

day on a date agreed upon between the employer and the employee.

**6.08.** To benefit by a statutory general holiday provided for in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and not be absent from work without the employer's authorization or without valid cause, on the day preceding or on the day following that holiday.”.

**12.** Sections 8.02 and 8.03 of the Decree are replaced by the following:

“**8.02.** An employee may be absent from work for two days without reduction of wages, by reason of the death or the funeral of his consort, his child or the child of his consort, or of his father, mother, brother or sister. He may also be absent from work, without pay, for three more days on such occasion.

**8.03.** An employee may be absent from work for one day, without reduction of wages, by reason of the death or the funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren, or of the father, mother, brother or sister of his consort.

**8.04.** An employee may be absent from work for one day without reduction of wages, on his wedding day.

An employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his consort.

**8.05.** An employee may be absent from work for five days at the birth of his child or the adoption of a child. The first two days of absence are remunerated if the employee is credited with 60 days of uninterrupted service.

This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his or her father or mother.

However, an employee who adopts the child of his consort may be absent from work for only two days, without pay.

**8.06.** In the circumstances referred to in sections 8.02 to 8.05, the employee must advise his employer of his absence as soon as possible.”.

**13.** Section 10.01 of the Decree is replaced by the following:

“**10.01.** This Decree remains in force until March 31, 2001.”.

**14.** This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### O.C. 1290-99, 24 November 1999

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

#### Plans exempted from the application of certain provisions of the Act — Amendments

In the matter of the Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act

WHEREAS pursuant to section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it sets, exempt any category of pension plan from the application, in whole or in part, of the Act;

WHEREAS the establishment of flexible pension plans, which allow members to make additional contributions in order to obtain ancillary benefits, has been allowed under tax rules since November 1996;

WHEREAS the tax rules applicable to flexible pension plans may conflict with certain provisions of the Supplemental Pension Plans Act;

WHEREAS it is expedient to exempt flexible pension plans from the application of certain provisions of the Supplemental Pension Plans Act that are incompatible with the said rules;

WHEREAS pursuant to sections 10 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to Amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* on 7 April 1999, together with a notice indicating that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Social Solidarity:

THAT the Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act\***

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 2, 2d para.)

**1.** The Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act is amended by the insertion, after section 25, of the following division:

### **“DIVISION VII: FLEXIBLE RETIREMENT PLANS**

**26.** A defined benefit or defined benefit-defined contribution pension plan that allows a member to pay, without a corresponding payment by the employer, a sum to be converted later into an ancillary benefit and which meets the requirements set forth in Bulletin 96-3, dated 25 November 1996, entitled “Newsletter” and published by Revenue Canada Taxation, Registered Plans Division, is said to be a “flexible pension plan”. The sum thus paid and the benefit arising therefrom are, for the purposes of this division, respectively, an “optional ancillary contribution” and an “optional ancillary benefit” provided they are within the meaning given to the terms similarly named in the said Bulletin.

**27.** For the purposes of this division, the provisions of the Act that concern additional voluntary contribution, adapted as required, apply to optional ancillary contributions.

**28.** A flexible pension plan that meets the conditions of this section is, with respect to optional ancillary contributions, exempted from the application of the following provisions of the Act:

(1) section 47, so that, where a member or beneficiary has become entitled to a benefit under the pension plan, the optional ancillary contributions continue, subject to the provisions of section 45.1 of the Act, to bear interest at the rate referred to in section 44 of the Act until the said contributions are converted into optional ancillary benefits;

(2) section 83, provided that the member is entitled, from the date on which a pension begins to be paid to him under the plan, to the formation of optional ancillary benefits, whose value shall be determined in accordance with section 33 of the Regulation, that arise from the said contributions credited to his account;

(3) the second paragraph of section 86 and subparagraph 1 of section 98 so that for the application of the other provisions of the said sections, the optional ancillary contributions are deemed to have been converted, to the highest value of the options available under the plan, into optional ancillary benefits on the day preceding, as the case may be, the death of the member, the date on which he ceased to be an active member or the date of the transfer application;

(4) section 264, so that the said contributions are non-transferable and non-seizable to the same extent as member contributions.

