) “deferred annuity” means a life annuity payable to an employee on his attaining 65 years of age, or 60 years of age in the case of a female person contemplated by a pension plan, continued or not after his death in favour of another person;

“Plan”; (*f*) “Plan” means the Government and Public Employees Retirement Plan (1973, chapter 12);

“pension plan”; (*g*) “pension plan” means the Civil Service Superannuation Plan (Revised Statutes, 1964, chapter 14) or the Teachers Pension Plan (1965, 1st session, chapter 68);

“regulation”; (*h*) “regulation” means any regulation passed by the Government under this act;

“annual pensionable salary”; (*i*) “annual pensionable salary” means the salary paid to an employee corresponding to the annual salary received by an employee holding, on a full-time basis, an equivalent position as defined by regulation;

“Commission”. (*j*) “Commission” means the Commission administrative du régime de retraite established pursuant to section 13 of the Government and Public Employees Retirement Plan (1973, chapter 12).

Applicability. **2.** This act is applicable to employees who

(*a*) contribute to the Plan; or

(*b*) contribute to a pension plan and elect in favour of the Plan in accordance with the terms and conditions determined by this act; or

(*c*) are paid a pension by the Plan or by a pension plan; or

(*d*) are entitled to a deferred annuity under the Plan or a pension plan; or

(*e*) have been reimbursed their contributions to the Plan or to a pension plan, having had not less than two assessed years of service; or

(*f*) have had their years of service and their cumulative contributions to the Plan or to a pension plan transferred to an employer with whom the Ministre des finances or the Commission has entered into an agreement of transferability.

## DIVISION II

## CONDITIONS OF QUALIFICATION

**3.** An employee contributing to a pension plan must, to benefit by this act, elect in favour of the Plan by sending a notice to that effect to the Commission in the manner provided by regulation, within the time limit fixed in section 8 of the said Plan.

Paragraph *e* of section 9 of the said Plan does not apply to an employee to whom a pension becomes payable between the date his notice is sent and the date his election, determined by the said section, becomes effective. In such a case, the Plan applies from the date on which the pension is payable.

An employee contributing to a pension plan must, to benefit by this act, notwithstanding the fact that his employer is not contemplated by the Plan, elect in favour of the said Plan in accordance with the first paragraph.

A teaching religious laicized after 1 July 1978 who is contributing to a pension plan must, to benefit by this act, elect in favour of the Plan by giving the notice provided for in the first paragraph within twelve months of his being laicized.

**4.** An employee contemplated in paragraph *e* of section 2 must, to benefit by this act, notify the Commission on or before 30 June 1979 of his intention to refund the contributions that were reimbursed to him.

These contributions bear interest, at the rate determined by regulation, from the day the employee was reimbursed.

The Commission shall determine the periods at which the employee is to make such refund.

In the case of a teaching religious laicized after 1 July 1978, the notice provided for in the first paragraph must be given to the Commission within twelve months of his being laicized.

**5.** An employee who has been reimbursed his contributions to the Plan or a pension plan, having had less than two assessed years of service, may benefit by this act if he joins the Plan by giving a notice to that effect to the Commission within twelve months of beginning to participate in the Plan.

An employee who begins to contribute to the Plan after 1 July 1978 without having previously contributed to the Plan or to a pension plan may also benefit by this act by giving notice within the time limit provided in the first paragraph.

Credit transferred.

**6.** Every employee who has complied with section 3 or 4 is credited under the Plan, for pension purposes, with the years of service and the salary that he is entitled to have counted under the pension plan to which he is or was contributing before joining the Plan.

Must purchase supplementary credit.

**7.** To benefit by this act, every employee who has been credited pursuant to section 6 with less than fifteen years of service must purchase pension credit, established in the manner provided in sections 72 to 78 of the Plan, computed in relation to the number of previous years of teaching, to bring his total credit up to fifteen years.

Presumption.

For the application of the first paragraph, the employee is, however, deemed to have elected in favour of the Plan on 1 July 1973.

Payments even after 65 years of age.

Notwithstanding section 77 of the Plan, the payments required under this section may be made after 65 years of age and the employee older than 70 years of age must pay the premium computed in accordance with the schedule to this act.

Laicized after 1 July 1978.

Notwithstanding section 72 of the Plan, the teaching religious laicized after 1 July 1978 must give the notice provided for in the said section within twelve months of being laicized.

Must purchase supplementary credit.

**8.** The employee contemplated by paragraphs *a*, *c* and *d* of section 2 who is credited with less than fifteen years of service must, to benefit by this act, purchase pension credit established in the manner provided in sections 72 to 78 of the Plan, computed in relation to the number of past years of teaching, to bring his total credit up to fifteen years.

Applicable provisions.

The second and third paragraphs of section 7 apply to this section.

Inapplicable provisions.

The first paragraph does not apply in the case of an employee whose effective date of retirement occurred between 1 July 1965 and 30 June 1973, nor in the case of an employee who was granted a deferred annuity between 1 July 1965 and 30 June 1973.

