



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 127
(2002, chapter 47)

**An Act to facilitate the establishment of
a pension plan for employees working in
childcare services**

**Introduced 7 November 2002
Passage in principle 26 November 2002
Passage 6 December 2002
Assented to 11 December 2002**

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EXPLANATORY NOTES

The purpose of this bill is to facilitate the establishment of a pension plan for certain employees working in childcare services. The bill provides that the Minister of Child and Family Welfare may participate in the establishment, maintenance and financing of the pension plan. The bill also indicates who may be a party to the plan and who is excluded therefrom.

The bill contains provisions with respect to the communication of documents and information necessary for the administration of the plan. The coming into force, amendment and termination of the plan are submitted to the Minister for approval.

The bill also includes various measures of an administrative nature for the purposes of the application of the Act.

Bill 127

AN ACT TO FACILITATE THE ESTABLISHMENT OF A PENSION PLAN FOR EMPLOYEES WORKING IN CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Minister of Child and Family Welfare may participate in the establishment, maintenance and financing of a pension plan within the meaning of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) for employees of holders of a childcare centre permit issued under the Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2), of holders of a day care centre permit issued thereunder who have entered into an agreement under section 39.1 of that Act with the Minister and of associations representing such permit holders.

2. Unless excluded by the pension plan, every permit holder referred to in section 1 is required to become a party to the pension plan referred to in that section, from the time the plan is established or from the time the permit is issued if the permit is issued after the plan is established. The associations representing the permit holders may become a party to the pension plan.

A home childcare provider recognized by the holder of a child care centre permit under the Act respecting childcare centres and childcare services or a person who assists or is employed by such a home childcare provider may not become a party to the pension plan.

3. The Minister may, for the purpose of establishing and maintaining the pension plan, grant subsidies to the permit holders referred to in section 1 or to an association representing such permit holders, out of the moneys voted annually for that purpose by the National Assembly.

In the same manner, the Minister may grant subsidies to provide for the payment of the sums which permit holders and associations are required to pay annually under the established pension plan and the Supplemental Pension Plans Act. For that purpose, the Minister may withhold such sums from the subsidies granted and pay them directly to the administrator of the pension plan. The sums so withheld are unseizable in the hands of the Minister.

4. The Minister may require from a party to the pension plan, a member or the administrator of the plan any document or information necessary for the administration of the plan or of a subsidy related thereto. For those purposes,

the Minister may communicate personal information to a party to the plan or to the administrator of the plan, without the consent of the person concerned.

A party to the plan may, for such purposes, communicate personal information to the Minister or the administrator, without the consent of the person concerned.

Likewise, the administrator may, for such purposes, communicate personal information to the Minister or to a party to the plan, without the consent of the person concerned.

5. The Minister may, if the pension plan so provides, designate a person or persons to sit on a pension committee responsible for the administration of the plan.

The pension committee shall, within 30 days of the transmission of a report referred to in section 119 of the Supplemental Pension Plans Act to the Régie des rentes du Québec, send the report to the Minister who shall make the report public within 30 days after receiving it.

6. The pension plan must be submitted for approval by the Minister prior to coming into force. Likewise, any amendment to the plan and any notice of termination relating to the plan must be authorized by the Minister.

7. The Minister may enter into agreements with any person, partnership or association that are conducive to the attainment of the objects of this Act.

8. A regulation made under the second paragraph of section 2 of the Supplemental Pension Plans Act relating to the pension plan referred to in section 1 of this Act may, if it so provides, have retroactive effect from a date prior to the date of its coming into force.

9. The Minister of Child and Family Welfare is responsible for the administration of this Act.

10. This Act comes into force on 11 December 2002.