**29.** In addition to the requirements prescribed in section 14 of the Act, the text of a flexible pension plan shall provide as follows:

(1) the right of members to pay optional ancillary contributions to the plan as well as the conditions and time periods applicable to such right;

(2) the nature of the optional ancillary benefits that the member may choose, the methods and time periods applicable to such choice as well as the method for calculating such benefits and the conditions applicable to their formation;

(3) the rights of the member arising from the optional ancillary contributions that he has paid are limited to the value of the optional ancillary benefits which, under the provisions of the plan, are recognized for him.

The plan text shall also contain, on its title page or cover or within the introductory provisions of the plan, the following mention: “Flexible pension plan exempted

\* The last amendment to the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, approved by Order in Council 1160-90, dated 8 August 1990 (*G.O.* 1990, 2, 3261), was made by the regulation approved by Order in Council 280-99, dated 24 March 1999 (*G.O.* 1999, 2, 757). For the preceding amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

from the application of certain provisions of the Supplemental Pension Plans Act”.

**30.** For the purposes of this division, section 87 of the Act shall be applied in such a way that the optional ancillary contributions not yet converted into optional ancillary benefits are deemed to have been converted on the day preceding the death of the member. This presumption shall, moreover, have the effect of resulting in the greatest increase in the member's pension based on the options available under the plan. Furthermore, the pension payable to the member's spouse shall be determined by supposing that the member was, before his death, receiving the pension resulting from the said conversion.

**31.** Subparagraph 2 of section 19 of the Act may not be applied to an amendment intended to exempt a plan from the application of the provisions of the Act referred to in section 28. Moreover, section 30 of the Act may not be applied to the registration of such amendment nor to the registration of a plan referred to in this division.

**32.** Any employer who is a party to a flexible pension plan shall undertake, in writing, to pay, in a lump sum, to each member who is his employee, a sum equal to the surplus optional ancillary contributions that may not be refunded directly to the member from the pension fund, insofar as that the provisions of the plan no longer allow the formation of benefits with all or part of the said contributions. The surplus optional ancillary benefits are equal to the difference, on the date of the conversion of the optional ancillary contributions into optional ancillary benefits, between the value of the said contributions and the value of the benefits arising from an option of the member or the application of subparagraph 4 of section 28 or section 30. The value of the optional ancillary benefits shall be calculated by using the assumptions referred to in section 33.

The undertaking of the employer referred to in the first paragraph extends to the spouse of the member who, through execution of a partition referred to in section 107 of the Act, is entitled to a portion of the optional ancillary contributions credited to the member's account. In such case, the sum paid by the employer to the said spouse is determined in the manner provided for in the first paragraph, adapted as required.

The undertaking referred to in the preceding paragraphs shall be sent to the pension committee, which shall attach a copy thereof to the application submitted to the Régie, in accordance with section 24 of the Act, for the registration of a plan referred to in this section or an amendment intended to exempt a plan from the application of the provisions of the Act referred to in sec-

tion 28. A copy of the undertaking as well as a notice mentioning the time limit provided for in subparagraph 3 of the first paragraph of section 29 and describing the risks related to the payment of optional ancillary contributions, particularly those resulting from the date on which retirement was taken and the member's characteristics on that date as well as the interest rate used when the conversion or the transfer of the benefits took place, shall also be attached to the documents sent to the members and to the employees eligible for membership in accordance with section 111 of the Act. The said undertaking shall also mention that in the event of the member's death, payment shall be made to his spouse, or in the absence of a spouse, to his assigns. For the application of this section, the spouse of a member is the person who meets the conditions provided for in section 85 of the Act.

Subject to section 45.1, the surplus optional ancillary contributions shall bear interest, between the dates of its determination and its payment, at the rate applicable to additional voluntary contributions in accordance with section 44 of the Act. The member may request payment of the sum corresponding to the surplus optional ancillary contributions from the date of their determination. Once the employer has made the payment required under this section, the balance of the contributions is nil.