Laicized after 1 July 1978.

Notwithstanding section 72 of the Plan, a teaching religious laicized after 1 July 1978 who is contributing to the Plan must give the notice provided for in the said section within twelve months of being laicized.

DIVISION III

PENSION CREDIT

Computation of credit.

**9.** The employee who contributes to a pension plan or to the Plan and who has complied with section 7 or 8, as the case may be, is

granted, for each of his years of teaching not counted in the Plan, pension credit equal to 1% of his annual pensionable salary as of 30 June 1977.

Computation of credit.

**10.** The employee who receives a pension from the Plan or a pension plan or who is entitled to a deferred annuity under the Plan or a pension plan and who has complied with section 8 is granted, for each of his years of teaching not counted in the Plan or in the pension plan, pension credit equal to 1% of his annual pensionable salary

(a) on the date on which he began to receive a pension or became entitled to a deferred annuity, if that date is before 1 July 1977,

(b) as of 30 June 1977, if he has begun to receive a pension or become entitled to a deferred annuity after 30 June 1977.

Idem.

**11.** The employee contemplated in paragraph *e* of section 2 who has complied with section 7 is granted, for each of his years of teaching not counted in the Plan, pension credit equal to 1% of his annual pensionable salary

(a) at the time he ceased to hold an employment contemplated by the Plan or a pension plan, if he was reimbursed his contributions before 1 July 1977;

(b) as of 30 June 1977, if he has ceased to hold an employment contemplated by the Plan or pension plan after 30 June 1977.

Idem.

**12.** The employee contemplated in paragraph *f* of section 2 is granted for each of his years of teaching not counted in the Plan or the pension plan and not transferred, pension credit equal to 1% of \$14,000.

Idem.

**13.** The employee contemplated in section 5 is entitled, for each of his years of teaching not counted in the Plan, to pension credit equal to 1% of \$14,000, provided that he purchases pension credit established in the manner provided in sections 72 to 78 of the Plan and computed in relation to the number of past years of teaching, to bring his total up to fifteen years.

Applicable provision.

The third paragraph of section 7 applies to this section.

Life annuity.

**14.** The pension credit provided for in this division is granted as a life annuity payable to the employee from 65 years of age.

Payable with annual pension.

However, this pension credit may be payable on the same date as the annual retirement pension under subparagraph *c* of the first paragraph of section 45 of the Plan. In such a case, if the employee is less than 60 years of age when he is superannuated,

the pension credit is reduced, for the duration of the pension, by one-half of one per cent computed for each month comprised between the date on which the pension is granted and the date of the sixtieth birthday of the employee.

Computation of years of service.

The years of service used to establish the pension credit provided for by this division are computed only for purposes of qualification for the annual pension and, where such is the case, for the deferred annuity, as provided for such pension or annuity in the Plan.

Annual pensionable salary.

**15.** Notwithstanding any inconsistent provision of this act, the annual pensionable salary serving as the basis of computation of the pension credit shall in no case be less than \$14,000.

Teaching in Canada or abroad.

**16.** For the purposes of the application of this division and section 24, all the years of teaching done in Canada or abroad give entitlement to pension credit.

Indexed annually.

**17.** The amount of pension credit of 1% granted under this division is adjusted annually by indexing in the manner provided in section 68 of the Plan.

From second year.

However, this adjustment applies only from 1 January of the year following the year in which payment of the pension credit has begun for an employee.

Alternative annuities.

**18.** The employee may, at any time before his retirement, elect to receive, instead of the life annuity provided for in section 14, an annuity arising out of the amount of the pension credit payable, in one of the following methods:

(a) a life annuity the payment of which is guaranteed for a period of 5, 10 or 15 years;

(b) a life annuity the payment of which continues in favour of the surviving spouse on the death of the employee;

(c) a life annuity the payment of one-half of which continues in favour of the surviving spouse on the death of the employee.

"spouse".

For the purposes of this section, the word "spouse" means the widower or widow, as defined in sections 57 and 58 of the Plan.

Presumption.

**19.** If the employee has not made the election provided for in section 18 and he dies while he is receiving an annuity under section 14 or is qualified for such an annuity without having applied for it, he is deemed to have elected for the life annuity provided for in section 14.

Adjustment of annuity.

**20.** The amount of an annuity provided for in section 18 is adjusted, in relation to the amount of pension credit payable under section 14, in accordance with the criteria established by regulation.

Election is irrevocable.

**21.** Any election made by an employee under section 18 is irrevocable from the date on which payment of the annuity begins.

Mode of payment.

**22.** The pension credit provided for by this division is paid in monthly instalments in arrears or in the manner determined by regulation.

Entitled applicants only.

**23.** The pension credit provided for by this division is granted only to employees who apply therefor to the Commission and after the latter is assured that they are entitled to it.

#### DIVISION IV

##### SPECIAL CASES

Religious laicized before 30 June 1965, or lay teacher.

