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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

**Bill 159**

(2001, chapter 31)

**An Act respecting the Pension Plan of  
Management Personnel**

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**Introduced 14 November 2000**

**Passage in principle 30 November 2000**

**Passage 21 June 2001**

**Assented to 21 June 2001**

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## EXPLANATORY NOTES

*This bill establishes the pension plan applicable to management personnel in the public and parapublic sectors, which will contain provisions similar to the provisions of the Act respecting the Government and Public Employees Retirement Plan.*

*The bill first identifies the persons who will participate in the plan and establishes the conditions governing its application. It provides rules for the determination of the pensionable salary and the years of service as well as rules relating to employees' contributions and employers' contributory amounts.*

*In addition, the bill establishes rules concerning the benefits paid to pensioners under the plan and the conditions applicable to the pensioners who return to work. It also includes provisions on the sharing and transfer of benefits between spouses.*

*The bill establishes a procedure for the transfer and purchase of years of service accumulated under another pension plan as well as rules concerning the plan's actuarial valuation, cost and assets. However, certain elements remain under the authority of the Act respecting the Government and Public Employees Retirement Plan, in particular, the administration of the plan, the pension committee, the reexamination and arbitration procedure and pension credits.*

*In addition, the bill amends other Acts to ensure concordance between the various pension plans in the public and parapublic sectors, and includes transitional provisions to facilitate the transition between the current plan and the new pension plan.*

*Lastly, the bill renews the declarations of exception to section 15 of the 1982 Constitution Act provided for in the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan.*

## LEGISLATION AMENDED BY THIS BILL :

– Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- 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);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Public Administration Act (2000, chapter 8);
- Police Act (2000, chapter 12).



## **Bill 159**

### **AN ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **SCOPE**

#### **DIVISION I**

##### **APPLICABILITY**

1. The Pension Plan of Management Personnel applies, to the extent provided for in this chapter, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II.

The plan also applies to the extent provided for in this chapter, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by this Act.

For the purposes of the second paragraph, Schedules I and II are the schedules in force on 1 January 2001.

2. The plan also applies, to the extent provided for in this chapter, to

(1) a person who was a member of the Government and Public Employees Retirement Plan on 31 December 2000 as a non-unionizable employee pursuant to an order made before 1 January 2001, to the extent that such an order continues to apply to that person ;

(2) a full-time member of a body established under an Act of Québec if the member applies therefor and if the Government makes an order to that effect ;

(3) an administrator of state within the meaning of the Public Service Act (R.S.Q., chapter F-3.1.1) or the chief executive officer of an agency who becomes an employee or full-time member of a university institution or of an organization designated by the Government if he or she applies to continue to be a member of the plan and if the Government makes an order to that effect;

(4) a person engaged by contract by the Government under section 57 of the Public Service Act if the person applies therefor and if the Government makes an order to that effect;

(5) a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1), who holds non-unionizable employment designated in paragraph III of Schedule I and who is not entitled to assignment or reassignment to pensionable employment under this plan or the Government and Public Employees Retirement Plan if, at the member's request, the Government makes an order to that effect, except where the member may avail himself or herself of section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), section 9.0.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) or section 54 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(6) an employee appointed or engaged to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, who is released without pay by an employer and who, while released without pay, holds non-unionizable employment designated in paragraph V of Schedule I with an organization designated in Schedule III;

(7) an employee who was a member of this plan in respect of pensionable employment under the Government and Public Employees Retirement Plan immediately before being released without pay by his or her employer for union activities and who, while released without pay, is in the employ of a body designated in Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan if, where applicable, the employee belongs to the class of employees mentioned in that schedule in respect of that body;

(8) any other person to whom this plan becomes applicable pursuant to an Act, a regulation or an order.

3. This plan does not apply to a person who

(1) is under 18 years of age;

(2) becomes an employee on or after 31 December of the year in which the person attains 69 years of age;

(3) is excluded by regulation by reason of the class of employees to which the person belongs or the person's conditions of employment, remuneration or mode of remuneration;

(4) is receiving benefits under a pension plan provided for in the Courts of Justice Act (R.S.Q., chapter T-16);

(5) is a member of the Sûreté du Québec;

(6) is a Member of the National Assembly;

(7) is an administrator of state within the meaning of the Public Service Act or is a member of a body or agency to which the plan otherwise applies or would otherwise apply, if the person applies therefor and if the Government makes an order to that effect.

Moreover, the plan does not apply to a person in respect of employment referred to in the first paragraph of section 7 if, in such employment, the person is a member of another pension plan, except if, pursuant to section 3.2 of the Act respecting the Government and Public Employees Retirement Plan, the person is a member of the plan established by that Act.

4. The employees and persons to whom this plan applies are, for the purposes of this plan, considered to be employees unless they are pensioners under this plan, the Government and Public Employees Retirement Plan, the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan, the Civil Service Superannuation Plan, the Pension Plan of Certain Teachers or the pension plans established pursuant to sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan.

5. An employee ceases to be a member of the plan on 31 December of the year in which the employee attains 69 years of age.

## **DIVISION II**

### **PARTICIPATION**

6. For the purposes of this plan, an employee is a member of a plan from the first day on which the employee holds pensionable employment.

However, an employee who, on 31 December 2000, is a member of the Government and Public Employees Retirement Plan as an employee governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan and who, on that date, remains entitled to be governed by those provisions, shall become a member of this plan on 1 January 2001 to the extent that, on that date, the employee would have continued to be a member of the Government and Public Employees Retirement Plan if those provisions had not been replaced by this Act.

7. Any employment referred to in Schedule I must, in order to be pensionable employment under this plan, correspond to at least 40% of the regular time of a full-time employee holding pensionable employment. In addition,

employment is, in respect of an employee, pensionable employment under this plan only to the extent that the employee has the classification attached to the employment.

Pensionable employment under the Act respecting the Government and Public Employees Retirement Plan becomes, in respect of an employee who qualifies for membership in this plan pursuant to Division III of this chapter, pensionable employment under this plan from the day after the day on which the employee becomes so qualified. However, if such an employee ceases to be a member of this plan, unionizable employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan becomes, in respect of the employee, pensionable employment under this plan if the employee holds such unionizable employment within 180 days from the date on which the employee ceased to be a member of this plan.

An employee to whom this plan applies is deemed to hold pensionable employment at any time when the employee holds full-time or part-time employment, which includes, among other periods, any period during which the employee is on leave without pay, is receiving salary insurance benefits and, in the case of a female employee, is on maternity leave.

For the purposes of this plan, salary insurance means the salary insurance that is mandatory for the employee but does not include the salary insurance referred to in section 43.

8. For the purposes of sections 6, 7, 10 and 12, an employee is deemed to hold pensionable employment when the person simultaneously holds more than one employment referred to in Schedule I constituting at least 40% of the regular time of a full-time employee holding such employment, if the employee's classification is related to each such employment.

The Government may, by regulation, exclude employees from the application of the first paragraph by reason of the class to which they belong or their conditions of employment.

9. For the purposes of this plan, participation in a pension plan continues as long as the employee remains a member of the plan. However, for the purposes of eligibility for and computation of benefits under this plan, the participation of an employee who ceases to be a member of this plan for any period during which the employee does not hold pensionable employment, is deemed to have ceased,

(1) if the employee is not eligible for a pension, on the last day the employee held pensionable employment or, where applicable, on the date the Commission administrative des régimes de retraite et d'assurances received an application for redemption pursuant to which years and parts of a year of service were credited or counted under the plan or in respect of which such years and parts of a year of service were counted for the purpose of acquiring pension credits under the Act respecting the Government and Public Employees Retirement Plan, if such date is subsequent to the last day referred to above;



(2) if the employee is eligible for a pension, on the first day the employee became so eligible, from the day or date that would have been considered if paragraph 1 had applied.

### **DIVISION III**

#### **QUALIFICATION**

10. An employee qualifies for membership in this plan if the service credited to the employee in respect of employments referred to in the first paragraph of section 7 is not less, during each year or part of a year included in a period of at least 24 consecutive months, than 40% of the service credited to a full-time employee holding such employment during each of those years or parts of a year. The employee qualifies for membership in this plan

(1) on the last day of the last year or of the part of a year included in the 24-month period if the employee, to that date, is a member of the plan ; or

(2) on the day the employee ceases to be a member of the plan, if the employee was not a member of the plan on the date determined in subparagraph 1 and if, to that date, the employee is assured of meeting, as of that day, the requirement of this paragraph.

An employee qualified in accordance with the first paragraph is a member of this plan in respect of all employment referred to in section 7 from the day following the day on which the employee qualifies for membership.

11. An employee is deemed to hold employment referred to in the first paragraph of section 7 while the employee is participating in the employment stability measures provided in the employee's conditions of employment or the classification rules that are applicable to management personnel.

12. The 24-month period provided for in section 10 begins on the first day the employee holds employment referred to in the first paragraph of section 7.

For the purposes of section 10, the only days in respect of which the employee paid or was exempt from contributions and, in the case of a female employee, the days during which the employee was on maternity leave, are to be taken into account. Any other period during which an employee is on leave without pay shall not be taken into account and shall have no effect other than suspending the calculation of the 24-month period referred to in that paragraph if the employee ceases to meet the conditions provided for therein by reason of such leave.

The days and parts of a day during which a person is not a member of the plan do not constitute a suspension or an interruption of the 24-month period.

For the purpose of determining an employee's qualification for membership, a new period of 24 months may begin on the first day on which the employee

holds employment referred to in the first paragraph of section 7, even if the employee begins to hold such other employment before the end of the previous period.

13. An employee who dies before qualifying for membership in this plan and who, at the time of death, was holding employment referred to in the first paragraph of section 7 is deemed to have qualified on the date of his or her death. If, at the time of death, the employee was not holding such employment, the employee is deemed to have qualified on the date of the end of his or her participation in this plan if the service credited to the employee in respect of employment referred to in the first paragraph of section 7 is not less, for each year or part of a year included in the period comprised between the beginning of the employee's participation and the date of the employee's death, than 40% of the service credited to a full-time employee holding such employment.

An employee referred to in the second paragraph of section 80 who applies for the amount referred to in the first paragraph of that section before qualifying for membership in this plan and who, at the time the Commission receives the employee's application, is holding employment referred to in the first paragraph of section 7 is deemed to have qualified on the date of receipt of the application. If, on that date, the employee is not holding such employment, the employee is deemed to have qualified on the date on which the employee ceased to be a member of this plan if the service credited in respect of employment referred to in the first paragraph of section 7 is not less, for each year or part of a year included in the period comprised between the beginning of the employee's participation and the receipt of the employee's application, than 40% of the service credited to a full-time employee holding such employment.

14. An employee referred to in the second paragraph of section 1 or a person referred to in section 2 who has completed the 24-month period provided for in section 4 or 5 of the Regulation respecting special provisions applicable to non-unionizable employees, enacted by Order in Council 787-97 (1997, G.O. 2, 3335) as it read on 31 December 2000, is deemed to be qualified for membership in this plan in accordance with section 10.

15. The period of 24 consecutive months referred to in section 10 of this Act comprises the period during which the employee referred to in section 1 or the person referred to in section 2 was, before 1 January 2001, governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on that date, if the employee had not, at that time, completed the 24-month period and if the employee had not lost the right to be so governed on 31 December 2000.

16. An employee ceases to qualify for membership in this plan on the day the employee holds unionizable employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan if the employee begins to hold unionizable employment more than 180 days after the date on which this plan ceased to apply to the employee. The employee shall be a member of the Government and Public Employees Retirement Plan from that day, subject to the first paragraph of section 3.1 of that Act.

17. Subject to the fourth paragraph of section 12, if the service credited to an employee in respect of employment referred to in the first paragraph of section 7 for a year or part of a year included in a 24-month period provided for in section 10 is less than the percentage of the credited service determined in section 10, the employee ceases to be a member of the plan

(1) on the last day of the year or part of a year included in the 24-month period if, on that day, the employee was a member of the plan ; or

(2) the last day on which the employee ceases to be a member of the plan if the employee was not a member of the plan on the date determined in subparagraph 1.

The employee is, in respect of employment referred to in the first paragraph of section 7, a member of the Government and Public Employees Retirement Plan on the day following the day on which the employee ceases to be a member of this plan or, in the case provided for in subparagraph 2 of the first paragraph, the first day on which the employee holds pensionable employment under the Government and Public Employees Retirement Plan. That paragraph applies, subject to section 3.1 of the Act respecting the Government and Public Employees Retirement Plan.

However, in the case provided for in subparagraph 2 of the first paragraph, where the person does not hold pensionable employment under the Government and Public Employees Retirement Plan, the person is, for the purposes of eligibility for and computation of benefits under the plan, deemed to have ceased to be a member of the plan on the date determined in section 9 as if the person had qualified for membership in this plan.

18. The Government may, by regulation, for the purpose of qualification under this plan, recognize years or parts of a year of service accumulated in non-unionizable employment by employees who belong to a class designated by the Government before becoming members of this plan. For that purpose, the Government shall determine the circumstances, conditions and procedure of recognition.

## **DIVISION IV**

### **SPECIAL PROVISIONS**

19. A person who is qualified for membership in this plan and who receives benefits under the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors shall continue to be a member of this plan in respect of the employment giving the employee entitlement to the benefits as long as the employee receives such benefits if the employment relationship has been terminated by the employee's employer. The insurer shall pay the contributions that would have been paid by the person in respect of the employment and the contributions shall be credited to the account of the person.

20. Notwithstanding the second paragraph of section 3, the plan applies to employees and persons referred to in Schedule II who were appointed or engaged to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and who are members of a supplemental pension plan with regard to an employer party to this plan, if the employees holding, with the corresponding classification, non-unionizable employment corresponding to at least 40% of the regular time of an employee holding full-time non-unionizable employment have elected to be members of this plan by a poll held in accordance with sections 6 and 7 of the Act respecting the Government and Public Employees Retirement Plan.

The plan applies to the extent provided for in this chapter from the date determined in section 8 of the said Act.

21. Notwithstanding the second paragraph of section 3, this plan applies, to the extent provided for in this chapter, to any employee who holds, with the corresponding classification, non-unionizable employment designated in Schedule I and whose supplemental pension plan with regard to an employer party to the plan ended after 31 December 2000 by reason of an amendment to the supplemental pension plan.

22. A person who ceases to be a member of a supplemental pension plan with regard to an employer party to this plan and who subsequently returns to the same or other employment that is pensionable employment under that supplemental pension plan shall, to the extent provided for by this chapter, be a member of this plan if the employment is also referred to in the first paragraph of section 7, unless the supplemental pension plan requires the person to resume membership in that plan pursuant to a clause pertaining to interruption of service.

23. Notwithstanding any inconsistent provision of this Act, except the provisions of Chapter VIII, the Government may establish special provisions with respect to classes or subclasses of employees it designates. The Commission shall, in administering this plan in respect of an employee belonging to a class so designated, take into account the special provisions applicable to such a class. Divisions I and II of Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan do not apply to such an employee but the employee may, in the year following the mailing date of any decision of the Commission concerning the employee, file with the Commission an application for arbitration. The arbitrator shall be one of the persons appointed pursuant to the second paragraph of section 183 of that Act, and sections 184 to 186 of that Act shall apply. However, an employee who belongs to a class so designated may elect not to be governed by the special provisions by filing an application to that effect with the Commission within a period of one year from the day on which those provisions began to govern the employee, and the employee's election shall apply from that day. The employee may, even after making that election, reconsider his or her decision and elect in favour of the special provisions by sending a notice to that effect to the Commission, and the employee's election shall apply from the date on which the notice is received by the Commission.

An order under the first paragraph may have effect 12 months or less before it is made.

A person who is a member of the Teachers Pension Plan or the Civil Service Superannuation Plan, as the case may be, ceases to be a member of his or her plan on the day preceding the day on which the person joins a class of employees designated under the first paragraph. In such a case, the person shall be a member of this plan from the day on which the person joins such a class. However, the person may elect to continue to be a member of his or her plan by filing an application to that effect with the Commission within one year from the day on which the person becomes a member of this plan, and the person's election shall apply from that day. After making that election, the person may reconsider his or her decision and elect to become a member of this plan and be governed by the special provisions established pursuant to the first paragraph by sending a notice to that effect to the Commission, and the person's election shall apply from the date on which the notice is received by the Commission.

An employee who is a member of the Pension Plan of Certain Teachers and who belongs to a class of employees designated under the first paragraph may elect to become a member of this plan by sending a notice to that effect to the Commission, and the employee's election shall apply from the date on which the notice is received by the Commission. The employee shall be credited, for pension purposes, with the years and parts of a year of service credited under the Pension Plan of Certain Teachers if the employee's contributions have not been refunded to the employee or if the employee is not a pensioner under this plan. The employee shall continue to be entitled to the benefits or advantages available to him or her under the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) if the employee availed himself or herself thereof before electing to become a member of this plan. The Government may determine which provisions of the said Act shall continue to apply for the purposes of eligibility for and computation and payment of benefits.

In the case of a pensioner under the Pension Plan of Certain Teachers, the Teachers Pension Plan or the Civil Service Superannuation Plan who is a member of this plan and belongs to a class of employees designated under the first paragraph, the provisions of that paragraph apply, with the necessary modifications, notwithstanding any inconsistent provision of those plans, with the exception of the provisions concerning the partition and transfer of benefits between spouses.

24. The Government may also establish a special pension plan for persons who belong to classes of full-time employees it designates from those excluded by virtue of subparagraph 7 of the first paragraph of section 3. In that case, if a person belongs to such a class and is a member of the Civil Service Superannuation Plan, the person may elect to become a member of that special plan by sending a notice to that effect, and the special plan applies to that person from the first of the month occurring not less than three months after receipt of the notice.

For the purposes of partition of the family patrimony, the Government may render all or some of the rules prescribed in Chapter VIII or enacted by the Government under the provisions of that chapter applicable to the plan, with the necessary modifications. It may also, for the same purposes, prescribe special provisions concerning the establishment and valuation of the benefits accrued under such plan as well as the reduction, by reason of the payment of the sums attributed to the spouse, of the sums payable under such plan.

## **CHAPTER II**

### **DETERMINATION OF PENSIONABLE SALARY AND YEARS OF SERVICE**

#### **DIVISION I**

##### **PENSIONABLE SALARY**

25. The pensionable salary of an employee is the basic salary paid to the employee in the course of a calendar year, the salary to which the employee would have been entitled during a period of absence to which salary insurance applies and, in the case of a female employee, the salary to which the employee would have been entitled had there been no maternity leave.

Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration shall not be included in the basic salary.

26. Notwithstanding section 25, any lump sum paid as an increase or adjustment of the pensionable salary for a previous year shall form part of the pensionable salary for the year in which it is paid.

However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited prior to payment of the lump sum.

Any part of the lump sum that is attributable to an increase or adjustment of the salary paid to a pensioner for any period during which the pensioner is not an employee for the purposes of the plan, even if the pensioner holds pensionable employment under the plan, shall be excluded.

27. The pensionable salary of an employee who is released with pay to hold pensionable employment under this plan with an association representing the management personnel or for union activities is the salary paid to the employee by an employer and the salary, if any, paid to the employee by a body designated in Schedule III or, as the case may be, by a body designated in Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan.

The body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee.

28. The pensionable salary of an employee in any calendar year shall not be less than the basic salary to which the employee is entitled in that year, determined in accordance with the conditions of employment applicable and according to the second paragraph of section 25, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.

29. The pensionable salary of an employee who simultaneously holds more than one pensionable employment in a year is the aggregate of the salary paid to the employee for each employment if the total service credited to the employee in respect of such employments is less than or equal to one year.

If the total service credited in respect of the pensionable employments of the employee is reduced for the purposes of section 32, the pensionable salary of the employee shall be equal to the total of the following amounts :

(1) the pensionable salary attached to each employment in respect of which service is credited in full ; and

(2) the pensionable salary attached to the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in such employment.

30. Notwithstanding sections 25 to 29, the pensionable salary of an employee shall not exceed the salary necessary to reach the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

For the purposes of the first paragraph, the pensionable salary of an employee who, for the service accumulated in a calendar year, is credited with less than one year of service is, without exceeding the salary necessary to reach the limit referred to in the first paragraph, equal to the amount obtained by carrying out, in order, the following operations :

(1) dividing the salary referred to in sections 25 to 29, reduced by the amount established in accordance with the third paragraph of section 53, by the service credited ; and

(2) adding to the result of that operation the amount established in accordance with the third paragraph of section 53.

For the purposes of the second paragraph, the limit provided for in the first paragraph is not taken into account as regards the pensionable salary referred to in the third paragraph of section 53.