**33.** The value of the optional ancillary benefits shall be calculated by using assumptions and methods similar to those adopted by the Council of the Canadian Institute of Actuaries on 13 July 1993, which are described in part D of section 2 and in section 3 of the Institute's standard of practice concerning recommendations for the calculation of transfer values for registered pension plans.

The plan may however provide, in a case where the conversion is made otherwise than in applying subparagraph 4 of section 28, that the value referred to in the first paragraph is calculated by using the same assumptions but replacing, in the standard of practice, the reference to the second calendar month preceding the calculation date by a reference to any average of the rates for the period extending from the second to the twenty-fifth month preceding that date.

**34.** In addition to the provisions of section 13 of the Regulation respecting supplemental pension plans, the application for registration of a pension plan subject to this section shall be accompanied with a fee of \$1000. Section 14 of the Regulation shall apply in case of default of payment of the said fee.

The application for registration of an amendment intended to exempt a plan from the application of the

provisions of the Act referred to in section 28 shall also be accompanied with a fee of \$1000.

**35.** The annual statement referred to in section 112 of the Act and sent to an active member who has already made optional ancillary contributions shall contain, in addition to the information provided for in subparagraphs 1 to 10 and 12 to 17 of section 57 of the Regulation respecting supplemental pension plans, the following information:

(1) the optional ancillary contributions and the other additional voluntary contributions recorded separately to the account of the member in the course of the fiscal year as well as the accumulated total, from his joining the plan, of the said contributions with interest at the end of the said fiscal year;

(2) where the member has already exercised options as to optional ancillary benefits, the nature of the benefits chosen;

(3) where circumstances warrant, the surplus optional ancillary contributions on the date of the end of the fiscal year, determined by supposing that the member ceased to be an active member, that he exercised his transfer right on that date and that the optional ancillary contributions have been converted at the maximum value among the options available under the plan.

**36.** The statement provided for in the first paragraph of section 113 of the Act shall, in the case of a member who has already made optional ancillary contributions, include, in addition to the information mentioned in the said paragraph, the following information:

(1) the information provided for in subparagraphs 2 to 5 of section 58 of the Regulation respecting supplemental pension plans;

(2) for the period elapsed since the end of the fiscal year covered by the last annual statement sent to the member concerned to the date on which he ceased to be an active member, the information provided for in subparagraphs 1 to 10, 12, 13 and 15 of section 57 of the Regulation respecting supplemental pension plans.

(3) the information provided for in subparagraphs 1 and 2 of section 35;

(4) where circumstances warrant, the surplus optional ancillary contributions on the date on which the member ceases to be an active member, determined by supposing that he exercised his transfer right on that date, that the optional ancillary contributions have been converted at the highest value among the options available under the

plan and a mention that a sum equal to the said surplus optional ancillary contributions must be paid by the employer in accordance with the written undertaking prescribed in section 32.

**37.** In the case of a member who has already made optional ancillary contributions, the statement prescribed in the first paragraph of section 108 of the Act shall, in addition to the information required under section 35 of the Regulation respecting Supplemental Pension Plans, show the optional ancillary contributions on the date on which proceedings were instituted, determined by supposing that the member exercised his transfer right on that date and that the contributions were converted at the maximum value among the options available under the plan.

**38.** A flexible pension plan may provide that the member contributions made by a member prior to the date of registration of the amendment referred to in section 31 are deemed to be optional ancillary contributions insofar as such contributions were made for the purpose of constituting optional ancillary contributions and the member consented in writing to his contributions being so deemed. Such an amendment shall also be subject to the Régie's authorization, as required under section 20 of the Act."

**2.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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## Notice

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

### Table of gross annual income from suitable employments for 2000

Notice is hereby given that the Commission de la santé et de la sécurité du travail adopted the final text of the "Regulation respecting the table of gross annual income from suitable employments for 2000", the text of which appears below.

This Regulation was republished in accordance with the Regulations Act (R.S.Q., c. R-18.1) on page 3066 of the *Gazette officielle du Québec* of 22 September 1999 with a Notice that, upon the expiry of 45 days following that publication, the Commission de la santé et de la sécurité du travail could adopt the final text.