**24.** The teaching religious laicized before 30 June 1965 who has contributed to the pension fund of the officers of education established by Part VIII of the Education Act (Revised Statutes, 1964, chapter 235), and the lay teacher as defined in subparagraph iv of paragraph *d* of section 1 who has contributed to the aforesaid pension fund, is entitled to receive an amount equal to the difference between the amount of the pension he is receiving under a pension plan and the amount of the pension he would be receiving, excluding the years redeemed under Part VIII of the Education Act (Revised Statutes, 1964, chapter 235) and adding all his years of teaching not counted in the form of a pension credit equal, for each of the said years of teaching, to the amount of 1% of his annual pensionable salary on the date on which he began to receive his pension, or 1% of \$14,000, whichever is greater.

Idem.

The teaching religious laicized before 30 June 1965 who has contributed to the pension fund of the officers of education established by Part VIII of the Education Act (Revised Statutes, 1964, chapter 235), and the lay teacher as defined in subparagraph iv of paragraph *d* of section 1 who has contributed to the aforesaid pension fund, and who, in either case, has acquired a right to a deferred annuity under a pension plan, is entitled to receive, at the time this annuity becomes payable, an amount equal to the difference between the amount of the deferred annuity and the amount he would have received, excluding the years redeemed under Part VIII of the Education Act (Revised Statutes, 1964, chapter 235) and adding all his years of teaching not counted in the form of a pension credit equal, for each of the said years of teaching, to the amount of 1% of his annual pensionable salary on

the date on which he is entitled to a deferred annuity, or 1% of \$14,000, whichever is greater.

Applicable provisions.

**25.** The first paragraph of section 14, sections 15 and 16, paragraphs *b* and *c* of section 18, and sections 19 to 23 apply to section 24.

#### DIVISION V

#### ADMINISTRATION

Commission.

**26.** The Commission is entrusted with the administration of this act.

Payment.

**27.** The Commission makes the payment of pension credit provided for in Division III and of the amounts provided for in section 24.

Service.

The payments are made out of the consolidated revenue fund as and when they become payable. The amounts required for that purpose are transmitted to the Commission by the *Ministre des finances* at the times prescribed and in accordance with the terms and conditions determined by regulation.

Re-examination.

**28.** Where an employee or beneficiary is not satisfied with a decision rendered by the Commission relating to the qualification for benefits under this act, the granting of the pension credit provided for under this act or the amount provided for under section 24 of this act, he may, within the year following the mailing of that decision, apply to the Commission for a re-examination of that decision.

Idem.

The Commission shall then do so as soon as possible.

Decision.

**29.** On an application for a re-examination, the Commission may confirm or amend its decision and it shall notify its decision in writing to the applicant, giving the reasons for that decision.

Appeal.

**30.** Where an employee or beneficiary is not satisfied with the re-examination, he may make an appeal to the *Commission des affaires sociales*, which shall proceed therewith in accordance with the *Social Affairs Commission Act* (1974, chapter 39).

Government regulations.

**31.** The Government may, by regulation,  
(a) determine the form and content of any form and the information that must be supplied in it;

(b) prescribe the information that may be required of employees or beneficiaries by the Commission in order to establish their right to benefits provided for by this act;

(c) determine the criteria to be fixed by regulation as provided for by this act;

(d) define what constitutes a pedagogical or educational position within the meaning of paragraph *b* of section 1;

(e) define what constitutes an equivalent full-time position within the meaning of paragraph *i* of section 1;

(f) recognize religious communities and teaching institutions for the purposes of the application of this act;

(g) order that an annuity may be paid otherwise than in monthly instalments;

(h) determine the manner in which the notice provided for in section 3 is to be sent to the Commission;

(i) determine the rates of interest provided for in section 4;

(j) determine the manner in which the pension credit contemplated in section 22 is to be paid;

(k) fix the times and the terms and conditions provided for in section 27;

(l) determine any other measure necessary for the application of this act.

Coming  
into force.

Every regulation made under this act comes into force from its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1974, c. 39,  
s. 20, am.

**32.** Section 20 of the Social Affairs Commission Act (1974, chapter 39), amended by section 44 of chapter 48, section 4 of chapter 49, section 17 of chapter 42, section 53 of chapter 22 and section 228 of chapter 68 of the statutes of 1977 and by section 106 of chapter 7 of the statutes of 1978, is again amended by replacing paragraph *p* by the following paragraph:

“(p) the appeals following a re-examination made by the Commission administrative du régime de retraite, brought under section 89 of the Civil Service Superannuation Plan, section 32c of the Teachers Pension Plan and section 30 of the Act respecting pension coverage for certain teachers (1978, chapter 16);”.

Coming  
into force.

**33.** This act will come into force on 1 July 1978.

## SCHEDULE

Premium per \$10 of annual pension

Age	Men	Women
70	\$34.485	\$40.782
71	33.683	39.684
72	32.428	37.976
73	31.175	36.806
74	29.920	35.683
75	28.661	34.485
76	27.396	33.683
77	26.141	32.428
78	24.905	31.175
79	23.696	29.920
80	22.519	28.661