## DIVISION II

### YEARS OF SERVICE

31. One year of service or part of a year of service is credited, for each calendar year, to the employee for the service accumulated if the contributions have been paid and not refunded and for service that is otherwise credited to the employee under the provisions of the plan. The same applies with respect to an employee who has at least 35 years of credited service without being required to pay contributions.

Service is credited according to the number of days and parts of a day for which the employee paid or was exempt from contributions and the days and parts of a day otherwise credited to the employee out of the number of contributory days in a year, that is, 200 or 260, according to the basis of remuneration. If, in the total number of days and parts of a day, there remains part of a day that is less than 0.5, the fraction is disregarded or, if the fraction is equal to or greater than 0.5, it is considered a full day.

32. If an employee simultaneously holds more than one pensionable employment under the plan or the Government and Public Employees Retirement Plan pursuant to the second paragraph of section 7, the service accumulated by the employee is credited up to one year of service, beginning with service in respect of the employment to which the highest annual basic salary that is paid or would have been paid to the employee pursuant to the conditions of employment applicable on the last day credited in the year is attached.

Notwithstanding the first paragraph, no employee may, in the year in which the employee becomes a member of this plan, be credited with more service than the number of contributory days comprised between the date on which the employee becomes a member of this plan and the end of that year. During the year in which the employee retires or becomes entitled to a deferred pension, the employee may not be credited with more service than the number of contributory days comprised between 1 January and the date the employee ceased to be a member of the plan. In such cases, the service is credited, beginning with the service pertaining to the employment to which the highest annual basic salary is attached, in accordance with the first paragraph.

33. If an employee who does not qualify for membership in this plan is, at the same time, a member of this plan and the Government and Public Employees Retirement Plan, the total service credited to the employee under this plan, pursuant to sections 31 and 32, and the total service credited to the employee under the Government and Public Employees Retirement Plan shall not exceed one year.

34. The days and parts of a day of a period during which an employee receives salary insurance benefits or during which the employee would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were he or she 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 three years of service.

However, the limit of three 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 provides, in favour of certain groups of employees covered by this plan, benefits payable up to the age of 65 years or up to the age of retirement providing the employee belongs to one of those groups and the group's participation in the salary insurance plan is maintained.

Notwithstanding the foregoing, if the salary insurance plan so provides, the insurer shall pay the contributions which would have been paid by the employee, and they shall be credited to the account of the employee.

The days and parts of a day during which a female employee receives the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) by reason of the exercise of a right granted under sections 40, 41 and 46 of the said Act, are credited without contributions.

35. A person referred to in the first paragraph of section 34 who, under the person's salary insurance plan provided for in his or her conditions of employment, is entitled to salary insurance benefits for a maximum period of two years of service, shall continue to be a member of the plan even if the person's employer has terminated his or her employment, during the year following the last day of that two-year period, if on that day the person is a disabled person within the meaning of his or her salary insurance plan.

During that year, the service credited to the person, without contributions, is the service that would have been credited to the person if the person had held such employment, and his or her pensionable salary is the salary he or she would have received.

However, the service credited to a person who dies, resigns or retires during the year following the two-year period referred to in the first paragraph shall be reduced by the period comprised between the date of the event and the end of that year. The service credited under this section to a person who resumes holding pensionable employment during that period is reduced by the period comprised between the first day on which the person holds such employment and the end of the year.

36. The days and parts of a day of a maternity leave shall be credited to the employee, without contributions, up to 130 contributory days.

If the employee holds more than one pensionable employment in a year, the days and parts of a day of such a leave shall be credited to her before any other service.

37. The days and parts of a day of absence that are totally compensated out of accumulated sick leave are credited to the employee only if the contributions have been paid. Such rule applies even in cases provided for in sections 34, 36, 123 and 125. The days and parts of a day of absence are also credited to an employee with at least 35 years of credited service, without payment of contributions being required.

38. The days and parts of a day during which an employee is on part-time or full-time leave without pay are credited, on the conditions and according to the terms determined by regulation, on the application of the employee, if

(1) the leave has been authorized by the employee's employer;

(2) the employee pays an amount equal to 200% of the contributions that would have been deducted from the pensionable salary the employee would have received if he or she had not been on leave according, as the case may be, to the number of days and parts of a day comprised in the leave out of the number of contributory days in the year, that is, 200 or 260, according to the basis of remuneration;

(3) the employee holds, in the case of a full-time leave without pay, pensionable employment under this plan, the Government and Public Employees Retirement Plan, even if, while in that employment, the employee is a member of the Pension Plan of Certain Teachers, or pensionable employment under the Act respecting the Pension Plan of Peace Officers in Correctional Services if, in that case, the employee was not holding pensionable employment under the Civil Service Superannuation Plan at the time of his or her leave without pay, from the end of the last leave authorized by the employer or, in the case of a part-time leave without pay, from the end of the authorized leave, unless he or she has died or become disabled or eligible for retirement, or unless upon his or her return, the employee has availed himself or herself of an agreement of transferability entered into under section 203 or, if the leave is followed by a maternity leave, from the end of the leave or, where such is the case, from the end of a leave without pay immediately following a maternity leave.

However, in the case of unpaid leave that relates to maternity, paternity or adoption leave, the employee shall pay only one-half of the amount referred to in subparagraph 2 of the first paragraph, provided the unpaid leave is permitted under the employee's conditions of employment.

An employee on leave without pay who holds pensionable employment under this plan or the Act respecting the Government and Public Employees Retirement Plan for part of that period may be credited, in accordance with the first or second paragraph, with only the days and parts of a day during which the employee did not hold such employment.

39. If the application to redeem a leave without pay authorized by the employer is not received within six months following the return to work in the case of a full-time leave without pay, or within six months following the end of the authorized leave in the case of a part-time leave without pay, the amount required to pay the cost of redemption is increased by interest at the rate in force on the date of receipt of the application. The interest is computed from the end of the sixth month following the return to work or, in the case of a part-time leave without pay, from the end of the sixth month following the end of the authorized leave, until the date of receipt of the application, and is compounded annually.

40. The amount required to pay the cost of redeeming a period of unpaid leave, including the interest referred to in section 39, is payable either in cash or by instalments spread over the period and payable at the intervals determined by the Commission.

Any amount paid by instalments shall be increased by interest, compounded annually, at the rate in force on the date of receipt of the application and computed from the date on which the redemption proposal made by the Commission expires.

### **CHAPTER III**

#### **CONTRIBUTIONS AND CONTRIBUTORY AMOUNTS**

##### **DIVISION I**

###### **CONTRIBUTIONS**

41. The employer shall, except with respect to a pensioner, even a pensioner holding pensionable employment under this plan or the Government and Public Employees Retirement Plan, who is not an employee for the purposes of this plan and with respect to an employee referred to in section 70 of the Act respecting the Teachers Pension Plan, section 43.1 or section 89.4 of the Act respecting the Civil Service Superannuation Plan or section 112 of the Act respecting the Pension Plan of Peace Officers in Correctional Services and from, in the latter cases, the date on which the employee's election not to become a member of this plan applies, withhold from the pensionable salary the employer pays to each employee and, in the case of a pensioner, from any lump sum paid under section 26, an annual amount equal to the contribution rate determined by regulation made under section 174, from that part of the pensionable salary which exceeds 35% of the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan.

However, the exemption of 35% is, for the purposes of the deduction, established according to the number of days and parts of a day for which the employee or, as the case may be, the pensioner was assessed or exempt from contributions, out of the number of contributory days in a year, that is, 200 or 260, according to the basis of remuneration.

No amount shall be withheld from the pensionable salary paid to an employee who has at least 35 years of credited service.

42. The contribution rate applicable to an employee who has elected to become a member of the Government and Public Employees Retirement Plan pursuant to section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000 is established by adding 4% to the contribution rate provided for in section 41, up to a maximum of 7.25% for employees who were members of the Civil Service Superannuation Plan and 8.08% for employees who were members of the Teachers Pension Plan.

Where the contribution rate under section 41 is equal to or greater than the maximum rates established in the first paragraph, the contribution rate applicable to an employee who has elected to become a member shall become, from that time, the rate established under that section.

43. Except in the case provided for in the third paragraph of section 41, the insurer shall withhold, from any lump sum it pays to an employee under a mandatory supplementary long-term salary insurance plan applicable to management personnel in the public and parapublic sectors, the amount provided for in section 41, as part of the measures designed to protect the employee's salary following rehabilitation.

## **DIVISION II**

### **CONTRIBUTORY AMOUNTS**

44. Employers, except those listed in Schedule IV, shall pay to the Commission, at the same time as they remit the contributions of their employees, an amount equal to those contributions.

The employers listed in Schedule V must also pay, on the dates fixed by the Government, their share of the cost of the transferred service of their employees.

45. The Government shall, in respect of the employers listed in Schedule VI, pay to the Commission, on the dates determined by the Minister of Finance, the employer's contributory amounts in respect of the employees to whom a cost-sharing agreement between the Government of Canada and the Government of Québec applies.

46. In the case referred to in section 43, the insurer shall pay to the Commission, at the same time as it sends the contributions of the employees, an amount equal to those contributions.

47. The amounts paid pursuant to sections 44 to 46 must be qualifying employer premiums within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

48. The Minister of Finance shall determine the amounts that could, from year to year and at prescribed periods, be capitalized to take into account undertakings or guarantees of the Government with respect to this Act. The amounts so capitalized shall be drawn from the consolidated revenue fund.

## **CHAPTER IV**

### **BENEFITS**

#### **DIVISION I**

##### **EMPLOYEE'S PENSION**

###### *§1. — Eligibility for pension*

49. For the purposes of this plan, normal retirement age is 65 years of age. However, an employee who ceases to be a member of the plan is entitled to a pension if the employee

- (1) has attained 60 years of age;
- (2) has at least 35 years of service;
- (3) has, in years of age and years of service, a combined total of 88 or more, if the employee is 55 years of age or over;
- (4) has attained 55 years of age, subject to section 56.

The pension is granted to the employee on the date on which the employee retires within the meaning of section 59.

50. An employee who is a teacher, within the meaning of the Teachers Pension Plan and who becomes eligible for a pension within two months after the end of a school year, within the meaning of that plan, is entitled to his or her pension at the end of that school year.

###### *§2. — Computation of pension*

51. The annual amount of the employee's pension is equal, on the date on which the employee ceases to be a member of the plan, to the total of the following amounts:

- (1) the amount obtained by multiplying the average pensionable salary obtained pursuant to the first paragraph of section 52 by 2% per year of service credited before 1 January 1992; and
- (2) the amount obtained by multiplying the average pensionable salary obtained pursuant to the second paragraph of section 52 by 2% per year of service credited after 31 December 1991.

For the purposes of the first paragraph, the number of years of an employee's credited service taken into account shall not exceed 35.

52. For the purposes of subparagraph 1 of the first paragraph of section 51, the average pensionable salary is obtained by performing, in order, the following operations:

(1) dividing the pensionable salary for each year, without taking into account the limit imposed by section 30, by the credited service, except service credited under section 111;

(2) selecting, from among the highest salaries resulting from the division the number of salaries required to bring the aggregate of the contributory periods corresponding to each year for which the salaries are selected up to three or, where the aggregate is less than three, selecting all the salaries;

(3) multiplying each salary so selected for each year by the corresponding contributory period; and

(4) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.

For the purposes of subparagraph 2 of the first paragraph of section 51, the average pensionable salary is obtained by performing, in order, the following operations:

(1) dividing the pensionable salary for each year by the service credited, except service credited under section 111; and

(2) applying subparagraphs 2 to 4 of the first paragraph.

For the purposes of subparagraph 1 of the first and second paragraphs, all the years and parts of a year of service credited must be counted and service credited pursuant to sections 123, 125 and 126 shall not be counted in respect of service credited prior to 1 January 1992.

A contributory period is, for the purposes of this subdivision, the number of contributory days comprised in the period during which the employee was a member of the plan in a year or comprised in the period during which days and parts of a day were otherwise credited to him or her with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, namely, 200 or 260, according to the basis of remuneration. The first contributory period of a new employee who is a member of the plan begins on the first day in respect of which the employee was assessed or exempt from contributions and the last period ends on the last day in respect of which the employee was assessed or exempt from contributions.

53. For the purposes of section 52, any lump sum paid by way of an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to be a member of this plan and pertaining to the pensionable salary earned in the previous year shall be excluded from the salary referred to in subparagraphs 1 and 3 of the first paragraph of section 52 and from the salary referred to in the corresponding subparagraphs of the second paragraph of that section.

However, such lump sums or amounts shall be added to the result obtained under those subparagraphs for the purposes of subparagraphs 2 and 4 of the first paragraph of section 52 and the corresponding subparagraphs of the second paragraph of that section.

The amounts referred to in the first and second paragraphs correspond, for the years and parts of a year of service credited after 31 December 1989, to the amount by which the pensionable salary of the employee exceeds the annual basic salary paid to the employee or, as the case may be, that would have been paid to the employee under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to that employee in the course of the year or, if the employee holds more than one pensionable employment in the course of a year, to the amount by which the employee's pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service pertaining to each employment in accordance with sections 29 and 32.

The service credited under section 111 and, in respect of the years 1990 and 1991, the service credited under sections 123, 125 and 126 shall not be counted for the purposes of the third paragraph.

54. For the purpose of determining the average pensionable salary, the pensionable salary and the contributory periods must be determined according to the years and parts of a year of service credited to the employee under a pension plan referred to in the first paragraph of section 137 of the Act respecting the Government and Public Employees Retirement Plan and according to the relevant basis of remuneration for each of those years, namely, 200 or 260. The same rule applies for the purposes of section 57, and of sections 55 and 62 to the extent that the said sections refer to section 57.

However, the pensionable salary and the contributory periods of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits, and those of any years and parts of a year preceding them, are excluded from the average pensionable salary.

55. For the purposes of subparagraph 1 of the first paragraph of section 51, the average pensionable salary may in no case be less than \$7,000.

56. Where an employee is entitled to a pension pursuant to subparagraph 4 of the first paragraph of section 49, the employee's pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised

between the date on which the pension is granted and the nearest date on which the pension would have otherwise been granted to the employee without actuarial reduction, at the time the employee ceased to be a member of the plan, under this division.

Where section 112 applies, the amount of the employee's pension under the first paragraph shall be established on the basis of the provisions of the regulation under section 113.

57. From the month following the sixty-fifth birthday of a pensioner or from the month following the date of the employee's retirement if that date is subsequent to the employee's sixty-fifth birthday, his pension is reduced by the amount obtained by multiplying

(1) 0.7% ;

(2) the number of years of service credited after 31 December 1965, up to 35 ; and

(3) that part of the average pensionable salary which does not exceed the average maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan, in respect of all the last years of service required in order that the total amount of the corresponding periods of contribution be equal to five, or where the total amount is less than five, by counting all the years.

In the computation of the average maximum pensionable earnings, each maximum amount of pensionable earnings concerned must be computed according to the report established for computing each period of contribution.

Where the pension is reduced pursuant to section 63, the amount obtained pursuant to subparagraphs 1, 2 and 3 of the first paragraph is reduced by 2%.

However, where the employee continues to hold pensionable employment under the plan after 30 December of the year in which the employee attains 69 years of age, the reduction provided for in the first paragraph applies from the month following that date as if the employee had retired.

### §3. — *Maximum benefits*

58. The pension amounts computed pursuant to subdivision 2 of this division shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

### §4. — *Payment of pension*

59. The pension becomes payable to the employee entitled to it from the day on which the employee retires.



An employee who ceases to be a member of the plan and is eligible for a pension without actuarial reduction is presumed to retire on the day after the day on which the employee ceases to be a member of the plan. However, if the employee continues to hold pensionable employment under the plan after 30 December of the year in which the employee attains 69 years of age, the day after the day on which the employee ceases to hold such employment is the day on which the employee retires.

An employee who ceases to be a member of the plan, who is eligible for an actuarially reduced pension and who applies therefor retires

(1) on the day after the day on which the employee ceases to be a member of the plan, if the employee's pension application is received at the Commission within 60 days of the day on which the employee ceases to be a member of the plan ;

(2) on the date of receipt of the employee's pension application if the date falls more than 60 days after the date on which the employee ceased to be a member of the plan, but not after the date on which the pension would have otherwise been granted to the employee without actuarial reduction at the time the employee ceased to be a member of the plan ;

(3) on the date indicated in the employee's pension application if it is after the date of receipt of the application and the date on which the employee ceased to be a member of the plan, but not after the date on which the pension would have otherwise been granted to the employee without actuarial reduction at the time the employee ceased to be a member of the plan ; or

(4) on the first date on which a pension would have otherwise been granted to the employee without actuarial reduction at the time the employee ceased to be a member of the plan if the date of receipt of the pension application is subsequent to that date.

However, where the employee referred to in the third paragraph does not apply for a pension, the employee is presumed to retire on the first date on which a pension would have otherwise been granted to the employee without actuarial reduction at the time the employee ceased to be a member of the plan.

60. The pension is paid to the pensioner for life.

61. The spouse or, if there is no spouse, the successors of a deceased pensioner shall be entitled to receive, until the first day of the month following the pensioner's death, the pension the pensioner would have received or would otherwise have received for the month of death.

## DIVISION II

### SPOUSE'S PENSION

62. From the day payment of the pension of a pensioner ceases by reason of death, or as the case may be, from the day of the death of an employee who is eligible for a pension, the spouse shall be entitled to receive as pension one-half of the pension the pensioner was receiving or, as the case may be, would have otherwise been entitled to receive, or which the employee would have been entitled to receive, with, in every case, the reduction provided for in section 57 from the month following the death, even if the pensioner or employee dies before attaining 65 years of age.

The first paragraph also applies to the spouse of the employee who ceased to be a member of the plan and was eligible for a pension.

63. The employee may, when the employee applies for a pension, elect to reduce his or her pension by 2% for its duration to enable his or her spouse to receive a pension equal to 60% of the reduced pension to which the employee is entitled, instead of the pension provided for in section 62. An employee who is entitled to a deferred pension may also make such an election within 90 days preceding the date of the employee's sixty-fifth birthday.

Any such election is irrevocable once payment of the employee's pension has begun, even where there is no spouse entitled to a pension.

64. The actuarial value of a pension which becomes payable to the spouse following the death of a person who is a member of the plan, established in accordance with the actuarial assumptions and methods determined by regulation, must not be less than the total of the contributions with accrued interest up to the date of death. If the actuarial value is less, the spouse's pension shall be adjusted so that it is equal in value to the total of the contributions and interest.

The second paragraph of section 68 applies for the purpose of determining the total of such contributions.

65. For the purposes of the plan, the spouse is the person who is married to the employee or pensioner, as the case may be, or, in the case of an unmarried employee or pensioner, the person of the opposite or the same sex who was unmarried at the time of the death of the employee or pensioner and who had been living in a conjugal relationship with the pensioner or employee for a period of not less than three years immediately prior to the employee's or pensioner's death and had been publicly represented as the employee's or pensioner's spouse by the employee or pensioner or who, during the year preceding the employee's or pensioner's death, was living in a conjugal relationship with the employee or pensioner while one of the following situations occurred:

- (1) a child was or is to be born of their union;
- (2) they adopted a child together; or
- (3) one of them adopted a child of the other.

66. The pension granted to the spouse is paid for life and runs until the first day of the month following the spouse's death.

### **DIVISION III**

#### **REFUND AND DEFERRED ANNUITIES**

##### *§1. — General provisions*

67. If the employee dies before becoming eligible for a pension and has less than two years of service, the employee's contributions shall, subject to section 79, be refunded to his or her spouse or, if the employee has no spouse, to the employee's successors.

68. If the employee dies before becoming eligible for a pension and has at least two years of service, the employee's spouse or, if the employee has no spouse, the employee's successors, are entitled to receive the higher of the following two amounts:

- (1) the total contributions with accrued interest up to the date of death;
- (2) the actuarial value of the deferred pension established on the date of death in accordance with the actuarial assumptions and methods determined by regulation.

The total of the contributions is established on the basis of the second paragraph of section 77 and section 79.

Where section 140 applies, the contributions and the actuarial value of the deferred pension in respect of the years and parts of a year of service credited pursuant to sections 126, 130 and 139 are excluded for the purposes of the first paragraph.

The amount determined pursuant to the first paragraph bears interest, compounded annually, at the rates determined for each period by this Act from the date of death of the employee to the date on which the refund is made.

69. If the employee who dies is eligible for a pension but has no spouse entitled to a pension, the employee's contributions are refunded to the employee's successors, subject to section 79. The same rule applies to a pensioner who dies and has no spouse entitled to a pension.

70. If an employee who is less than 55 years of age ceases to be a member of the plan before becoming eligible for a pension and has less than two years of service, the employee is entitled, except if section 34 applies and subject to section 79, to a refund of contributions. However, the contributions are not refunded if the employee resumes membership in this plan or the Government and Public Employees Retirement Plan.

If the person dies before obtaining a refund, the contributions shall be refunded to the employee's spouse or, if the employee has no spouse, to the employee's successors.

71. If the employee referred to in section 70 resumes membership in the plan without having obtained a refund of contributions, the years and parts of a year of service accumulated by the employee shall be added to those already credited.

72. The contributions shall be refunded to the employee entitled thereto on or after the 211th day after the day on which the employee ceased to be a member of this plan or the Government and Public Employees Retirement Plan for the last time. However, the 211-day period does not apply if the employee is suffering from an illness which, on the basis of a medical certificate, is likely to lead to death within a period of two years.

An application for a refund of contributions must be filed with the Commission by means of the prescribed form.

73. For the purposes of this division, subject to sections 68 and 76, contributions include all amounts paid by the employee and all amounts from which the employee was exempt under this plan or under any other pension plan from which the employee's service was transferred to this plan excluding, however, all contributions deducted in excess for any year subsequent to the year 1986. Contributions also include the interest, if any, accrued on those amounts in accordance with the relevant pension plan. However, contributions do not include amounts refunded to the employee under any of such pension plans if, upon a transfer of service on an actuarially equivalent basis, the total amount of accumulated contributions exceeded the actuarial value of the benefits accrued under the new pension plan.

74. An employee who ceases to be a member of this plan when the employee is not eligible for a pension is only entitled, except if section 34 applies, to a deferred pension if the employee has at least two years of service.

The deferred pension is cancelled if the person transfers his or her years and parts of a year of service to the Government and Public Employees Retirement Plan, the Pension Plan of Peace Officers in Correctional Services or the Pension Plan of Certain Teachers, or if the person avails himself or herself of a transfer agreement concerning this plan entered into in accordance with section 203, or if the person dies before the deferred pension becomes payable. In this latter case, section 68 applies.

75. Any deferred pension is cancelled if the employee returns to pensionable employment under the plan and the years of service accumulated by the employee shall be added to the years of service already credited.

However, if the employee had elected to receive an amount and a deferred pension in accordance with section 51 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 1990, the recomputed pension is reduced by that part of the annual value of the original pension that was paid to the employee.

76. The annual amount of the deferred pension is computed in the same manner as the pension. However, as regards the deferred pension, the amount obtained pursuant to the first paragraph of section 57 is indexed in the same manner as the deferred pension until 1 January in the year in which the employee reaches 65 years of age.

If the actuarial value of the deferred pension established in accordance with the actuarial assumptions and methods determined by regulation is less than the total of the contributions with interest accrued on the date of the employee's sixty-fifth birthday, the deferred pension is adjusted so that it is equal in value to the total of the contributions and interest.

Notwithstanding section 59, an employee who is entitled to a deferred pension is deemed to retire on the day of his or her sixty-fifth birthday. The deferred pension shall be payable to the employee from that date and for life.

77. Contributions are refunded with interest.

However, contributions relating to service that had been credited to the employee under another pension plan and that was credited under this plan in accordance with section 139 are refunded without interest, except, where applicable, interest payable on the amount determined under section 68.

## §2. — *Special provisions*

78. An employee who becomes a Member of the National Assembly before being granted a pension or a deferred pension shall be entitled to such pension for the years and parts of a year of service credited to the employee under this plan if they have not been transferred to another pension plan, if the employee acquires the right to a retirement pension as a Member of the National Assembly and repays any contributions refunded to him or her.

If the employee became a Member before 1 January 1992, the pension shall be payable from the time the Member begins to receive the retirement pension acquired as a Member of the National Assembly.

79. When contributions are refunded, if amounts have been paid as pension under this plan or a pension plan out of which the employee's service has not been transferred to this plan on an actuarially equivalent basis, the total

amount of the contributions of the employee, and interest accrued, if any, on such contributions up to the date on which a pension became payable, is reduced by the amounts paid as pension from the date on which the pension ceased to be paid. The balance of the contributions and of accrued interest, if any, shall bear interest from that date, at the rate in force on the date of refund for every period during which no amount was paid as pension.

However, if a pension is payable to an employee, spouse or child under section 140, the refund of contributions provided for in sections 67 and 70 does not include contributions relating to service credited in accordance with sections 130 and 139. In that case, the first paragraph of this section applies, at the time the pension becomes payable, in respect of other contributions but without taking into account the amounts paid as pension under section 140. Where the employee is entitled only to a deferred pension under this plan, the amounts paid as pension under section 140 are deducted only from the amount of contributions relating to service credited in accordance with sections 130 and 139 if that pension is more advantageous than the benefits under this plan.

#### **DIVISION IV**

##### **EMPLOYEE SUFFERING FROM A TERMINAL ILLNESS**

80. Except in the case of a pensioner, an employee who has ceased to be a member of this plan and who, according to a medical certificate, is suffering from an illness likely to lead to death within a period of two years is, if the employee is entitled only to a deferred pension or to an actuarially reduced pension under section 56, entitled to receive the higher of the following amounts :

(1) the total contributions with interest accrued up to the date of receipt of the application ;

(2) the actuarial value of the employee's pension established on that date in accordance with the actuarial assumptions and methods determined by regulation under section 68.

The same applies to an employee who can provide such a certificate and who, if he or she ceased to be a member of this plan on the date of receipt of the application, would be entitled only to one or other of those pensions. However, an employee who receives the amount referred to in the first paragraph ceases to be a member of the plan on that date and, subject to section 83, is not considered to be an employee for the purposes of the plan, even if he or she continues to hold pensionable employment after the date of receipt of the application.

For the purposes of this section, contributions include the amounts referred to in section 73, and in establishing the total of such contributions, the second paragraph of section 77 and section 79 are taken into account. In addition, where section 140 applies, the contributions and the actuarial value of the

pension relating to the years and parts of a year of service credited under sections 126, 130 and 139 are excluded.

The amount referred to in the first paragraph bears interest, compounded annually, at the rates determined for each period by this Act, from the date of receipt of the application until the date on which the refund is made.

81. The refund of the amount referred to in section 80 cancels entitlement to any other benefit, advantage or refund provided for by this plan.

82. The spouse of an employee referred to in the first or second paragraph of section 80 may, upon the death of the employee, obtain that the refund of the amount referred to in the said section be cancelled if the spouse applies therefor to the Commission before the amount is received. In such a case, the employee's application for a refund is deemed never to have been made.

83. An employee who has ceased to be a member of this plan pursuant to the second paragraph of section 80 or who has ceased to be a member of the Government and Public Employees Retirement Plan pursuant to the second paragraph of section 59.1 of the Act respecting the Government and Public Employees Retirement Plan, and who, at the end of a period of two years from the date on which the application for a refund of the amount referred to in either of those sections is received, holds pensionable employment under this plan may elect to be a member of or resume membership in this plan by sending a notice to that effect to the Commission. Notwithstanding section 6, the employee shall become a member of this plan on the date on which the notice is received by the Commission.

84. An employee who has availed himself or herself of the first or second paragraph of section 80 may be credited with the years or parts of a year of service that had been credited before the date of the refund if the employee applies therefor and pays an amount equal to the amount that was refunded to the employee, with interest, compounded annually, at the rates determined for each period by this Act. The interest runs from the date of the refund until the date of the redemption proposal made by the Commission.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

85. An employee who has availed himself or herself of the second paragraph of section 80 may be credited with the years and parts of a year of service pertaining to the period during which the employee would have been a member of this plan had it not been for the application of that paragraph if the employee applies therefor and pays an amount equal to the contribution the employee would have paid if he or she had been a member of this plan, with

interest, compounded annually at the rates determined for each period by this Act. The interest runs from the mid-point of each year up to the date of the redemption proposal made by the Commission. However, as regards the years and parts of a year of service credited to the employee, section 34 applies, where expedient, as though the employee had been a member of this plan during that period.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

86. An employee who has availed himself or herself of the first or second paragraph of section 59.1 of the Act respecting the Government and Public Employees Retirement Plan may be credited with the years or parts of a year of service that had been credited before the date of the refund if the employee applies therefor and pays an amount equal to the amount that was refunded to the employee, with interest, compounded annually at the rates determined for each period by this Act. The interest runs from the date of the refund until the date of the redemption proposal made by the Commission.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

87. An employee who has availed himself or herself of the second paragraph of section 59.1 of the Act respecting the Government and Public Employees Retirement Plan may be credited with the years and parts of a year of service of the period during which he or she would have been a member of that plan had it not been for the application of that paragraph if the employee applies therefor and pays an amount equal to the contribution the employee would have paid if he or she had been a member of that plan, with interest, compounded annually, at the rates determined for each period by this Act. The interest runs from the mid-point of each year up to the date of the redemption proposal made by the Commission. However, as regards the years and parts of a year of service credited to the employee, section 21 of the Act respecting the Government and Public Employees Retirement Plan applies, where expedient, as though the employee had been a member of that plan during that period.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.



**DIVISION V****TOTALLY AND PERMANENTLY DISABLED EMPLOYEE**

88. Except in the case of a pensioner, an employee who is totally and permanently disabled within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), who has ceased to be a member of this plan and who is entitled only to a deferred pension shall be entitled to transfer into a locked-in retirement account the amount determined under section 80. In such a case, sections 81, 82, 84 and 86 apply, where applicable. The expression “locked-in retirement account” has the meaning assigned by the Regulation respecting supplemental pension plans approved by Order in Council 1158-90 (1990, G.O. 2, 2318).

**DIVISION VI****EMPLOYEE RECEIVING BENEFITS AND A SALARY**§1. — *General provisions*

89. A person 65 years of age or over may hold pensionable employment under this plan or, if the person is a pensioner under this plan, pensionable employment under the Government and Public Employees Retirement Plan and receive as a pensioner

(1) pension benefits under this plan, the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan, the Civil Service Superannuation Plan or the pension plans established pursuant to sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and additional benefits under the Pension Plan of Peace Officers in Correctional Services;

(2) pension benefits under section 80 of the Act respecting the Government and Public Employees Retirement Plan,

(3) pension credit under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and any benefit payable under the Act respecting the Pension Plan of Certain Teachers, or

(4) an annual pension under section 84 of the Act respecting the Government and Public Employees Retirement Plan.

However, the provisions of the first paragraph do not apply on or after 31 December of the year in which the person attains 69 years of age.

90. An employee holding pensionable employment under this plan who receives pension benefits under the plan or a pension credit under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service

Superannuation Plan is deemed to have retired and is not considered to be an employee for the purposes of the plan.

91. The limit imposed by section 30 does not apply for the purposes of this division.

92. The benefits that a pensioner may receive shall not be greater than the amount by which the annual salary exceeds the salary referred to in section 99.

93. To determine the benefits that a pensioner is entitled to receive, the benefits are adjusted in accordance with the plan concerned.

94. The annual salary is equal to the salary defined in section 25,

(1) received by the pensioner on the day he or she ceased to be a member of the plan, computed on a yearly basis, or

(2) that the pensioner would otherwise have received on the day he or she ceased to be a member of the plan or that the pensioner would have received on that day had he or she not been, in particular, on leave without pay or receiving salary insurance benefits, computed on a yearly basis.

The annual salary of a pensioner who was not a full-time employee is reduced to the same fraction as that calculated in respect of service.

95. In the case of a pensioner who, when he or she was an employee, held simultaneously more than one pensionable employment under this plan, the salary is computed in the same manner as the pensionable salary in such a case.

96. To determine the annual salary for the years following the year in which the pensioner ceased to be a member of the plan, the salary is indexed for each year concerned and at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, according to the rate of increase of the Pension Index determined by that Act.

However, the first adjustment shall be made proportionately to the number of days for which the pensioner received or would have received benefits in the year he or she ceased to be a member of the plan in relation to the total number of days in that year.

97. The amounts payable as benefits are, where applicable, paid in the following order:

(1) the pension granted under this plan;

(2) the pension and the additional benefit granted under the Pension Plan of Peace Officers in Correctional Services;

(3) the pension granted under the pension plans established pursuant to sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan ;

(4) the pension granted under the Civil Service Superannuation Plan ;

(5) the pension granted under the Teachers Pension Plan ;

(6) any benefits granted under the Act respecting the Pension Plan of Certain Teachers ;

(7) the pension credit acquired under section 101 of the Act respecting the Government and Public Employees Retirement Plan and, where that is the case, under section 203 of this Act, and the amounts payable under section 80 of the Act respecting the Government and Public Employees Retirement Plan ;

(8) the other pension credits granted under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan ; and

(9) the annual pension acquired under section 84 of the Act respecting the Government and Public Employees Retirement Plan.

Where any of the amounts referred to in the first paragraph, except the pension granted under the Pension Plan of Peace Officers in Correctional Services and the pension increase referred to in section 20 of the Act respecting the Pension Plan of Certain Teachers, is payable in part only, the payable part is taken, first, out of that portion that relates to years of service subsequent to 30 June 1982.

98. A person who wishes to hold pensionable employment under this plan and receive benefits must make an application therefor.

The person must join a certificate of employment containing, in particular, the annual salary referred to in section 94 and such other information as may be required by the Commission to his or her application.

99. Within 30 days preceding the anniversary date of the day the pensioner began to receive benefits, the Commission must require the employer to file a report containing

(1) the amount of the salary that corresponds to the salary defined in section 25 and that was paid to the pensioner in the 12 months preceding the anniversary date or that would have been paid had he or she not been, among other things, on leave without pay or receiving salary insurance benefits ;

(2) the estimated amount of the salary that corresponds to the salary defined in section 25 and that the employer is to pay to the pensioner for the 12 months following the anniversary date; and

(3) any other information that may be required by the Commission.

100. If, as a result of a change or a departure, the salary estimated by the employer varies in a proportion of 10% or more, the employer, not later than 30 days after varying the salary, must so inform the Commission.

101. If the amount of the benefits computed under section 92 becomes nil, sections 153 to 162 apply.

102. If the amount of the benefit received by the pensioner is less than that to which the pensioner is entitled, the Commission shall pay the amount due within two months of receiving a report under section 99.

If the amount of the benefit received by the pensioner is greater than that to which the pensioner is entitled, the Commission shall set off the overpayment in the manner determined by regulation under section 147 of the Act respecting the Government and Public Employees Retirement Plan.

No interest may be charged on any sum thus paid or collected.

## §2. — *Special provision*

103. A pensioner who holds pensionable employment under the plan shall receive benefits at the latest from 31 December of the year in which he or she attains 69 years of age.

## **DIVISION VII**

### **ADDITIONAL BENEFITS**

104. The amount of the employee's pension is increased by an amount of pension equal to 1.1% of the average pensionable salary used in computing the employee's pension for each year and part of a year

(1) counted under this plan and in respect of which the employee obtained a paid-up annuity certificate or in respect of which pension credit is or would have been granted to the employee under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan;

(2) recognized, solely for purposes of eligibility, in respect of a female employee under section 125 of this Act or section 221.1 of the Act respecting the Government and Public Employees Retirement Plan; and

(3) recognized, solely for purposes of eligibility, in respect of an employee for the amounts corresponding to years and parts of a year so recognized and transferred into a locked-in retirement account following the employer's designation as a body referred to in Schedule II of this Act or the employee's becoming a member of the plan after a poll held under section 6 or 7 of the Act respecting the Government and Public Employees Retirement Plan.

105. An employee who is under 65 years of age is also entitled to cause a pension amount of \$230 to be added to the amount of the employee's pension for each of the years considered pursuant to section 104. The amount is payable until the end of the month in which the pensioner attains 65 years of age.

106. Section 56 applies in respect of any pension amounts added under sections 104 and 105.

107. The pension amounts added under sections 104 and 105 must be within the limits established by regulation. If not, the amounts shall be adjusted in the manner prescribed in the regulation.

108. The pension amounts added under sections 104 and 105 are indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined by that Act over 3%. Section 116 applies to the indexing.

109. The reduction of 2% referred to in section 63 does not apply to the pension amount added under section 105, and the pension granted to the spouse, in the case of the death of the pensioner, shall be computed without reference to that amount.

110. Section 104 applies to an employee who is entitled to a deferred pension. However, that section and section 105 do not apply to a person who ceased to be a member of the Government and Public Employees Retirement Plan before 31 December 1999 nor to a pensioner under this plan, the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan, the Civil Service Superannuation Plan or pension plans established under sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, who holds or returns to pensionable employment under this plan or, if the employee is a pensioner under the plan, who holds pensionable employment under the Government and Public Employees Retirement Plan except, in the case of a pensioner, in respect of the years and parts of a year of service that have already given the pensioner entitlement to the amounts referred to in those sections.

The pension of the spouse of an employee who dies after becoming eligible for a pension and the amounts paid to the spouse or successors of an employee who dies before becoming eligible for a pension must take into account the benefit provided for in section 104.

**DIVISION VIII****MISCELLANEOUS PROVISIONS**

111. For the purposes of the eligibility and the computation of any pension of an employee, a maximum of 90 contributory days may be added to the service credited to the employee to enable the employee to make up any period of leave without pay while he or she was holding pensionable employment, except on contrary notice from the employee.

The first paragraph does not apply to service credited under this plan on an actuarially equivalent basis.

112. For each calendar year from 1 January 1987, the days and parts of a day that are not credited to an employee who holds pensionable employment under the plan for at least one day during that calendar year shall be considered solely for purposes of eligibility for a pension.

However, during the year in which the employee becomes a member of the plan, the days comprised between 1 January and the first day on which the employee holds pensionable employment shall not be considered for the purposes of eligibility. Moreover, during the year in which the employee ceases to be a member of the plan, the days comprised between the last day on which the employee holds pensionable employment and 31 December shall not be considered, but where the employee ceases to be a member of the plan when the employee is not holding pensionable employment, the days, if any, shall be considered until the date on which the Commission receives an application for the redemption of service by virtue of which years and parts of a year of service were credited or counted under the plan in respect of the employee or until the employee becomes eligible for a pension.

Subject to section 111, the first and second paragraphs also apply to an employee who was not credited under sections 38 and 118 with the days and parts of a day during which he or she was on leave without pay.

For the purposes of the second paragraph, an application for the redemption of service includes an application by virtue of which years and parts of a year of service were counted in respect of the employee for the purpose of acquiring pension credits under section 3.2 of the Act respecting the Government and Public Employees Retirement Plan.

This section does not apply for the purposes of Division III of Chapter IV.

113. For the purposes of section 112, the Government may, by regulation, establish a pension reduction factor and criteria for the application of that factor. The Government may also designate classes and subclasses of employees to whom the factor and the criteria are not applicable.

114. The years and parts of a year of service for which pension credit has been granted under the Act respecting the Teachers Pension Plan, the Act

respecting the Civil Service Superannuation Plan or under the Act respecting the Government and Public Employees Retirement Plan, while the employee was a member of one of those plans or pursuant to section 3.2 of the Act respecting the Government and Public Employees Retirement Plan, and those for which a pension, a deferred pension or a paid-up annuity certificate, within the meaning of section 76 of the Act respecting the Government and Public Employees Retirement Plan was obtained under a supplemental pension plan from an employer party to the Government and Public Employees Retirement Plan, must be added, solely for purposes of eligibility for any pension, to the years of service credited in accordance with sections 31 and 138. The same rule applies to years and parts of a year of service recognized solely for purposes of eligibility for a pension under the Pension Plan of Peace Officers in Correctional Services, the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan and to years and parts of a year of service not credited under this plan by reason of the application of section 149 and those recognized solely for purposes of eligibility for a pension under an agreement of transferability entered into under section 203 in respect of this plan if, in the last two cases, they have not otherwise been credited under section 150 or under the agreement concerned, as the case may be.

The years and parts of a year of service for which pension credit is granted are added, for purposes of eligibility for a pension, to the years of service credited to an employee to determine, in the case of death, the right of the spouse to a pension even if the employee died before completing all the payments computed in accordance with section 96 of the Act respecting the Government and Public Employees Retirement Plan.

115. Every pension, except a pension paid under section 80 of the Act respecting the Government and Public Employees Retirement Plan, is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan,

(1) for that part attributable to service prior to 1 July 1982, by the rate of increase of the Pension Index determined by the said Act;

(2) for that part attributable to service subsequent to 30 June 1982 but prior to 1 January 2000, by the excess of the rate of increase of the Pension Index over 3% ; and

(3) for that part attributable to service subsequent to 31 December 1999, by the formula provided for in subparagraph 2 of this paragraph or by one-half of the rate of increase of the Pension Index, according to the formula that is the most advantageous.

Where the number of years of service credited exceeds 35 years, subparagraphs 1 to 3 of the first paragraph are applied in the order that is the most advantageous for the pensioner.

The deferred pension is, at the same time, indexed annually at the rate of increase of the Pension Index determined by the said Act from 1 January following the date on which the employee ceased to be a member of the plan to 1 January of the year in which the employee reached 65 years of age. From 1 January following the date on which the employee reached 65 years of age, the deferred pension is indexed in the manner set out in the first paragraph.

116. The first adjustment of any pension resulting from indexing, except that of a deferred pension, is made proportionately

(1) to the number of days for which the pension was or would have been paid during the year in which the employee ceased to be a member of this plan in relation to the total number of days in that year; and

(2) in the case of a pension granted to the spouse where the employee was eligible for a pension at the time of death, to the number of days for which the pension was or would have been paid during the year of death, in relation to the total number of days in that year.

In the case of a deferred pension, the adjustment on 1 January following the date on which the employee reaches 65 years of age is made proportionately to the number of days for which the pension was paid or would have been paid in the year in which the employee retired in relation to the total number of days in that year.

117. The Commission, upon the application of a beneficiary other than a beneficiary referred to in section 89, may, at any time after the pension becomes payable, make cash payment of the actuarial value, established in accordance with the actuarial assumptions and methods determined by regulation, of all benefits under the plan including, where applicable, pension credits acquired under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan, if the aggregate amount of the benefits does not exceed \$1,229 annually.

The amount of \$1,229 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, indexed annually by the rate of increase of the Pension Index established by the said Act.

## **CHAPTER V**

### **SPECIAL MEASURES**

#### **DIVISION I**

##### **LEAVE WITHOUT PAY**

118. The days and parts of a day during which an employee was, while holding pensionable employment under the Government and Public Employees Retirement Plan, on leave without pay that was in progress on 1 July 1983 or



that began after that date and ended before 19 June 1986, and the days and parts of a day during which the employee was on part-time or full-time leave without pay, that was in progress on 19 June 1986 and that began after 18 June 1986, shall be credited subject to the terms and conditions determined by regulation, on an application filed by the employee, if

(1) the employee has been authorized to take the leave by the employee's employer;

(2) the employee pays an amount equal to 200% of the contributions that would have been deducted from the pensionable salary the employee would have received if he or she had not been on leave according, where applicable, to the number of days and parts of a day comprised in the leave out of the number of contributory days in the year, that is, 200 or 260, according to the basis of remuneration; and

(3) the employee held, in the case of a leave that was in progress on 1 July 1983 or that began after that date and that ended before 19 June 1986, from the end of the leave, pensionable employment under the Government and Public Employees Retirement Plan or, in the case of a leave that was in progress on 19 June 1986 or that began after that date, held, where applicable, in the case of a full-time leave without pay, pensionable employment under this plan or the Government and Public Employees Retirement Plan, or pensionable employment under the Pension Plan of Peace Officers in Correctional Services if, in that case, the employee was not holding pensionable employment under the Civil Service Superannuation Plan at the time of the leave without pay, from the end of the last leave authorized by the employer or, in the case of a part-time leave without pay, from the end of the authorized leave, or except in all cases, if the employee has died or become disabled or eligible for retirement, or unless upon his or her return, the employee has availed himself or herself of an agreement of transferability entered into under section 158 of the Act respecting the Government and Public Employees Retirement Plan or, if the leave is followed by a maternity leave, from the end of the leave or, where applicable, from the end of a leave without pay immediately following a maternity leave.

However, in the case of unpaid leave relating to maternity, paternity or adoption leave that was in progress on 1 January 1991 or that began after that date, the employee shall pay only one-half of the amount referred to in subparagraph 2 of the first paragraph, provided the unpaid leave is permitted under his or her conditions of employment.

An employee who was on leave without pay that was in progress on 22 December 1992 or that began after that date, and who held pensionable employment under the Government and Public Employees Retirement Plan for part of that period may be credited, in accordance with the first or second paragraph, with only the days and parts of a day during which he or she did not hold such employment.

Section 39 applies in respect of a leave in progress on 19 June 1986 or that began after that date. As regards a leave that ended before that date, the second paragraph of section 233 of the Act respecting the Government and Public Employees Retirement Plan applies, except for the reference to section 26. In all cases, section 40 of this Act applies.

119. Section 118 also applies to an employee whose leave without pay began while he or she was a member of the Government and Public Employees Retirement Plan and ended while he or she was a member of this plan. However, for the portion of the leave taken under this plan, the contributions referred to in subparagraph 2 of the first paragraph of that section shall be established in accordance with this plan.

120. The days during which an employee, after becoming a member of the Government and Public Employees Retirement Plan, was on leave without pay for a period ending before 1 July 1983, provided the leave has not otherwise been credited under this plan, shall be credited under this plan, at the request of the employee, on terms and conditions determined by regulation, if the employee

(1) was authorized for such purpose by his or her employer;

(2) pays, in the case of a period of leave prior to 1 July 1982, an amount equal to 240% of the contributions that would have been withheld under the Government and Public Employees Retirement Plan had the employee not been on leave, from the pensionable salary the employee was receiving when he or she was granted the leave and an amount equal to 200% of such contributions, in the case of a period of leave after 30 June 1982; and

(3) held pensionable employment under the Government and Public Employees Retirement Plan from the end of the employee's leave without pay, unless the employee has become disabled.

Notwithstanding the foregoing, any amount remaining unpaid at the end of the leave bears interest compounded annually and computed from the mid-point of the year in which the leave ends at the rate determined for each period by this Act until the date of receipt of the application.

The amount required for those days to be credited is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

121. A teacher or officer who ceases to be a member of the Teachers Pension Plan or, as the case may be, the Civil Service Superannuation Plan and who becomes a member of this plan may, unless he or she has elected to become a member of the Government and Public Employees Retirement Plan

under section 13 or 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as those sections read on 31 December 2000, be credited under this plan with all years or parts of a year that could have been credited under section 21 of the Act respecting the Teachers Pension Plan or section 66.1 of the Act respecting the Civil Service Superannuation Plan, as the case may be, provided the teacher or officer satisfies the conditions prescribed therein.

Sections 39 and 40 apply to this section.

122. The provisions of the Act respecting the Government and Public Employees Retirement Plan apply to an application for redemption of years or parts of a year in respect of any pensionable employment under the Government and Public Employees Retirement Plan filed by the employee who, during the qualification period provided for in section 10, holds simultaneously pensionable employment under this plan and pensionable employment under the Government and Public Employees Retirement Plan.

## **DIVISION II**

### **MATERNITY LEAVE**

123. The days and parts of a day of maternity leave commencing after 31 December 1988 of an employee who held pensionable employment under the Government and Public Employees Retirement Plan shall be credited to the employee, without contributions, up to 130 contributory days.

If the employee holds more than one pensionable employment under the Government and Public Employees Retirement Plan in a year, the days and parts of a day of such maternity leave shall be credited to the employee before any other service.

124. Section 123 also applies to an employee who was granted maternity leave that began while the employee was a member of the Government and Public Employees Retirement Plan and ended while the employee was a member of this plan. However, as regards that leave, the employee may not be credited with more than 130 days without contributions.

125. Notwithstanding section 126, an employee who was granted maternity leave may be credited, without contributions, with the days of maternity leave that was in progress on 1 July 1973 or that began after that date and ended before 1 July 1976, up to a total of 90 contributory days.

An employee who was a member of the Government and Public Employees Retirement Plan may be credited with the days and parts of a day of maternity leave that was in progress on 1 July 1983 or that began on or before 31 December 1988, without contributions, up to a total of 130 contributory days.

The employee referred to in the first paragraph must, in order to be credited with such maternity leave, have contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan, as the case may be, in the 12 months preceding the beginning of the maternity leave, and have again contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan within two years following the year in which the maternity leave ended.

For the purposes of the third paragraph, an employee who, in respect of a period of service immediately preceding the date on which she became a member of the Government and Public Employees Retirement Plan, contributed to a supplementary pension plan or redeemed the entire period of service in the form of a pension credit under the Act respecting the Government and Public Employees Retirement Plan is deemed to have contributed to this plan in the 12 months preceding the date on which the employee's maternity leave began. In such a case, the employee may be credited with the days of maternity leave during which she was a member of the Government and Public Employees Retirement Plan and the days of maternity leave during which she was not a member of that plan may be added, solely for purposes of eligibility for a pension, to the years of service credited, if those days have not otherwise been counted or credited.

Any contributions paid by the employee referred to in the first paragraph to redeem days of maternity leave pursuant to the provisions relating to the redemption of days of leave without pay are reimbursed without interest if they were redeemed while the employee was a member of the Teachers Pension Plan or the Civil Service Superannuation Plan, or with interest if they were redeemed while the employee was a member of the Government and Public Employees Retirement Plan.

126. An employee who was granted maternity leave while she was a member of the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of the Teachers Pension Plan may be credited, without contributions and up to 90 contributory days, for pension purposes under this plan, with the days of a maternity leave that was in progress on 1 July 1965 or that began after that date but ended before 1 July 1976, provided the 90-day period allows the employee to complete 95% or more of the school year in which she was granted the leave.

An employee who was granted maternity leave may be credited, without contributions and up to 120 contributory days, for pension purposes under this plan, with the days of maternity leave that was in progress on 1 July 1976 or that began after that date but ended before 1 July 1983.

The employee referred to in the first or second paragraph must, to be credited with days of maternity leave, have contributed to the pension fund of officers of education established by Part VIII of the Education Act, the Government and Public Employees Retirement Plan, the Teachers Pension

Plan or the Civil Service Superannuation Plan, as the case may be, during the 12 months preceding the beginning of the maternity leave, and have again contributed to the Teachers Pension Plan, the Government and Public Employees Retirement Plan or the Civil Service Superannuation Plan during the two years following the year in which the maternity leave ended even if, in the last two cases, the employee referred to in the first paragraph was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

The contributions paid by the employee to redeem days of maternity leave pursuant to the provisions relating to the redemption of leave without pay are refunded without interest if they were redeemed while the employee was a member of the Teachers Pension Plan or the Civil Service Superannuation Plan and the sums paid by the employee are refunded with interest if they were redeemed while she was a member of the Government and Public Employees Retirement Plan. However, if the period redeemed in respect of maternity leave which ended before 1 July 1976 exceeds 100 days, the days of maternity leave cannot be credited without contributions, and the contributions or, as the case may be, the sums paid by the employee cannot be refunded. If the period redeemed in respect of maternity leave that was in progress on 1 July 1976 or that began after that date, exceeds the period credited pursuant to this section, the balance of the redeemed period remains credited to the account of the employee even if it is less than 30 days.

127. That part of the pension attributable to service credited pursuant to section 126, if the service is credited in respect of a year credited to the employee pursuant to section 130, is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 116 applies to the indexing. In all other cases, sections 115 and 116 apply.

Section 140 and the third paragraph of section 180 apply in respect of service credited under this division as regards an employee who was granted maternity leave while she was a member of the pension fund of officers of education established under Part VIII of the Education Act or while she was a teacher within the meaning of the Teachers Pension Plan.

### **DIVISION III**

#### **YEARS CREDITED OR REFUNDED BY REASON OF MARRIAGE, MATERNITY OR ADOPTION**

128. The years and parts of a year of teaching that have been recognized for seniority purposes, under a collective agreement applicable between 1979 and 1985, in the case of a dismissal or forced resignation by reason of marriage or maternity, in respect of a female employee who is a member of the teaching or professional staff of a school board, may be credited.

The employee must, to have such years and parts of a year credited, pay an amount equal to the contributions refunded to her with 5% interest, compounded annually, for the period comprised between the date of the refund and 30 June 1973, and with interest, compounded annually, at the rate determined for each period by this Act, for the period comprised between 1 July 1973 and the date of receipt of the application.

The amount determined under the second paragraph is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

129. Section 128 applies to a female employee of a school board who is a member of the management personnel if she was dismissed or forced to resign by reason of marriage or maternity pursuant to a by-law or written policy of the school board where the employee held pensionable employment under the Government and Public Employees Retirement Plan.

130. An employee who, while she was a member of the pension fund of officers of education established by Part VIII of the Education Act or while she was a teacher within the meaning of the Teachers Pension Plan, ceased to be a member of her pension plan by reason of marriage, maternity or adoption if, in the latter case, the adoption was subsequently recognized for legal purposes by a judgment, may be credited, for pension purposes under this plan with all or part of her years of teaching prior to 1 January 1968 for which she obtained a refund of contributions if the marriage, maternity or adoption occurred in the 12 months preceding or in the 24 months following the date on which she ceased to be a member of her plan.

The employee must, to be credited with such years and parts of a year, pay the sum of \$4,159 per year. That amount must be increased by an amount equal to 1.65% of her basic pensionable salary, computed on an annual basis, on the date of receipt of her application. If however, the employee held part-time employment on that date, the basic pensionable salary that must be used is the salary she would have received if she had held that employment full time.

The amount required to have those years and parts of a year credited is payable either in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

131. The sum of \$4,159 provided for in the second paragraph of section 130 shall be indexed, on 31 December of each year, by the interest rate established pursuant to section 203 and in force on that date.

132. The part of the pension attributable to service credited pursuant to section 130 is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, by the excess of the rate of increase in the Pension Index determined under that Act over 3%. Section 116 applies to the indexing.

The second paragraph of section 77, section 140 and the third paragraph of section 180 apply in respect of service credited under this division. The sums collected under section 130 are paid into the consolidated revenue fund.

## **DIVISION IV**

### **PROGRESSIVE RETIREMENT**

133. This division applies to an employee, except a seasonal or casual employee, who has not already availed himself or herself of it and who, within the scope of an agreement with his or her employer, agrees to a reduction of his or her working time for a period of one to five years, provided he or she retires at the end of that period. However, the employee's working time may not be less than 40% of the regular time of a full-time employee in such employment.

Before an employee may avail himself or herself of this division, the employee must obtain from the Commission reasonable assurance that he or she will be entitled to a pension on the date set for the end of the agreement. For this purpose, the Commission shall estimate the years or parts of a year of service that will be credited to the employee at the end of the agreement. Any change to the date fixed for the beginning or the end of the agreement must be accepted by the Commission before being made.

However, if at the end of the agreement the number of years or parts of a year of service credited to the employee is less than the number estimated by the Commission or the employee is not entitled to a pension, or if the agreement is suspended by reason of circumstances determined by regulation, the agreement shall be extended, even where this causes the period to exceed five years, until the date on which the number of years or parts of a year of service credited to the employee is equal to the estimate made by the Commission in the first case and, in the other cases, until the date on which the employee becomes entitled to a pension.

A person who has availed himself or herself of Division II.1 of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan is deemed to have already availed himself or herself of this division, and the agreement entered into with the person's employer shall continue to apply as if it had been entered into pursuant to this division.

134. The employer shall make a deduction from the salary paid to the employee equal to the deduction the employer would have made if the employee had not availed himself or herself of this division.

If the employee is receiving salary insurance benefits, the exemption from contributions provided for in section 34 is the exemption to which the employee would have been entitled if the employee had not availed himself or herself of this division.

135. For the purposes of this plan and Title IV of the Act respecting the Government and Public Employees Retirement Plan, the pensionable salary for the years or parts of a year covered by the agreement is the salary the employee would have received or, for a period in respect of which salary insurance benefits apply, the salary the employee would have been entitled to receive if the employee had not availed himself or herself of this division. The service credited is the service that would have been credited to the employee if the employee had not availed himself or herself of this division.

136. If an agreement becomes null or terminates by reason of circumstances that, in each case, are determined by regulation, the pensionable salary, the service credited and the contributions are determined, for each circumstance, in the manner prescribed by regulation.

The regulation may prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance.

137. The regulations made under this division may have effect 12 months or less before they are made.

## **CHAPTER VI**

### **TRANSFER AND REDEMPTION OF SERVICE**

#### **DIVISION I**

##### **PAST SERVICE OF AN EMPLOYEE WHO WAS A MEMBER OF THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

138. The years and parts of a year of service credited to an employee under the Government and Public Employees Retirement Plan shall, if the employee's contributions have not been refunded to the employee, be credited under this plan from the date on which the employee became a member or on or before the date on which the employee qualified for membership in this plan.

Subject to the provisions of the Act respecting the Government and Public Employees Retirement Plan concerning pension credits and paid-up annuity certificates, the employee referred to in the first paragraph forfeits any right, benefit or advantage the employee would have been entitled to claim under the Government and Public Employees Retirement Plan.



**DIVISION II****PAST SERVICE OF AN EMPLOYEE WHO WAS A MEMBER OF THE TEACHERS PENSION PLAN OR CIVIL SERVICE SUPERANNUATION PLAN**

139. Every person who has become a member of this plan pursuant to the third paragraph of section 23, except where the person makes the election provided for therein, shall be credited, for pension purposes, with the years or parts of a year of service credited under the Teachers Pension Plan or the Civil Service Superannuation Plan if the person's contributions have not been refunded to the person.

The employee, other than the person referred to in the first paragraph, may be credited, for pension purposes, with the years and parts of a year of service credited under the Teachers Pension Plan or the Civil Service Superannuation Plan if the person's contributions have not been refunded, if the person is not a pensioner under either of those plans, if the person ceases to be a member of either of those plans before 1 January 1991 and if the person has been a member of the Government and Public Employees Retirement Plan before that date. Notwithstanding the fact that no application to that effect has been made by the employee, the years and parts of a year of service shall be credited to the employee upon computation of any pension unless the employee gives written notice to the contrary before the pension is paid. However, where an application is made for the statement referred to in section 163, the Commission shall assess the benefits accrued under this plan and, where applicable, shall pay the sums awarded to the spouse after including such years and parts of a year of service.

Where an employee is not covered by the first or the second paragraph or has not made the election provided for in sections 13 and 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as they read on 31 December 2000, the years and parts of a year of service shall be added, solely for purposes of eligibility for a pension, to the service credited to the employee under this plan, provided the employee has not received or is not entitled to a refund of contributions under the Teachers Pension Plan or the Civil Service Superannuation Plan and provided the employee is not a pensioner under either of those plans when he or she ceases to be a member of this plan.

140. In the case of physical or mental disability, death or cessation of employment or where an employee ceases to be a member of this plan, the provisions of the Teachers Pension Plan or the Civil Service Superannuation Plan that concern eligibility for a pension and the payment of a pension, as they read on 31 December 1990, continue to apply until a pension becomes payable under this plan, if the years and parts of a year of service that had been credited under those plans were credited under the Government and Public Employees Retirement Plan in accordance with section 98 of the Act respecting the Government and Public Employees Retirement Plan or under this plan in accordance with section 139. Such provisions continue to apply only if they are more advantageous than those of this plan.

Notwithstanding the first paragraph, section 76 of the Act respecting the Civil Service Superannuation Plan, as it read on 1 January 2000, continue, at the time of the death of an employee, to apply if the employee made the election to be a member of the Government and Public Employees Retirement Plan in accordance with section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan, as it read on that date, until a pension becomes payable under this plan.

The regulations made under section 75.1 of the Act respecting the Teachers Pension Plan and section 111.2 of the Act respecting the Civil Service Superannuation Plan and the sections of those Acts concerning eligibility for a pension and payment of a pension by reason of a total and permanent disability, in force on 1 January 2000, apply to the employee if the years and parts of a year of service that had been credited under the plans established under those Acts were credited under the Government and Public Employees Retirement Plan before 1 January 2001 in accordance with section 98 of the Act respecting the Government and Public Employees Retirement Plan or under this plan in accordance with section 139, until a pension becomes payable under this plan. Such provisions shall continue to apply only if they are more advantageous than those of this plan.

However, the actuarial value of the pensions is payable under the plans concerned only in the case of a pension granted to the spouse or to the pensioner but, in the latter case, only when the pensioner attains 65 years of age.

### **DIVISION III**

#### **SPECIAL PROVISIONS**

141. An employee who has received a refund of his or her contributions may be credited with the years and parts of a year of service referred to in section 110 of the Act respecting the Government and Public Employees Retirement Plan upon remitting the refunded sums to the Commission. The employer shall also remit the employer's share to the Commission.

If the employee has received the refund of his or her contributions and the contributory amounts of his or her employer, the employee shall remit such sums.

The sums remitted in order to be credited with such years and parts of a year bear interest from the date on which they were refunded, at the rate of 7.25%, compounded annually.

142. The years and parts of a year of service completed by the employees of the Commission des services juridiques and of the corporations constituted under the Legal Aid Act (R.S.Q., chapter A-14) shall be credited for pension purposes under this plan for the period from 1 July 1973 to 30 June 1975 if, during that period, the employees paid contributions to the pension fund

established by the Regulation respecting the pension plan for employees of the Commission des services juridiques and of other corporations to which the plan applies, unless they apply for a refund of the contributions paid during the said period.

The sums accumulated in such pension fund are transferred to the Commission.

143. An employee may, for pension purposes under this plan, be credited with the years and parts of a year of service accumulated under the pension plan of the members of the Sûreté du Québec

(1) if the employee has not received a refund of his or her contributions ;

(2) if the employee is not entitled to a pension or deferred pension under the said plan.

The contributions collected under the said plan are credited to the employee up to the amount of the contributions that would have been paid by the employee before 1 January 1997 under the Government and Public Employees Retirement Plan or that would have been paid by the employee after 31 December 1996 under the said plan in respect of non-unionizable employees or under this plan.

144. An employee may be credited with the years and parts of a year of service during which the employee was a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly, provided the employee has not otherwise been credited with such years and parts of a year or has not received a refund of the contributions in respect thereof.

The employee must, to be credited with all or part of such service, pay to the Commission an amount equal to the contribution that the employee should have paid before 1 January 1997 under the Government and Public Employees Retirement Plan or that the employee would have paid after 31 December 1996 under the said plan in respect of non-unionizable employees or under this plan. The amount bears interest, compounded annually, at the rates determined for each period by this Act. The interest runs from the midpoint of each year to the date on which the redemption proposal is made by the Commission. Where only part of the employee's service is credited, the most recent service is credited first.

The amount established pursuant to the second paragraph is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal expires.

145. An employee may, for pension purposes, be credited with the years and parts of a year during which the employee contributed to a pension plan that applied before 1 January 1992 to a Member of the National Assembly and in respect of which the employee's contributions have been refunded to the employee, except if the employee has already exercised a right of redemption in respect of such years and parts of a year under a pension plan other than this plan.

The employee must pay to the Commission, for each of such years and parts of a year, an amount equal to the amount obtained by applying the rate of contribution applicable under the Government and Public Employees Retirement Plan for each year and part of a year to the lesser of the following amounts :

(1) the indemnity the employee received as a Member ; and

(2) the pensionable salary the employee is entitled to receive during the first year in which the employee holds pensionable employment under the Government and Public Employees Retirement Plan or under this plan, whichever occurs first, after having been a Member.

The pension is based solely on the pensionable salary the employee was receiving while he or she was a member of the Government and Public Employees Retirement Plan or the pensionable salary the employee is receiving while he or she is a member of this plan.

146. An employee who has held casual employment within the meaning of the Act respecting the Government and Public Employees Retirement Plan is entitled to be credited, for pension purposes under this plan, with the service accumulated in such capacity between 30 June 1973 and 1 January 1988 with an agency or body party to the Government and Public Employees Retirement Plan or with an agency or body which, in the opinion of the Commission, would have been a party to the plan had it not ceased to exist. For the purposes of this paragraph, any period during which the employee received salary insurance benefits or was granted maternity leave under the provisions concerning parental leaves forming part of the employee's conditions of employment shall be counted as a period of service.

The employee must, to be credited with that service, pay to the Commission an amount equal to the contributions the employee would have been required to pay if the employee had been a member of the Government and Public Employees Retirement Plan or, in the case of a female employee who was granted maternity leave, an amount equal to the contribution she would have been required to pay on the pensionable salary to which she would have been entitled had there been no maternity leave, increased by interest compounded annually at the rates determined, for each period, by this Act. The interest shall run from the midpoint of each year until the date of receipt of the application. Where only part of the employee's service is credited, the most recent service is credited first.

147. The amount established pursuant to section 146 is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

148. The years and parts of a year of service in respect of which a person has contributed to the pension fund of the officers of education established by Part VIII of the Education Act but not to the Teachers Pension Plan or the Civil Service Superannuation Plan, shall be credited for pension purposes if the contributions the person paid to that pension fund after 30 June 1973 while the person was a member of the Government and Public Employees Retirement Plan have been refunded to the person.

Those years shall also be credited for pension purposes to an employee who has not requested that they be transferred to the Government and Public Employees Retirement Plan and who has not received a refund of the contributions paid into the pension fund referred to in the first paragraph.

The person referred to in the first paragraph must, to be credited with the years and parts of a year of service referred to therein, pay an amount equal to the contributions refunded to the person, with interest, compounded annually, at the rates determined for each period by this Act for the period comprised between the date of the refund and the date of receipt of the application.

149. The years and parts of a year of service credited to an employee under the Pension Plan of Peace Officers in Correctional Services shall, if the employee has not received a refund of his or her contributions, be credited under this plan on an actuarially equivalent basis as established on the date on which the employee begins to pay contributions to this plan. Those years and parts of a year of service shall, in that case, be credited, beginning with the latest service, until the actuarial value of the benefits, as established in respect of those years and parts of a year of service under this plan, reaches the actuarial value of the benefits accrued under the Pension Plan of Peace Officers in Correctional Services, without exceeding the service credited to the employee under that plan.

The actuarial values of the benefits shall be established according to the actuarial assumptions and methods determined by regulation, which may vary according to the pension plans concerned.

150. The employee may be credited with all or part of the years and parts of a year of service not credited under this plan pursuant to section 149 or section 115.7 of the Act respecting the Government and Public Employees Retirement Plan by paying to the Commission the difference between the actuarial values concerned for those years and parts of a year of service. The amount to be paid by the employee shall bear interest, compounded annually, at the rates determined, for each period, by this Act and the interest accrues

from the date on which the actuarial values were established until the date of the redemption proposal made by the Commission.

The sum established under the first paragraph is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

151. The Commission shall refund to an employee whose years and parts of a year of service credited under this plan have been transferred to another pension plan on an actuarially equivalent basis, the amount, if any, by which the total amount of the contributions accumulated under sections 73, 77, 205 and 206 exceeds the amount of the actuarial value of the benefits accrued to the employee under that other pension plan.

152. An employee who is a member of the pension plan established by the Government pursuant to section 10 of the Act respecting the Government and Public Employees Retirement Plan and who, in accordance with that plan, elects to become a member of this plan, shall be credited, for pension purposes, with the years and parts of a year of service credited under the pension plan established by the Government pursuant to that section.

The years and parts of a year of service credited under that plan shall be credited, for pension purposes, to an employee who, for reasons set out in that plan, ceases to hold pensionable employment under that plan and, within 180 days, holds pensionable employment under this plan.

The first and second paragraphs apply to the employee if he or she has not received a refund of his or her contributions or if the employee's credited service has not otherwise been recognized under this plan.

## **CHAPTER VII**

### **RETURN TO WORK OF A PENSIONER**

#### **DIVISION I**

##### **PENSIONER UNDER THIS PLAN WHO HOLDS PENSIONABLE EMPLOYMENT UNDER THIS PLAN OR THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

153. A pensioner who returns to pensionable employment under this plan or who holds pensionable employment under the Government and Public Employees Retirement Plan becomes, notwithstanding section 4, an employee covered by this plan and is a member thereof.

The payment of a pensioner's pension and any benefit under subparagraphs 7 and 8 of the first paragraph of section 97 shall cease while the pensioner holds or returns to the pensionable employment referred to in the first paragraph and the pensioner's pension is, at the time the pensioner ceases to hold that employment, recomputed in accordance with section 155, and sections 157 and 158 apply.

154. Notwithstanding section 153, a pensioner may elect not to resume membership in this plan while holding or upon returning to pensionable employment under the first paragraph of section 153. The pensioner's pension and the benefits referred to in subparagraphs 7 and 8 of the first paragraph of section 97 shall cease to be paid for a period corresponding to the service that would have otherwise been credited to the pensioner while the pensioner holds or has returned to such employment, had the election not been made.

An election not to resume membership in this plan applies from the date on which the Commission receives notice in writing to that effect. However, the election made by an employee who did not have years or parts of a year of service credited or counted under the plan or who did not have years or parts of a year of service counted under section 3.2 of the Act respecting the Government and Public Employees Retirement Plan, since the first day on which the employee held his or her last pensionable employment under the plan shall apply from that day.

However, a pensioner who, before 1 January 1983, held pensionable employment under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, except where the pensioner has received or is entitled only to a refund of contributions for the period prior to that date, and who holds or has returned to pensionable employment referred to in the first paragraph of section 153 and has elected not to resume membership in this plan may continue, until the pensioner attains 65 years of age, to receive his or her pension and the benefits referred to in the first paragraph and receive his or her salary.

155. The pension of a pensioner who has become an employee covered by this plan in accordance with section 153 shall, at the time the pensioner ceases to hold employment, be recomputed to take into account the pensionable salary of and the years of service credited to the pensioner for the period during which the pension ceases to be paid.

156. If the pensioner elects not to resume membership in this plan in accordance with section 154, the pension credits accrued to the pensioner under this plan shall be indexed in accordance with the plan for the period during which the pension ceases to be paid.

157. On ceasing to hold employment, the employee referred to in section 155 is entitled to receive the indexed pension or the pension recomputed in

accordance with this plan for the period during which it ceases to be paid, whichever is greater.

If the greater amount is the indexed pension, the contributions paid by the employee during the period in which the employee held employment shall be refunded to the employee with interest.

158. To determine the benefits, other than the pension accrued under this plan, to which an employee referred to in section 153 or a pensioner referred to in the first and second paragraphs of section 154 will be entitled when he or she ceases to be employed, the benefits are adjusted in accordance with the plan concerned.

## **DIVISION II**

### **PENSIONER 65 YEARS OF AGE OR OVER UNDER THE TEACHERS PENSION PLAN OR THE CIVIL SERVICE SUPERANNUATION PLAN WHO HOLDS PENSIONABLE EMPLOYMENT UNDER THIS PLAN**

159. Any benefit under the Teachers Pension Plan or the Civil Service Superannuation Plan shall cease to be paid to a pensioner under either of those plans who is 65 years of age or over, while the pensioner is holding pensionable employment under this plan, for a period corresponding to the service credited to the pensioner while he or she is holding such pensionable employment or, if the pensioner has made the election provided for in section 160, to the service that would have otherwise been credited to the pensioner while he or she is holding such pensionable employment, had such election not been made.

However, the first paragraph does not apply in respect of a pension granted to the spouse or in cases where the rules provided for in sections 89 to 100 and 102 and 103 apply.

160. Notwithstanding section 70 of the Act respecting the Teachers Pension Plan and section 89.4 of the Act respecting the Civil Service Superannuation Plan, the pensioner referred to in section 159 may elect not to be a member of this plan while holding pensionable employment under this plan.

An election not to be a member of this plan applies from the date of receipt by the Commission of a notice in writing to that effect. However, the election made by an employee who did not have years or parts of a year of service credited or counted under this plan or who did not have years or parts of a year of service counted under section 3.2 of the Act respecting the Government and Public Employees Retirement Plan since the first day on which the employee held pensionable employment applies from that day or from the date on which the employee reaches sixty-five years of age, if that first day is prior to that date.

161. The benefits referred to in section 159 to which an employee is entitled upon ceasing to hold employment shall be adjusted in accordance with the plan concerned.



162. The pension accrued under this plan by a pensioner who is a member of the Teachers Pension Plan or the Civil Service Superannuation Plan who continues to hold pensionable employment under this plan after the day on which the pensioner attains 65 years of age and who, under section 160, elects not to be a member of this plan, shall be computed and become payable from the date determined in the second paragraph of that section. The pension and benefits referred to in subparagraphs 7 and 8 of the first paragraph of section 97 shall cease to be paid for a period corresponding to the service that would have otherwise been credited to the pensioner while continuing to hold pensionable employment under this plan.

## **CHAPTER VIII**

### **PARTITION AND ASSIGNMENT OF BENEFITS BETWEEN SPOUSES**

163. From the filing of an application for separation from bed and board, divorce, annulment of marriage or for the payment of a compensatory allowance, the employee or former employee and his or her spouse are entitled to obtain, following an application made to the Commission on the conditions and in the manner prescribed by regulation, a statement setting out the value of the benefits accrued to the employee or former employee under this plan, the value of such benefits for the period of the marriage and any other information determined by the regulation.

The employee or former employee and his or her spouse are also entitled to obtain such a statement, following an application made to the Commission on the conditions and in the manner prescribed by regulation, for the purposes of mediation conducted prior to proceedings in family matters.

164. For the purposes of partition and assignment, the benefits accrued under this plan shall be established according to the rules fixed by regulation, which may differ from the rules otherwise applicable under this Act. The benefits shall be established and assessed in accordance with the actuarial rules, assumptions and methods determined by the regulation, which may vary according to the nature of the benefits established.

The benefits shall be established and assessed on the date the proceedings are instituted or the date on which the spouses ceased to live together, as the case may be. If, on that date, an employee does not qualify for membership in this plan pursuant to section 10, the employee's benefits shall be established and assessed under this chapter but according to the rules prescribed by Division II of the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan made by Order in Council 351-91 (1991, G.O. 2, 1307).

165. The Commission shall, following an application made on the conditions and in the manner prescribed by regulation, pay in full the sums awarded to the spouse. The regulation may also prescribe rules, conditions and terms for the payment of such sums and, where applicable, the interest payable thereon.

166. All sums paid to the spouse, the interest they yield and the benefits derived from such sums are inalienable and unseizable.

167. Following payment in full of the sums awarded to the spouse of the employee or former employee, every sum payable under this plan in respect of the employee's or former employee's participation shall be reduced in accordance with the actuarial rules, assumptions and methods prescribed by regulation, which may vary according to the nature of the entitlement giving rise to such sum.

168. Where, following a separation from bed and board, the value of the benefits accrued to an employee or former employee under this plan has been included in whole or in part in the value of the benefits that may be partitioned, the partition of the family patrimony shall entail, for the spouse who obtained it, the extinction of any other benefit, advantage or refund which the spouse could claim in his or her quality as spouse, unless the spouses resume living together.

169. For the purposes of this chapter, the pension credits granted pursuant to section 3.2 of the Act respecting the Government and Public Employees Retirement Plan and those granted under the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan shall be considered to be benefits accrued under this plan.

170. Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan does not apply to decisions of the Commission concerning the establishment and assessment of the benefits accrued under this plan. Any other decision of the Commission pursuant to this chapter may be contested by the employee or former employee and his or her spouse in the manner provided for for this plan.

## **CHAPTER IX**

### **ACTUARIAL VALUATION AND SHARING OF THE COST OF THE PLAN**

171. Once every three years, the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan shall require the Commission to cause an actuarial valuation of the plan to be prepared by the actuaries designated by the Commission. If no such request is made, the Commission shall cause the actuarial valuation to be prepared if more than three years have elapsed since the last valuation.

The Comité de retraite shall appoint an independent actuary charged with reporting to the committee, within 30 days of his or her appointment, on the validity of the assumptions used for the actuarial valuation.

The Comité de retraite shall send the report to the Minister within 90 days of its receipt and the Minister shall make the report public within 30 days after receiving it.

172. The fees and expenses of the independent actuary shall be borne by the Commission.

173. The cost of the plan shall be shared equally between the employees and the employers.

However, the cost of the plan shall, in respect of the years of service prior to 1 January 2001, be shared in accordance with the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000.

174. The Government may, by regulation, revise the rate of contribution to the plan. The rate shall be based on the result of the actuarial valuation of the plan and shall be adjusted as of 1 January following receipt by the Minister of the report of the independent actuary.

175. Where the object of a bill introduced in the National Assembly is to make immediate or future amendments to the plan, the Commission shall have a report prepared indicating to what extent the bill will affect the estimates of the latest actuarial valuation report.

## **CHAPTER X**

### **FUNDS OF THE PLAN**

#### **DIVISION I**

##### **INVESTMENT AND TRANSFER OF FUNDS**

176. The employees' contribution fund under this plan is established at the Caisse de dépôt et placement du Québec. The employers' contributory fund in respect of employees covered by this plan is also established at the Caisse.

177. The Commission shall deposit into the funds established under section 176

(1) the funds derived from the contributions deducted from the salary of the employees;

(2) the contributions or sums paid by employees to redeem service, as well as the funds transferred to the Commission under sections 141 and 142;

(3) the contributory amounts paid by the employers referred to in Schedule VI and the contributory amounts paid by the employers pursuant to section 44;

(4) the funds transferred to the Commission under agreements respecting this plan and entered into under section 203.

However, the Commission shall, according to the standards determined by the Government, withhold such part of those amounts as it may consider necessary immediately to make the payments it is required to make during the period determined by the Government.

178. The Commission shall, with respect to the years and parts of a year of service that were credited to an employee under this plan and that are credited to the Government and Public Employees Retirement Plan pursuant to section 109.1 of the Act respecting the Government and Public Employees Retirement Plan, transfer the sums paid in respect of those years and parts of a year of service out of the employees' contribution fund under this plan at the Caisse de dépôt et placement du Québec to the employees' contribution fund under the Government and Public Employees Retirement Plan at the Caisse.

All sums transferred shall bear interest from 1 July of the year in which they were paid to the date of transfer. Interest shall be compounded annually and computed according to the rates determined for each period by this Act.

However, if the contribution rate under this plan was less than the rate under the Government and Public Employees Retirement Plan during the years or parts of a year during which the employee referred to in the first paragraph paid contributions to this plan, the Commission shall also transfer an amount equal to the difference, with interest, between the contributions the employee would have paid had the employee been a member of the Government and Public Employees Retirement Plan and the contributions the employee paid to this plan, from the employees' contribution fund under this plan to the employees' contribution fund under the Government and Public Employees Retirement Plan. The second paragraph applies for the computation of interest.

The third paragraph also applies, with the necessary modifications, in respect of a person who has received, under section 80, the total of the person's contributions with accrued interest and who has availed himself or herself of section 59.6.0.1 or 59.6.0.2 of the Act respecting the Government and Public Employees Retirement Plan.

179. An employee who redeems years and parts of a year of service under the Government and Public Employees Retirement Plan and who becomes a member of this plan shall continue to pay the redemption costs according to the terms and conditions prevailing under the Government and Public Employees Retirement Plan. However, the sums paid by the employee after the date of a transfer made pursuant to section 128.1 of the Act respecting the Government and Public Employees Retirement Plan, in respect of the years and parts of a year of service credited to the employee under this plan, shall be deposited into the employees' contribution fund under this plan with the Caisse de dépôt et placement du Québec.

**DIVISION II****TERMS AND CONDITIONS OF PAYMENT OF BENEFITS**

180. The payment of benefits due as pensions or refunds and the payment of the sums necessary in respect of transfers shall be made by the Commission.

The sums necessary for such payments shall be taken, first, out of the sums withheld by the Commission under section 177, and thereafter, out of the sums paid to the Caisse de dépôt et placement du Québec,

(1) in the proportion of 5/12 out of the employees' contribution fund and 7/12 out of the employers' contributory fund for the years of service prior to 1 July 1982;

(2) in equal proportions out of the said funds for the years of service subsequent to 30 June 1982.

However, the sums shall be taken out of the consolidated revenue fund for any service that was credited under the Teachers Pension Plan or the Civil Service Superannuation Plan, if such service has been credited under the Government and Public Employees Retirement Plan pursuant to section 98 of the Act respecting the Government and Public Employees Retirement Plan or if such service has been credited under this plan pursuant to section 139.

181. Notwithstanding section 180, the sums necessary for the payment of the additional benefits provided for in sections 104 and 105 shall be taken out of the employees' contribution fund at the Caisse de dépôt et placement du Québec.

However, the sums necessary for the payment of the additional benefits provided for in the first paragraph and pertaining to pension credits granted under the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan shall be taken out of the consolidated revenue fund.

182. If the employers' contributory fund is exhausted, the sums necessary for the payments referred to in section 180 and for the transfers made pursuant to section 191 shall be taken, first, out of the funds capitalized under section 48 and, thereafter, out of the consolidated revenue fund.

**DIVISION III****FUNDING FOR THE PURPOSES OF DIVISION VII OF CHAPTER IV**

183. The actuarial value of the additional benefits resulting from the application of Division VII of Chapter IV shall be funded by the employees' contribution fund at the Caisse de dépôt et placement du Québec up to an amount of 172 million dollars at 1 January 2000.

The actuarial value of additional benefits that exceeds the amount provided for in the first paragraph shall be funded by the consolidated revenue fund.

The actuarial value of the additional benefits referred to in the first paragraph shall include also, for the period between 1 January 2000 and 1 January 2001, the actuarial value of additional benefits resulting from the application of Division IV.1 of Chapter IV of Title I of the Act respecting the Government and Public Employees Retirement Plan to an employee who was a member of the Government and Public Employees Retirement Plan pursuant to Title IV.0.1 of that Act.

Notwithstanding the first paragraph, additional benefits referred to in sections 104 and 105 and pertaining to pension credits granted under the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan shall be excluded from the funding provided for by this division.

184. The actuarial value of the additional benefits referred to in section 183 and pertaining to years and parts of a year referred to in paragraphs 1 to 3 of section 104 of this Act and, where applicable, in paragraphs 1 to 3 of section 73.1 of the Act respecting the Government and Public Employees Retirement Plan in respect of which benefits are vested on 31 December 1999 shall be established within six months of the filing of the actuarial valuation provided for in section 171 on the basis of the data finalized at 31 December 1999. The actuarial value shall be established on the basis of the assumptions used in that valuation and shall bear interest from 1 January 2000.

185. The actuarial value of the additional benefits referred to in section 183 and pertaining to years and parts of a year referred to in paragraphs 1 to 3 of section 104 of this Act and, where applicable, in paragraphs 1 to 3 of section 73.1 of the Act respecting the Government and Public Employees Retirement Plan in respect of which benefits are vested after 31 December 1999 shall be established at 1 January of each year in which benefits are vested. Each of the actuarial values shall be computed during the year following the year of vesting, on the basis of the assumptions used in the actuarial valuation filed under section 171 and available before the end of the year of the computation. Each of the actuarial values shall bear interest from 1 January of the year of vesting.

186. For the purposes of sections 184 and 185, the additional benefits shall be established on the basis of the provisions of this Act which are in force on 1 January 2001 and, where applicable, of the Act respecting the Government and Public Employees Retirement Plan that applied on 1 January 2000 to the employees governed by Title IV.0.1 of that Act.

187. Subject to section 188, where the total of the actuarial values established under sections 184 and 185, with interest accrued until 1 January of the year in which the last benefits referred to in section 185 are vested and have been computed, exceeds the amount of 172 million dollars established

under section 183 with interest accrued until that date, an amount equal to the excess amount accumulated shall be transferred from the consolidated revenue fund to the employees' contribution fund, with interest from the same date until the date of transfer.

Subsequently and subject to section 188, an amount equal to the actuarial value established under section 185 with accrued interest shall be transferred every year from the consolidated revenue fund to the employees' contribution fund.

**188.** For the purposes of this division, the actuarial values established under sections 184, 185 and 187 shall be adjusted, in the manner prescribed by regulation, to take account of the actuarial value of the additional benefits of each employee who, at the time the employee ceased to participate, was governed by this plan or by Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan but was not governed by the plan or by those provisions at the time the benefits referred to in sections 184 and 185 were vested, or who had ceased to be governed by this plan or by the said Title IV.0.1 but was governed by the plan or by those provisions at the time such benefits were vested.

The regulation may prescribe rules and procedures for the computation and adjustment of the actuarial values and determine the cases, conditions and procedure applicable to the transfer of funds relating to those adjustments.

**189.** For the purposes of this division, the interest rate shall correspond to the annual rate of return realized on the basis of the market value of the employees' contribution fund at the Caisse de dépôt et placement du Québec.

However, if at the time of a transfer of funds the rate referred to in the first paragraph is not determined, the monthly rates realized on the basis of the market value of the employees' contribution fund at the Caisse de dépôt et placement du Québec on the date of transfer apply. For the residual period, the rate applicable is the rate determined for the calendar year concerned in the most recent actuarial valuation filed under section 171.

#### **DIVISION IV**

##### **TEMPORARY FUNDING MEASURES FOR THE PURPOSES OF CERTAIN PROVISIONS**

**190.** A temporary special-purpose fund is hereby established in the employees' contribution fund at the Caisse de dépôt et placement du Québec, to provide for the funding of

(1) the additional benefits resulting from the application of the measures provided for in sections 33, 74.1, 74.2, 77 and 215.0.0.6 to 215.0.0.8 of the Act respecting the Government and Public Employees Retirement Plan as those sections read on 1 January 2000, with regard to an employee

(a) who was a member of the Government and Public Employees Retirement Plan on 31 December 1999 pursuant to Title IV.0.1 of the said Act and who is a member of this plan ;

(b) who was a member of the Government and Public Employees Retirement Plan on 31 December 1999 pursuant to Title IV.0.1 of the said Act and who ceased to be a member of that plan before 1 January 2001 ;

(2) the additional benefits resulting from the application of the measures referred to in paragraph 1 in respect of an employee who has elected to be a member of the Government and Public Employees Retirement Plan under section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 1 January 2000 ;

(3) the additional benefits that would have resulted from the application of the measures provided for in paragraph 1 in respect of an employee who becomes a member of this plan on 1 January 2001 or after that date, as if the employee were governed by Title IV.0.1 of that Act on 1 January 2000.

The accounting records relating to the special-purpose fund shall be separate from those relating to the employees' contribution fund. The fund is subject to paragraph 3 of section 173.2 of the Act respecting the Government and Public Employees Retirement Plan.

191. Each year, an amount equal to 2.72% of the pensionable salary of the employees shall be transferred from the employers' contributory fund at the Caisse de dépôt et placement du Québec to the special-purpose fund. The amount is intended to provide for the funding of the additional benefits that result from the application, from 1 January 2001, of the measures referred to in section 190 and that pertain to years and parts of a year of service subsequent to 31 December 2000.

192. Transfers made in accordance with section 191 shall terminate on the date on which the aggregate of the amount of 44 million dollars referred to in paragraph 2 of section 215.0.0.18 of the Act respecting the Government and Public Employees Retirement Plan as it read on 1 January 2000, accumulated with interest from that date, and the amount of all transfers made in accordance with section 215.0.0.19 of that Act, as it read on that date and with section 191 of this Act, accumulated with interest from the date of the respective transfers, equals the amount of 433 million dollars referred to in paragraph 1 of the said section 215.0.0.18, with accrued interest.

For the purposes of the first paragraph, the rate of interest is determined in accordance with section 189.

193. Not later than 31 December 2001, there shall be transferred from the special-purpose fund to the consolidated revenue fund an amount determined by regulation, intended for the funding of the additional benefits that result from the application, from 1 January 2000, of the measures provided for in



sections 33, 74.1, 74.2, 77 and 215.0.0.6 to 215.0.0.8 of the Act respecting the Government and Public Employees Retirement Plan as they read on 1 January 2000, in respect of the person who made the election provided for in section 215.0.0.1.1 of that Act, as it read on that last date, and that pertain to the years and parts of a year of service transferred from the Teachers Pension Plan and the Civil Service Superannuation Plan to the Government and Public Employees Retirement Plan.

The amount shall correspond to the actuarial value of the difference between the additional benefits that result from the application of the measures referred to in the first paragraph and the benefits that would result from the application of the provisions of the Teachers Pension Plan or the Civil Service Superannuation Plan, as the case may be, as they read on 31 December 1999.

The amount shall be computed on the basis of the assumptions used in the most recent actuarial valuation that is available at the time of the transfer and prepared under section 171 and shall bear interest from 1 January 2000 until the date of transfer, at the rate determined in accordance with section 189.

194. In the year following each three-year period, there shall be transferred from the special-purpose fund to the employees' contribution fund and the employers' contributory fund, in equal shares, an amount corresponding to the actuarial value of the difference between the benefits that result from the application of the measures referred to in section 190 and the benefits that would result from the application of sections 33 and 77 of the Act respecting the Government and Public Employees Retirement Plan as they read on 31 December 1999, with respect to each of the employees who are members of this plan who have retired during the period from 1 January of the first year of the three-year period to 31 December of the last year of that period. Shall be excluded from that difference, where applicable,

(1) any part of the difference that pertains to the years and parts of a year of service relating to the Teachers Pension Plan or the Civil Service Superannuation Plan which have been transferred to the Government and Public Employees Retirement Plan; and

(2) 2/12 of any part of the difference that pertains to the years and parts of a year of service credited prior to 1 July 1982.

For the purposes of the first paragraph, the employees who would not have been eligible for an immediate pension under section 33 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 1999 shall be considered as having been eligible for an immediate pension to which is applied the actuarial reduction provided for in section 38 of that Act as it read on that date, until the time when they would have been eligible for a pension without actuarial reduction.

The actuarial value of the benefits provided for in the first paragraph shall be established on the basis of the assumptions used in the most recent actuarial valuation of the plan that is available at the time of the transfer and prepared under section 171 of this Act. The actuarial value shall bear interest, from the date of retirement of each of the employees referred to in the first paragraph until the date of the transfer, at the rate determined under section 189.

195. On the date on which transfers from the employers' contributory fund to the special-purpose fund are terminated pursuant to section 192, the balance of the special-purpose fund shall be transferred, in equal shares, to the employers' contributory fund and to the employees' contribution fund. After that operation, the special-purpose fund shall be dissolved.

## **CHAPTER XI**

### **REGULATIONS**

196. The Government may, by regulation, after the Commission has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan,

(1) determine, for the purposes of subparagraph 3 of the first paragraph of section 3, the classes of employees, the conditions of employment and the remuneration or mode of remuneration by reason of which a person is excluded from the plan;

(2) exclude employees, for the purposes of section 8, on the basis of the class to which they belong or their conditions of employment;

(3) recognize, for the purposes of section 18 and for the purpose of qualification under the plan, years or parts of a year of service accumulated in non-unionizable employment by employees who belong to a class designated by the Government before becoming members of this plan and the circumstances, conditions and procedure of recognition;

(4) determine the bonuses, allowances, compensations or other additional remuneration that are included in the basic salary referred to in section 25;

(5) determine, for the purposes of sections 38, 118 and 120, the conditions and procedure applicable to the redemption of a leave without pay;

(6) determine, for the purposes of section 52, the days and parts of a day that are not included in the contributory period;

(7) determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 64, 68, 76 and 117, which may vary according to the nature of the benefits;

(8) establish, for the purposes of section 107, the limits applicable to a pension amount added under sections 104 and 105 and the manner in which an amount that exceeds the limits is to be adjusted;

(9) establish, for the purposes of section 113, a pension reduction factor and criteria for the application of that factor, and designate classes and subclasses of employees to whom the factor and the criteria are not applicable;

(10) determine, for the purposes of section 133, the circumstances in which an agreement is suspended;

(11) determine, for the purposes of section 136, the circumstances by reason of which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the service credited and the contributions; prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance;

(12) determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in section 149, which may vary according to the pension plans concerned;

(13) determine the conditions and procedure applicable to applications required under Chapter VIII;

(14) determine, for the purposes of section 163, the information that must be contained in the statement setting out the value of the benefits accrued to the employee or former employee;

(15) fix, for the purposes of section 164, the rules that apply to the establishment of benefits accrued under this plan, which may differ from the rules otherwise applicable under this Act; determine, for the purposes of the said section, the actuarial rules, assumptions and methods that apply to the assessment of accrued benefits and that may vary according to the nature of the benefits;

(16) determine, for the purposes of section 165, rules, conditions and terms for the payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

(17) prescribe, for the purposes of section 167, the actuarial rules, assumptions and methods for reducing any sum payable under this plan, which may vary according to the nature of the benefit from which such sum is derived;

(18) establish, in accordance with section 174, a new rate of contribution applicable to this plan;

(19) prescribe, for the purposes of section 188, rules and procedures for the computation and adjustment of the actuarial values and determine the cases, conditions and procedures applicable to the transfer of funds relating to those adjustments;

(20) determine, for the purposes of section 193, the amount to be transferred from the special-purpose fund to the consolidated revenue fund;

(21) establish, based on the rate of return of certain classes of amounts referred to in section 177 and designated by regulation, the rules and procedure governing the computation of interest;

(22) establish, for the purposes of section 201, the limit applicable to the pensionable salary and the limit applicable to the service credited, and the rules and procedures for computing the pension;

(23) establish, for the purposes of section 202, the periods of absence that may be credited for each type of absence and in total;

(24) determine, for the purposes of section 206, the manner of computing the interest on contributions;

(25) determine the conditions which permit a body, according to the class determined by regulation, to be designated by order in Schedule III;

(26) determine the conditions and the terms relating to the return to work, in pensionable employment under this plan, of a pensioner under a plan established under sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan.

For the purposes of the consultation provided for in the first paragraph, draft regulations must be submitted to the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan at least 30 days before they are adopted, together with a report describing their effects.

## **CHAPTER XII**

### **MISCELLANEOUS PROVISIONS**

197. The Commission administrative des régimes de retraite et d'assurances is responsible for the administration of this plan.

198. No person may claim any benefit, advantage or refund under this plan if the person has not applied therefor to the Commission.

Even in the absence of an application therefor, the Commission may pay any benefit under this plan on the date on which it is or becomes payable without actuarial reduction. However, such a benefit shall be paid on or before

31 December of the year in which the employee attains 69 years of age or, where the employee continues to hold pensionable employment under the plan on that date, on or after the date on which the employee retires.

199. Where an application for the redemption of years or parts of a year is filed with the Commission under this pension plan, the Commission shall send to the employee a redemption proposal valid for a period of 60 days from the date it is made.

An application for redemption is deemed never to have been made if the Commission does not receive from the employee before the 60-day period expires a notice to the effect that the employee accepts the proposal.

Moreover, an application is deemed never to have been made if the cash payment of the cost of redemption is not made before the 60-day period expires, where such a payment is required owing to the choice made by the employee or by operation of law. Where the payment is to be made by instalments and the employee fails to make a payment, the application for redemption is deemed never to have been made in respect of service for which the payments have not been made if the employee does not make the payment that has become overdue 30 days after the date of a notice from the Commission to that effect. In that case, the most recent service is credited first. However, in the case of sections 38, 84 to 87, 118, 120, 141 and 148, the application for redemption is deemed never to have been made as regards the entire service, and the sums that have been paid by the employee shall be refunded with the interest provided for in section 204 and computed in accordance with sections 205 and 206.

No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of a year and the decision is reversed following a review or arbitration based on the data contained in the record at the time of the refusal, no interest is computed in respect of such years or parts of a year between the date of the refusal and the date of expiry of the redemption proposal.

200. Notwithstanding section 199, an employee who files an application for review during the period in which the redemption proposal is valid is not bound to accept the proposal during that period or to make payments until a final determination has been made. After mailing the decision of the Comité de retraite or of the arbitrator, as the case may be, the Commission shall send the employee a notice which reiterates or amends the redemption proposal as of the date of the proposal, and section 199 applies.

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, at the rate in force on the date of receipt of the application for redemption, from the date of the proposal until the date of the Commission's notice, unless interest is otherwise payable for that period by operation of law.

201. No benefit resulting from the redemption under this plan of years or parts of a year prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of a year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of a year redeemed, may be established by regulation.

202. The periods of absence of an employee that may be credited under this plan, which may vary according to the year in which the employee was absent, are, for each type of absence and in total, determined by regulation.

203. The Commission may, with the authorization of the Government, enter into a transfer agreement with any body having a pension plan or the body that administers the plan, to cause to be counted or credited, as the case may be, in respect of an employee who is a member of this plan, all or part of the years of service counted under the pension plan of which the employee was a member. If such a transfer agreement stipulates that years and parts of a year of service counted under the other pension plan are recognized solely for purposes of eligibility for a pension under this pension plan, the employee who pays an amount determined in the agreement in order to be credited with all or part of the years and parts of a year of service under the pension plan shall do so in the manner prescribed in the second paragraph of section 150.

The Commission may, subject to the applicable legislative provisions, enter into such an agreement with a government in Canada or any of the departments or bodies of such a government.

Such agreements may provide the conditions and the procedure applicable to a transfer and provide for the case of an employee who enters the service of a government in Canada or of one of its departments or of any other body.

204. The interest payable under this plan is the interest provided for in Schedule VII in respect of the period indicated. Such interest is established in relation to the rate of return of certain classes of amounts referred to in section 177 and designated by regulation.

The rate is established annually according to the rules and in the manner determined by regulation.

205. The interest on contributions within the meaning of section 73 accrues at the rates determined for each period under this Act. However, until 31 December 1990, interest accrues at 90% of those rates.

The first paragraph does not apply to the computation of the interest accrued under this plan for the purposes of section 71 of the Act respecting the Pension Plan of Peace Officers in Correctional Services.

206. For the purposes of the computation of the interest, the contributions of the employee within the meaning of section 73, except the amounts that the employee had paid into a pension plan from which service has been transferred to this plan pursuant to sections 149 and 203, are deemed received at the mid-point of each year. The manner of computing the interest on any of the contributions of an employee within the meaning of section 73 is established by regulation.

207. The Government may, by order, amend Schedules I and III to VII. It may also amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan. Any such order may have effect 12 months or less before it is made.

Any order made under paragraphs 2 and 4 of section 2 and under paragraph 7 of section 3 may have effect six months or less before it is made, and any order made under paragraph 5 of section 2 may have effect 12 months or less before it is made. However, any order made under paragraph 3 of section 2 may have effect from any date subsequent to 31 December 2000.

208. The Government may, with respect to classes of employees designated under the first paragraph of section 23, establish a plan that provides for supplementary benefits payable from the date of retirement. The Government may also provide in the plan for the payment of benefits to the spouses of such employees.

Benefits accrued during marriage under the supplementary benefits plan form part of the family patrimony established under the Civil Code of Québec. In that respect, the Government may render all or some of the rules contained in Chapter VIII or enacted under that chapter applicable to the plan. It may also prescribe special rules governing the determination and assessment of the supplementary benefits so granted.

In addition, the amounts paid under this plan are inalienable and unseizable. However, they are unseizable only up to 50% in the case of amounts arising out of the partition of the family patrimony between spouses, the payment of support or the payment of a compensatory allowance.

An order under the first or second paragraph may have effect 12 months or less before it is made.

209. The Commission is responsible for the administration of the supplementary benefits plan. At least once every three years, the Commission shall cause an actuarial valuation of the plan to be made by the actuaries it shall designate.

Divisions I and II of Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan do not apply with respect to an employee belonging to a designated class, but such an employee may, in the year following the mailing date of any decision of the Commission

concerning the employee, file with the Commission an application for arbitration. The arbitrator shall be the person appointed pursuant to the second paragraph of section 183 of that Act, and sections 184 to 186 of that Act apply.

The benefits payable under the supplementary benefits plan are paid out of the consolidated revenue fund.

210. All sums paid or refunded under this plan are inalienable and unseizable. To that end, a person's entitlements under this plan may not be assigned, encumbered, anticipated, given as security or waived. The fact of reducing the benefits for the purpose of avoiding the revocation of registration of the plan does not constitute a waiver.

The first paragraph does not operate to prevent, to the extent that the plan provides therefor, an assignment

(1) under an order, a judgment of a court of competent jurisdiction, or a written agreement on or after the breakdown of the marriage or of a situation similar to a conjugal relationship between an employee and the employee's spouse or former spouse, in settlement of rights arising out of the marriage or situation ;

(2) made by the legal representative of a deceased employee, in settlement of the succession.

211. Sections 139 and 148 apply notwithstanding the provisions of section 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

The said sections shall operate notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

212. The Government shall designate the Minister to be responsible for the administration of this Act.

### **CHAPTER XIII**

#### **AMENDING PROVISIONS**

#### **ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC**

213. Section 20 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph :

“(c) the Government and Public Employees Retirement Plan established by the Act respecting the Government and Public Employees Retirement Plan



(chapter R-10) and the Pension Plan of Management Personnel established by the Act respecting the Pension Plan of Management Personnel (2001, chapter 31).”

#### ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

214. Section 55 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by replacing “and sections 84 and 85 of the Act respecting the Civil Service Superannuation Plan (chapter R-12)” in the fifth and sixth lines of the first paragraph by “, sections 84 and 85 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) and section 78 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31)”.

#### ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

215. Section 2 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended

(1) by replacing “or the Civil Service Superannuation Plan” in the second line of subparagraph 1 of the first paragraph by “, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel”;

(2) by inserting “if they hold pensionable employment under the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) or” after “(chapter R-9.2)” in the fifth line of the second paragraph;

(3) by replacing “or the Civil Service Superannuation Plan” in the ninth and tenth lines of the second paragraph by “, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel”.

216. Section 7 of the said Act is amended by adding “or the Pension Plan of Management Personnel” at the end.

217. Section 8 of the said Act is amended by replacing the first paragraph by the following paragraph:

“8. Where a person who is an employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel is a member of this plan, the rate of contribution provided for in the Act respecting the Government and Public Employees Retirement Plan and sections 29, 29.1 and 31 to 31.3 of that Act apply.”

218. Section 8.1 of the said Act, enacted by section 1 of chapter 32 of the statutes of 2000, is amended by replacing the first paragraph by the following paragraph:

“8.1. The person referred to in the first paragraph of section 8, who holds, with the corresponding classification, an employment referred to in Schedule I to the Act respecting the Pension Plan of Management Personnel, shall contribute to this plan according to the contribution rate provided for in section 8, from which 1% must be subtracted.”

219. Section 10 of the said Act is amended

(1) by replacing “shall be credited, for pension purposes under this plan, with” in the third line by “shall have credited, for pension purposes, or counted, for membership eligibility purposes under this plan,”;

(2) by inserting “or counted” after “credited” in the fourth line.

220. Section 12 of the said Act is amended by inserting “, section 28.5.6 of the Act respecting the Teachers Pension Plan (chapter R-11) or section 99.17.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12)” after “(chapter R-10)” in the tenth line of the first paragraph.

221. Section 16 of the said Act is amended

(1) by inserting “or of the Pension Plan of Management Personnel” after “date” in the third line of the second paragraph;

(2) by inserting “or of the Pension Plan of Management Personnel” after “Plan” in the eighth line of the second paragraph.

222. Section 21 of the said Act is amended by replacing the last four lines of the first paragraph by the following: “pension, or both at the same time, under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel shall be counted under this plan for the purposes set out in those Acts, and section 74 of the Act respecting the Government and Public Employees Retirement Plan or section 111 of the Act respecting the Pension Plan of Management Personnel, as the case may be, applies”.

223. Section 22 of the said Act is amended by inserting “the Pension Plan of Management Personnel,” after “Retirement Plan,” in the third line of the first paragraph.

224. Section 29 of the said Act is amended by inserting “or under the Pension Plan of Management Personnel” after “paragraph” in the third line of the second paragraph.

225. Section 34.8 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Retirement Plan” in the second line of the third paragraph.

226. Section 34.12 of the said Act is amended

(1) by replacing “, referred to” in the third line of the second paragraph by “or section 140 of the Act respecting the Pension Plan of Management Personnel, referred to”;

(2) by inserting “or the said section 140” after “99” in the fifth line of the second paragraph;

(3) by inserting “or the said section 140” after “99” in the ninth and eleventh lines of the second paragraph;

(4) by inserting “or the said section 140” after “99” in the thirteenth line of the second paragraph.

227. Section 34.15 of the said Act is amended

(1) by inserting “, the Pension Plan of Management Personnel,” after “plan” in the fourth line of the first paragraph;

(2) by inserting “, the Pension Plan of Management Personnel” after “plan” in the third line of the second paragraph.

228. Section 34.16 of the said Act is amended by inserting “or sections 149 and 203 of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the fifth line.

229. Section 34.17 of the said Act is amended by inserting “and section 140 of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the second line.

230. Section 37 of the said Act is amended

(1) by replacing “or the Civil Service Superannuation Plan” in the third line of the first paragraph by “, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel”;

(2) by adding “or the Act respecting the Pension Plan of Management Personnel” at the end of the second paragraph.

231. Section 39 of the said Act is amended by inserting “and benefits” after “pension” in the first line of subparagraph 1 of the first paragraph.

232. Section 51 of the said Act is amended by inserting “or the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the fifth line of the second paragraph.

233. Section 54 of the said Act is amended by inserting “or, as the case may be, with sections 44 and 45 of the Act respecting the Pension Plan of Management Personnel” after “the said Act” in the fifth line.

234. Section 58 of the said Act is amended by inserting “, the Act respecting the Pension Plan of Management Personnel” after “(chapter R-12)” in the fifth line of the second paragraph.

235. The second paragraph of section 62 of the said Act is again enacted and, consequently, shall read as follows :

“The provisions of this Act have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

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

236. Section 2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by inserting “the Pension Plan of Management Personnel” after “Superannuation Plan,” in the fourth line.

237. Section 20 of the said Act is amended

(1) by inserting “, the Pension Plan of Management Personnel” after “Superannuation Plan” in the third line of subparagraph 3 of the first paragraph ;

(2) by replacing “in the last case” in the fourth line of subparagraph 3 of the first paragraph by “in the last two cases”.

238. Section 22 of the said Act is amended

(1) by inserting “the Pension Plan of Management Personnel,” after “Superannuation Plan,” in the fourth line of the first paragraph ;

(2) by replacing “or” in the third line of the second paragraph by “,” ;

(3) by inserting “, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan,” after “Plan” in the fourth line of the second paragraph.

239. Section 27 of the said Act is amended

(1) by replacing “Retirement Plan, the Civil Service Superannuation Plan or of” in the fourth line of the first paragraph by “Retirement Plan, the Pension Plan of Management Personnel or” ;

(2) by inserting “, the Pension Plan of Management Personnel” after “Plan” in the third line of subparagraph 3 of the first paragraph ;

(3) by replacing “in the last case” in the fourth line of subparagraph 3 of the first paragraph by “in the last two cases”.

240. Section 31 of the said Act is amended by replacing “Plan or of” in the sixth line of the first paragraph by “Plan, the Pension Plan of Management Personnel or”.

241. Section 37 of the said Act is amended by inserting “or into the Pension Plan of Management Personnel” after “plans” in the sixth line of the first paragraph.

242. Section 71 of the said Act is amended by replacing “or section 136” in the fifth line of the second paragraph by “, 136 or 136.1”.

243. Section 75 of the said Act is amended

(1) by inserting “the Pension Plan of Management Personnel,” after “Superannuation Plan,” in the second line of subparagraph 1 of the first paragraph;

(2) by inserting “, the Teachers Pension Plan or the Civil Service Superannuation Plan” after “Retirement Plan” in the second line of subparagraph 3 of the first paragraph.

244. Section 82 of the said Act is amended

(1) by adding “or the Pension Plan of Management Personnel, as the case may be” at the end of subparagraph 2 of the first paragraph;

(2) by inserting “, the Act respecting the Teachers Pension Plan (chapter R-11) and the Act respecting the Civil Service Superannuation Plan (chapter R-12)” after “Act” at the end of subparagraph 8 of the first paragraph;

(3) by replacing “said Act” in subparagraph 9 of the first paragraph by “Act respecting the Government and Public Employees Retirement Plan”.

245. Section 99 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the third line.

246. Section 104 of the said Act is amended by replacing “Government and Public Employees Retirement Plan, he shall participate in that plan, or as the case may be, in the Pension Plan of Certain Teachers” in the last two lines of the second paragraph by the following: “Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, he shall participate in either of such plans, or, as the case may be, in the Pension Plan of Certain Teachers”.

247. The heading of Division II of Chapter V of the said Act is amended by adding “OR THE PENSION PLAN OF MANAGEMENT PERSONNEL” at the end.

248. Section 109 of the said Act is amended by inserting “or the Pension Plan of Management Personnel” after “Plan” in the second line.

249. Section 110 of the said Act is replaced by the following section:

“110. The pensioner is a member of the Government and Public Employees Retirement Plan, the Pension Plan of Management Personnel or the Pension Plan of Certain Teachers, as the case may be, and becomes, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), section 4 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) or the second paragraph of section 2 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), as the case may be, an employee or person to whom those plans apply, but the pensioner is not entitled to transfer the years of service credited under this plan to any of those plans.”

250. The heading of Division III of Chapter V of the said Act is amended by adding “OR THE PENSION PLAN OF MANAGEMENT PERSONNEL” at the end.

251. Section 112 of the said Act is amended

(1) by inserting “or the Pension Plan of Management Personnel” after “Plan” in the second line of the first paragraph;

(2) by inserting “or, as the case may be, sections 154 and 160 of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the sixth line of the first paragraph;

(3) by inserting “or in Division VI of Chapter IV of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the last line of the second paragraph.

252. Section 113 of the said Act is amended by replacing “or, as the case may be, notwithstanding the second paragraph of section 2 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1)” in the second, third and fourth lines of the first paragraph by “, section 4 of the Act respecting the Pension Plan of Management Personnel or, as the case may be, the second paragraph of section 2 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1)”.

253. The heading of Division IV of Chapter V of the said Act is amended by inserting “THE PENSION PLAN OF MANAGEMENT PERSONNEL,” after “RETIREMENT PLAN,” in the third line.

254. Section 116 of the said Act is amended by inserting “or of any benefit referred to in subparagraphs 1 to 9 of the first paragraph of section 97 of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the third line.

255. Section 119 of the said Act is amended by inserting “or of any benefit referred to in subparagraphs 1 to 9 of the first paragraph of section 97 of the Act respecting the Pension Plan of Management Personnel” after “(chapter R-10)” in the third line of the first paragraph.

256. The said Act is amended by inserting the following section after section 136:

“136.1. The Commission shall, with respect to every employee other than an employee referred to in section 135, transfer to the consolidated revenue fund the actuarial value of the benefits accrued to the employee, if any, under the Pension Plan of Management Personnel in respect of the years and parts of a year of service for which contributions or, as the case may be, sums paid by the employee have been deposited into the Caisse de dépôt et placement du Québec without exceeding, however, the actuarial value of the equivalent benefits to which the employee is entitled under this plan. The actuarial values are those established pursuant to section 23 in respect of those years and parts of a year of service.

All sums transferred pursuant to the first paragraph shall bear interest, compounded annually, at the rates determined, for each period, under the Act respecting the Pension Plan of Management Personnel from the date on which the employee began to pay contributions to this plan to the date on which the sums are transferred to the consolidated revenue fund. The sums are taken out of the relevant funds of the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in sections 180 and 182 of the Act respecting the Pension Plan of Management Personnel.”

257. The said Act is amended by inserting the following section after section 138:

“138.1. The Commission shall, with respect to the years and parts of a year of service that were credited to an employee under this plan and transferred pursuant to section 149 of the Act respecting the Pension Plan of Management Personnel, deposit into the Caisse de dépôt et placement du Québec the actuarial value of the benefits accrued under this plan without exceeding, however, the actuarial value of the equivalent benefits to which the employee is entitled under the Pension Plan of Management Personnel. The actuarial values are those established pursuant to section 149.

All sums transferred pursuant to the first paragraph shall bear interest, compounded annually, at the rates determined, for each period, under the Act respecting the Pension Plan of Management Personnel, from the date the employee began to pay contributions to the said pension plan until the date on which the said sums are deposited into the Caisse de dépôt et placement du Québec. The sums shall be paid to the said Caisse, into the funds and in the proportion determined pursuant to the second paragraph of section 180 of the Act respecting the Pension Plan of Management Personnel. The second paragraph of section 139 applies, with the necessary modifications.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES  
RETIREMENT PLAN

258. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is replaced by the following section:

“2. The plan also applies to

(1) any employee whose supplemental pension plan with an employer party to the plan was terminated after 30 June 1973 by reason of an amendment made to the supplemental pension plan;

(2) a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (chapter A-23.1) who is not entitled to assignment or re-assignment to a position where this plan or the Pension Plan of Management Personnel would apply to him or her if, at the member's or person's request, the Government adopts an order to that effect, except where the member can avail himself or herself of section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), section 9.0.1 of the Act respecting the Teachers Pension Plan (chapter R-11) or section 54 of the Act respecting the Civil Service Superannuation Plan (chapter R-12);

(3) an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body.”

259. Section 3 of the said Act is amended

(1) by replacing “and 2” in the first line of the first paragraph by “, 2 and 3.2”;

(2) by inserting “, the Pension Plan of Management Personnel” after “Teachers” in the sixth line of the first paragraph.

260. The said Act is amended by inserting the following sections after section 3.1:

“3.2. The provisions of this Act concerning pension credits and the provisions concerning paid-up annuity certificates obtained under a supplemental pension plan with an employer party to this plan also apply to an employee who is a member of the Pension Plan of Management Personnel as if the employee was an employee for the purposes of this plan.

For the purposes of those provisions, the words “plan” and “this plan”, in the case of an employee referred to in the first paragraph, refer to the Pension Plan of Management Personnel unless otherwise indicated by the context or unless otherwise provided.



“3.3. The employee referred to in section 3.2 is deemed to become a member of this plan on the earlier of the following dates :

(1) the employee’s first day of service in pensionable employment under the Pension Plan of Management Personnel if, before becoming a member of that plan, the employee caused years or parts of a year of service to be counted for the purpose of acquiring a pension credit or a paid-up annuity certificate ;

(2) the date the Commission received an application for redemption whereby years and parts of a year of service were counted under this plan for the purpose of acquiring a pension credit.

The employee shall be a member of this plan as long as he or she remains an employee for the purposes of the Pension Plan of Management Personnel. The employee is deemed to have ceased to be a member on the date determined by section 9 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31).

An employee referred to in the first paragraph who retires under the Pension Plan of Management Personnel is deemed to retire under this plan on the same date. The employee’s application for a pension filed under the Act respecting the Pension Plan of Management Personnel is deemed to be an application for payment of a pension credit. Division II.1 of Chapter V.1 and Division I of Chapter VII and Chapter VII.1 of this Title do not apply to that employee.”

261. Section 4 of the said Act is amended

(1) by striking out paragraph 7 ;

(2) by adding the following paragraph at the end :

“(9) subject to section 3.2 of this Act, is a member of the Pension Plan of Management Personnel.”

262. Section 6 of the said Act is amended

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

“6. This plan applies to employees who are members of a supplemental pension plan with an employer party to this plan if the employees so elect by means of a poll. The rules governing the poll are prescribed by regulation.” ;

(2) by adding the following paragraph after the second paragraph :

“To the extent provided for by section 3.2, the plan also applies to the employees referred to in section 20 of the Act respecting the Pension Plan of Management Personnel who are members of a supplemental pension plan with an employer party to this plan and by the Pension Plan of Management

Personnel, if those employees so elect by means of a poll held in accordance with the first and second paragraphs.”

263. Section 7 of the said Act is amended

(1) by inserting “referred to in section 6” after “employees” in the first line;

(2) by replacing “section 6” in the second line by “that section”;

(3) by inserting “or the Pension Plan of Management Personnel” after “plan” in the third line.

264. Section 8 of the said Act is amended by replacing “to the employees who may be unionized and the other employees” in the first two lines by “, subject to the provisions of the Act respecting the Pension Plan of Management Personnel, to the employees”.

265. Section 10 of the said Act is amended

(1) by inserting “or the Pension Plan of Management Personnel” after “plan” in the third line of the first paragraph;

(2) by inserting “, of the Pension Plan of Management Personnel if, in the latter case, they hold employment that is pensionable employment under that plan,” after “this plan” in the fourth line of the first paragraph.

266. Section 10.0.1 of the said Act is amended

(1) by inserting “or the Pension Plan of Management Personnel” after “plan” in the second line of the first paragraph;

(2) by inserting “, of the Pension Plan of Management Personnel if, in the latter case, they hold employment that is pensionable employment under this plan,” after “this plan” in the fifth line of the first paragraph.

267. Section 10.1 of the said Act is repealed.

268. Section 10.2 of the said Act is amended

(1) by replacing “plans established pursuant to section 10.0.1 and the sixth paragraph of section 10.1” in the second and third lines by “plan established pursuant to section 10.0.1”;

(2) by replacing “such plans” in the seventh and eighth lines by “such plan”.

269. Section 11 of the said Act is amended by inserting “or of the Pension Plan of Management Personnel” after “plan” in the first line of the third paragraph.

270. The said Act is amended by inserting the following section after section 20:

“20.1. Where section 33 of the Act respecting the Pension Plan of Management Personnel applies, the service established in accordance with sections 19 and 20 of this Act shall be credited with up to one year in excess of the service credited under the Pension Plan of Management Personnel.

The pensionable salary attached to pensionable employment under this plan shall be determined in accordance with Division I of this chapter, multiplied by the service credited pursuant to the first paragraph over the service established in accordance with sections 19 and 20 of this Act.”

271. Section 24 of the said Act is amended

(1) by inserting “pensionable employment under the Pension Plan of Management Personnel” after “Teachers,” in the third line of subparagraph 3 of the first paragraph;

(2) by inserting “or the Pension Plan of Management Personnel” after “plan” in the second line of the last paragraph.

272. The said Act is amended by inserting the following section after section 24.0.1:

“24.0.2. The days and parts of a day during which an employee was on part-time or full-time leave without pay while holding pensionable employment under the Pension Plan of Management Personnel shall be credited, subject to the terms and conditions determined by regulation, on the application of the employee if

(1) the employee was authorized to take the leave by his or her employer;

(2) the employee pays an amount equal to 200% of the contributions that would have been paid by the employee if the employee had been a member of this plan during such leave, computed on the pensionable salary the employee would have received if he or she had not been on leave according, as the case may be, to the number of days and parts of a day comprised in the leave over the number of contributory days in the year, that is, 200 or 260, according to the basis of remuneration;

(3) the employee held, in the case of a full-time leave without pay, pensionable employment under this plan or the Pension Plan of Management Personnel, even if the employee was a member of the Pension Plan of Certain Teachers, or pensionable employment under the Pension Plan of Peace Officers in Correctional Services if, in the last case, the employee was not holding pensionable employment under the Civil Service Superannuation Plan at the time of his or her leave without pay, from the end of the last leave authorized by the employer or, in the case of a part-time leave without pay, from the end

of the authorized leave, unless the employee has died or become disabled or eligible for retirement or unless, upon his or her return, the employee availed himself or herself of an agreement of transferability entered into under section 203 of the Act respecting the Pension Plan of Management Personnel or, if the leave is followed by a maternity leave, from the end of the leave or, where such is the case, from the end of a leave without pay immediately following a maternity leave.

However, in the case of unpaid leave which relates to maternity, paternity or adoption leave, the employee shall pay only one-half of the amount referred to in subparagraph 2 of the first paragraph, provided the unpaid leave is permitted under the employee's conditions of employment.

An employee on leave without pay pursuant to the first paragraph who held, during such leave, another pensionable employment under the Pension Plan of Management Personnel for part of that period may be credited, in accordance with the first or second paragraph, with only the days and parts of a day during which the employee did not hold such employment.”

273. Section 28 of the said Act is amended

- (1) by striking out the last sentence of the second paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“The pension credit that, where such is the case, would have been granted in respect of one or more of those years or parts of a year or, in the case of an employee who is a member of the Pension Plan of Management Personnel and to whom section 3.2 applies, in respect of one or more of the years or parts of a year credited under section 128 of the Act respecting the Pension Plan of Management Personnel, is cancelled, and the sums paid in respect thereof are refunded with interest.”

274. Section 29 of the said Act, amended by section 10 of chapter 32 of the statutes of 2000, is again amended

- (1) by inserting “under this plan or the Pension Plan of Management Personnel” after “employment” in the second line of the first paragraph;
- (2) by replacing, in the French text, “de ce” in the second line of the first paragraph by “du présent”.

275. Section 47 of the said Act is amended by replacing “again becomes a member of the plan” in the fifth line of the first paragraph by “is a member or resumes membership in this plan or of the Pension Plan of Management Personnel”.

276. Section 49.1 of the said Act is amended by replacing “the plan” in the third line of the first paragraph by “this plan or the Pension Plan of Management Personnel”.

277. Section 50 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the sums paid by an employee who is an employee for the purposes of this plan or, pursuant to section 3.2, the Pension Plan of Management Personnel into a supplemental pension plan established by an employer party to those plans are reimbursed if the funds have been transferred to this plan.”

278. Section 51 of the said Act is amended by inserting “the Pension Plan of Management Personnel,” after “service to” in the second line of the second paragraph.

279. Section 59 of the said Act is amended by replacing “an employment contemplated in this plan” in the first and second lines of the third paragraph by “pensionable employment under this plan or, pursuant to section 3.2, the Pension Plan of Management Personnel”.

280. Section 59.2 of the said Act is amended by inserting “or, for the purposes of section 3.2, in the first and second paragraphs of section 80 of the Act respecting the Pension Plan of Management Personnel” after “59.1” in the second line.

281. Section 59.4 of the said Act is amended

(1) by inserting “or who has ceased to be a member of the Pension Plan of Management Personnel pursuant to the second paragraph of section 80 of the Act respecting the Pension Plan of Management Personnel, as the case may be,” after “59.1” in the second line;

(2) by replacing “that section” in the fourth line by “either of those sections”;

(3) by inserting “participate or” after “elect to” in the fifth line.

282. Section 59.5 of the said Act is amended by inserting “referred to in this section or in section 84 of the Act respecting the Pension Plan of Management Personnel, if, in the latter case, section 3.2 of this Act applies to the employee,” after “employee” in the first line of the third paragraph.

283. The said Act is amended by inserting the following sections after section 59.6:

“59.6.0.1. An employee who has availed himself or herself of the first or second paragraph of section 80 of the Act respecting the Pension Plan of Management Personnel may be credited with the years or parts of a year of service that had been credited to the employee before the date of the refund if the employee applies therefor and pays an amount equal to the amount that was refunded to him or her, with interest, compounded annually, at the rates determined for each period by this Act. The interest runs from the date of the refund until the date of the redemption proposal made by the Commission.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

The employee may also cause the years or parts of a year of service that had been counted in respect of the employee before the date of the refund of the amount referred to in section 59.2 of this Act to be counted, and the first and second paragraphs apply, with the necessary modifications. The employee is then entitled to a pension credit equal to that to which he or she would have been entitled if the amount had not been refunded.

“59.6.0.2. An employee who has availed himself or herself of the second paragraph of section 80 of the Act respecting the Pension Plan of Management Personnel may be credited with the years and parts of a year of service of the period during which the employee would have been a member of that plan had it not been for the application of that paragraph if the employee applies therefor and pays an amount equal to the contribution he or she would have paid if the employee had been a member of that plan, with interest, compounded annually, at the rates determined for each period by this Act. The interest runs from the mid-point of each year up to the date of the redemption proposal made by the Commission. However, in respect of the years and parts of a year of service credited to the employee, section 34 of the Act respecting the Pension Plan of Management Personnel applies, where that is the case, as though the employee had been a member of that plan during that period.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.”

284. Section 59.6.1 of the said Act is amended by inserting “and, for an employee referred to in section 3.2 who has availed himself or herself of section 88 of the Act respecting the Pension Plan of Management Personnel, section 59.6.0.1” after “59.5” in the seventh line.

285. Section 60 of the said Act is amended

(1) by inserting “or, if the person is a pensioner under this plan, pensionable employment under the Pension Plan of Management Personnel” after “plan” in the second line of the first paragraph;

(2) by inserting “, the Teachers Pension Plan or the Civil Service Superannuation Plan” after “plan” in the first line of subparagraph 3 of the first paragraph.

286. Section 67 of the said Act is amended by adding “, the Teachers Pension Plan or the Civil Service Superannuation Plan” at the end of subparagraph 8 of the first paragraph.

287. Section 73.7 of the said Act, enacted by section 14 of chapter 32 of the statutes of 2000, is amended by replacing “except, in the latter case,” in the eighth line of the first paragraph by “under this plan or, if the employee is a pensioner under that plan, who holds pensionable employment under the Pension Plan of Management Personnel, except, in the case of a pensioner,”.

288. Section 83 of the said Act is amended by replacing “an employment contemplated in this plan” in the first line of the first paragraph by “pensionable employment under this plan or the Pension Plan of Management Personnel”.

289. Section 85.3 of the said Act is amended

- (1) by striking out the last sentence of the second paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“Any pension credit that may have been granted in respect of any or several of those years or parts of a year, or, in the case of a female employee who is a member of the Pension Plan of Management Personnel and to whom section 3.2 applies, in respect of any or several years or parts of a year credited under section 130 of the Act respecting the Pension Plan of Management Personnel, is cancelled, and any sum paid to cover the cost thereof is reimbursed with interest.”

290. Section 85.5.1 of the said Act is amended by adding the following paragraph at the end:

“A person who has availed himself or herself of Division IV of Chapter V of the Act respecting the Pension Plan of Management Personnel is deemed to have previously availed himself or herself of this division, and the agreement entered into with the person’s employer shall continue to apply as if it had been entered into under this division.”

291. Section 85.12 of the said Act is amended by inserting “the Pension Plan of Management Personnel or” after “under” in the second line of the first paragraph.

292. Section 85.16 of the said Act is amended by inserting “the Pension Plan of Management Personnel or” after “under” in the second line of the first paragraph.

293. Section 86 of the said Act, amended by section 17 of chapter 32 of the statutes of 2000, is again amended

(1) by replacing “plan” in the first line of the first paragraph by “plan or the Pension Plan of Management Personnel if, in the latter case, section 3.2 applies”;

(2) by adding “or the Pension Plan of Management Personnel” at the end of subparagraph 2 of the first paragraph.

294. Section 88 of the said Act is amended by adding the following sentence at the end of the first paragraph: “If section 3.2 applies to the employee and if the employee, before becoming a member of the Pension Plan of Management Personnel, held pensionable employment under this plan, the annual pensionable salary attached to that employment must be withheld.”

295. Section 92 of the said Act is amended by inserting “of this Act or the second paragraph of section 153 of the Act respecting the Pension Plan of Management Personnel pursuant to section 3.2 of this Act” after “section 117” in the first line of the second paragraph.

296. Section 98 of the said Act, amended by section 19 of chapter 32 of the statutes of 2000, is again amended by striking out “, or every person who participates in this plan under the third paragraph of section 10.1 except, in the latter case, where he makes the election provided for,” in the second, third and fourth lines of the first paragraph.

297. Section 100 of the said Act is amended

(1) by inserting “of this Act and, as the case may be, section 139 of the Act respecting the Pension Plan of Management Personnel, if section 3.2 of this Act applies to the employee,” after “98” in the first line of the first paragraph;

(2) by replacing “section 98” in the third line of the second paragraph by “the said section 98 and, as the case may be, of those credited under the said section 139”.

298. Section 101 of the said Act is amended

(1) by inserting “of this Act or section 20 of the Act respecting the Pension Plan of Management Personnel” after “6” in the first line of the first paragraph;

(2) by inserting “or, as the case may be, of the Pension Plan of Management Personnel” after “plan” in the second line of the first paragraph;

(3) by inserting “of this Act or section 22 of the Act respecting the Pension Plan of Management Personnel” after “12” in the first line of subparagraph 1 of the second paragraph.

299. Section 106 of the said Act is amended by inserting the following paragraph at the end:



“However, in respect of an employee who, on 1 January 2001 is a member of the plan pursuant to section 3.2 following a poll held under section 6 or 7, the basis for computing the pension credit referred to in the second paragraph shall be the basis that existed on 31 December 1999.”

300. The said Act is amended by inserting the following division after section 109:

**“DIVISION III.1**

**“PAST SERVICE OF AN EMPLOYEE WHO WAS A MEMBER OF THE PENSION PLAN OF MANAGEMENT PERSONNEL**

“109.1. The years and parts of a year of service credited to an employee under the Pension Plan of Management Personnel must, if the employee’s contributions have not been refunded, be credited under this plan on the day after the date on which the employee ceases to be a member of the Pension Plan of Management Personnel pursuant to section 17 of the Act respecting the Pension Plan of Management Personnel or, if the employee has ceased to qualify under section 16 of that Act, on the date on which the employee begins to hold pensionable employment under this plan. The employee forfeits any right, benefit or advantage he or she could have claimed under the Pension Plan of Management Personnel.”

301. Section 113 of the said Act is amended by adding the following paragraph at the end:

“The first and second paragraphs apply to an employee referred to in section 3.2 if the employee has not contributed to the Government and Public Employees Retirement Plan and if the employee applies therefor within 12 months of the date on which the employee begins to contribute to the Pension Plan of Management Personnel.”

302. Section 115.1 of the said Act is amended

(1) by striking out the last sentence of the second paragraph;

(2) by adding the following paragraph at the end:

“Any pension credit that may have been granted in respect of such service, or, in the case of an employee who is a member of the Pension Plan of Management Personnel, if section 3.2 applies to that employee, in respect of the service credited under section 146 of the Act respecting the Pension Plan of Management Personnel, is cancelled, and any sum paid to cover the cost thereof is reimbursed with interest.”

303. Section 115.5 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Any pension credit that may have been granted in respect of such service or, in the case of an employee who is a member of the Pension Plan of Management Personnel, if section 3.2 applies to that employee, in respect of the service credited under section 148 of the Act respecting the Pension Plan of Management Personnel, is cancelled, and any sum paid to cover the cost thereof is reimbursed with interest.”

304. Section 115.6 of the said Act is amended by replacing “as if he had applied to have them credited under section 98” in the second and third lines by “of this Act or, if section 3.2 applies to that employee, under section 148 of the Act respecting the Pension Plan of Management Personnel as if the employee had applied to have them credited under section 98 of this Act or section 139 of the Act respecting the Pension Plan of Management Personnel, as the case may be”.

305. Section 116 of the said Act is amended

(1) by inserting “or holds pensionable employment under the Pension Plan of Management Personnel” after “plan” in the fifth line of the first paragraph;

(2) by inserting “or while he holds pensionable employment under the Pension Plan of Management Personnel” after “plan” in the eighth line of the first paragraph.

306. Section 117 of the said Act is amended by inserting “or, if he is a pensioner under that plan, holds pensionable employment under the Pension Plan of Management Personnel” after “plan” in the fourth line of the first paragraph.

307. The heading of Division I of Chapter IX of Title I of the said Act is amended by inserting “AND TRANSFER” after “INVESTMENT”.

308. The said Act is amended by inserting the following sections after section 128:

“128.1. The Commission shall, with respect to the years and parts of a year of service that were credited to an employee under this plan and that are credited to the Pension Plan of Management Personnel pursuant to section 138 of the Act respecting the Pension Plan of Management Personnel, transfer the sums paid for those years and parts of a year of service from the employees’ contribution fund under this plan at the Caisse de dépôt et placement du Québec to the employees’ contribution fund under the Pension Plan of Management Personnel at the said Caisse.

All sums transferred pursuant to the first paragraph shall bear interest from 1 July of the year in which they were paid until the date of the transfer. The interest is computed according to the rates determined for each period by this Act and is compounded annually.

However, if an amount has been transferred in respect of the employee referred to in the first paragraph in accordance with the third paragraph of section 178 of the Act respecting the Pension Plan of Management Personnel, the Commission shall also transfer, for the years and parts of a year referred to in the third paragraph of that section 178, from the employees' contribution fund under the Government and Public Employees Retirement Plan to the employees' contribution fund under the Pension Plan of Management Personnel, an amount equal to the difference, with interest, between the contributions that employee would have paid if the employee had not been a member of the Government and Public Employees Retirement Plan and the contributions the employee would have paid under the Pension Plan of Management Personnel. The interest shall be established in accordance with the second paragraph.

“128.2. An employee who redeems years and parts of a year of service under the Pension Plan of Management Personnel and who becomes a member of this plan shall continue to pay the redemption costs according to the terms and conditions prevailing under the Pension Plan of Management Personnel. However, the sums paid by the employee after the date of the transfer made pursuant to section 178 of the Act respecting the Pension Plan of Management Personnel, in respect of the years and parts of a year of service credited to the employee under this plan, shall be deposited into the employees' contribution fund under this plan at the Caisse de dépôt et placement du Québec.”

309. Section 130 of the said Act is amended by replacing the third paragraph by the following paragraph :

“However, for the part of service that was credited under the Teachers Pension Plan or the Civil Service Superannuation Plan, if such service is credited under this plan pursuant to section 98, the sums are taken out of the consolidated revenue fund.”

310. Section 133 of the said Act, amended by section 26 of chapter 32 of the statutes of 2000, is again amended by replacing “sections 133.10 and 215.0.0.19” in the second line by “section 133.10”.

311. The heading of Division III of Chapter IX of Title I of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “WITH RESPECT TO EMPLOYEES OTHER THAN THOSE GOVERNED BY TITLE IV.0.1”.

312. Section 133.1 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended

(1) by striking out “, with respect to employees who at the time they ceased to participate in the plan were not governed by Title IV.0.1,” in the second, third and fourth lines of the first paragraph ;

(2) by striking out “unionizable” in the fourth line of the first paragraph.

313. Section 133.5 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended

(1) by striking out “unionizable” in the second to last line of the first paragraph;

(2) by striking out “unionizable” in the third line of the second paragraph.

314. Section 133.6 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended

(1) by inserting “or the Pension Plan of Management Personnel” after “Title IV.0.1” in the fifth line of the first paragraph;

(2) by inserting “or plan” after “Title” in the seventh line of the first paragraph.

315. Section 133.7 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “unionizable” in the third line of the first paragraph.

316. The heading of Division IV of Chapter IX of Title I of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “WITH RESPECT TO EMPLOYEES OTHER THAN THOSE GOVERNED BY TITLE IV.0.1”.

317. Section 133.8 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended

(1) by striking out “unionizable” in the second line of the first paragraph;

(2) by striking out “, with respect to employees not governed by Title IV.0.1,” in the third and fourth lines of the first paragraph.

318. Section 133.9 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “unionizable” in the second line.

319. Section 133.10 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “not governed by Title IV.0.1” in the second line.

320. Section 133.13 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended

(1) by striking out “unionizable” in the second line of the first paragraph;

(2) by striking out “other than the employees governed by Title IV.0.1” in the seventh and eighth lines of the first paragraph.

321. Section 133.14 of the said Act, enacted by section 27 of chapter 32 of the statutes of 2000, is amended by striking out “unionizable” in the fourth line.

322. Section 134 of the said Act, amended by section 28 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting “, 24.0.2” after “24” in the first line of subparagraph 4.1 of the first paragraph;

(2) by replacing “sections 133.6 and 215.0.0.15” in the first line of subparagraph 15.1 of the first paragraph by “section 133.6, and section 215.0.0.15 as it read on 31 December 2000”.

323. Section 137 of the said Act is amended

(1) by replacing “Plan and” in the third line of the first paragraph by “Plan, the Pension Plan of Management Personnel,”;

(2) by replacing “, 59.6” in the first line of subparagraph 1 of the second paragraph by “to 59.6.0.2”;

(3) by inserting the following paragraph after the second paragraph:

“However, the Commission shall not, except with the prior approval of the Comité de retraite referred to in section 173.1, exercise the powers which, in respect of the Pension Plan of Management Personnel, are conferred on it under sections 40, 84 to 87, 120, 128, 130, 144, 147 and 150 of the Act respecting the Pension Plan of Management Personnel, in the case of the determination of periods and dates of payment, and under sections 117 and 203 of that Act.”;

(4) by inserting “, the Pension Plan of Management Personnel” after “Plan” in the third line of the last paragraph;

(5) by replacing “the non-unionizable employees referred to in Title IV.0.1” in the second to last line of the last paragraph by “employees to whom the Pension Plan of Management Personnel applies”.

324. Section 147.0.4 of the said Act is amended by adding the following paragraph after the third paragraph:

“The first paragraph does not apply in respect of a decision concerning a person’s eligibility for participation in the Pension Plan of Management Personnel; however, it applies to a decision concerning a person’s qualification for benefits under that plan.”

325. Section 151 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the second line of the second paragraph.

326. Section 158.1 of the said Act is amended by replacing “in respect of employees who may be unionized, the portion that may be attributed to such plan in respect of non-unionizable employees referred to in Title IV.0.1” in the fourth, fifth and sixth lines by “, the portion that may be attributed to the Pension Plan of Management Personnel”.

327. Section 158.3 of the said Act is amended

(1) by replacing “in respect of employees who may be unionized shall be paid, from 1 April 1996, in equal portions out of the employees’ contribution fund of” in the second, third and fourth lines by “shall be paid in equal portions out of the employees’ contribution fund under that plan at”;

(2) by striking out “for those employees” in the sixth line.

328. Section 158.4 of the said Act is amended

(1) by replacing “of the Government and Public Employees Retirement Plan in respect of non-unionizable employees referred to in Title IV.0.1 shall be paid, from 1 April 1996, in equal portions out of the employees’ contribution fund of” in the first, second, third and fourth lines by “incurred under the Pension Plan of Management Personnel shall be paid in equal portions out of the employees’ contribution fund under that plan at”;

(2) by striking out “for those employees” in the sixth line;

(3) by adding the following sentence at the end: “The administrative expenses shall include the expenses pertaining to pension credits under section 3.2.”;

(4) by adding the following paragraph at the end:

“Notwithstanding the first paragraph, the administrative expenses relating to special provisions applicable to the classes of employees designated under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel shall be paid in full by the Government, and section 158.5 shall apply.”

329. Section 158.5 of the said Act is amended by inserting “but subject to the second paragraph of the latter section,” after “158.4,” in the second line of the first paragraph.

330. Section 158.8 of the said Act is amended by replacing “and the Act respecting the Civil Service Superannuation Plan (chapter R-12)” in the fifth and sixth lines by “, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel”.

331. The heading of Division I of Chapter II of Title III of the said Act is amended by striking out “FOR EMPLOYEES WHO MAY BE UNIONIZED”.

332. Section 165 of the said Act, amended by section 30 of chapter 32 of the statutes of 2000, is again amended

(1) by striking out “in respect of employees who may be unionized” in the second and third lines of paragraph 2;

(2) by replacing “those of such employees” in the third line of paragraph 2.1 by “employees”;

(3) by striking out “in respect of employees who may be unionized” in the second and third lines of paragraph 4.1;

(4) by replacing “in respect of such employees to the extent that the administrative expenses of the plan in their respect” in the second and third lines of paragraph 4.2 by “to the extent that the administrative expenses under the plan”;

(5) by replacing “in respect of such employees and the administration” in the second line of paragraph 4.3 by “and”;

(6) by adding the following paragraph at the end:

“In addition to the decisions it may reexamine under subparagraph 1 of the first paragraph, the decisions made by the Commission in respect of an employee who is a member of the Pension Plan of Management Personnel are also reexamined by the Committee where they relate to an application for the redemption of years or parts of a year of service filed by an employee while the employee was a member of the Government and Public Employees Retirement Plan, if those years and parts of a year meet the requirements of section 138 of the Act respecting the Pension Plan of Management Personnel.”

333. Section 173 of the said Act is amended

(1) by replacing “the employees referred to in Title IV.0.1” in the fourth line of the third paragraph by “employees who are members of the Pension Plan of Management Personnel”;

(2) by adding the following paragraph after the third paragraph:

“The subcommittee referred to in the third paragraph shall also reexamine the decisions of the Commission referred to in the second paragraph of section 165 and those made pursuant to section 3.2 of the Act and those made under section 28.5.12 of the Act respecting the Teachers Pension Plan and section 99.17.7 of the Act respecting the Civil Service Superannuation Plan.”

334. Section 173.0.2 of the said Act is amended

(1) by striking out “in respect of employees who may be unionized” in the second and third lines of subparagraph 1 of the second paragraph;

(2) by striking out “in respect of those employees” in the second line of subparagraph 2 of the second paragraph.

335. The heading before section 173.1 of the said Act is replaced by the following heading :

**“DIVISION II**

**“PENSION COMMITTEE OF THE PENSION PLAN OF  
MANAGEMENT PERSONNEL”.**

336. Section 173.1 of the said Act is amended

(1) by replacing “the non-unionizable employees referred to in Title IV.0.1” in the fourth line of the first paragraph by “employees who are members of the Pension Plan of Management Personnel”;

(2) by replacing the second paragraph by the following paragraph :

“The Government may determine, by regulation, after consulting the associations representing the employees to whom the Pension Plan of Management Personnel applies, the composition of the committee and the manner in which the committee members are appointed. However, one of the members representing the employees must be a pensioner under that plan, elected after consultation with the associations representing both those employees and pensioners under the plan.”

337. Section 173.2 of the said Act, amended by section 32 of chapter 32 of the statutes of 2000, is again amended

(1) by replacing paragraph 1 by the following paragraph :

“(1) giving its prior approval to the exercise of the powers listed in the third paragraph of section 137 and for reviewing the decisions made by the Commission in respect of the employees and beneficiaries under the Pension Plan of Management Personnel;”;

(2) by replacing “Government and Public Employees Retirement Plan in respect of those employees” in the second and third lines of paragraph 2 by “Pension Plan of Management Personnel”;

(3) by striking out “in respect of those employees” in paragraphs 4, 5 and 6;

(4) by replacing “in respect of those employees to the extent that the administrative expenses of the plan in their respect” in the second and third lines of paragraph 7 by “to the extent that the administrative expenses of the plan”;



(5) by striking out “in respect of those employees” in paragraphs 8, 9 and 10;

(6) by adding the following paragraph at the end:

“In addition to the decisions it may reexamine under subparagraph 1 of the first paragraph, the decisions made by the Commission in respect of an employee who is a member of the Government and Public Employees Retirement Plan are also reexamined by the Committee where they relate to an application for the redemption of years or parts of a year of service filed by an employee while the employee was a member of the Pension Plan of Management Personnel, if those years and parts of a year meet the requirements of section 109.1.”

338. Section 173.3 of the said Act is amended by replacing “the non-unionizable employees referred to in Title IV.0.1” in the third and fourth lines of the second paragraph by “employees who are members of the Pension Plan of Management Personnel”.

339. Section 173.3.1 of the said Act, enacted by section 33 of chapter 32 of the statutes of 2000, is amended by striking out “non-unionizable” in the second line.

340. Section 173.5 of the said Act is amended

(1) by replacing “the non-unionizable employees referred to in Title IV.0.1” in the fourth and fifth lines of the first paragraph by “employees who are members of the Pension Plan of Management Personnel”;

(2) by replacing “Government and Public Employees Retirement Plan in respect of the non-unionizable employees referred to in Title IV.0.1” in the first, second and third lines of subparagraph 1 of the second paragraph by “Pension Plan of Management Personnel”;

(3) by striking out “in respect of those employees” in the second line of subparagraph 2 of the second paragraph.

341. Section 174 of the said Act is amended

(1) by replacing “an actuarial valuation of the Government and Public Employees Retirement Plan to be prepared in respect of employees who may be unionized” in the second, third and fourth lines of the first paragraph by “to be prepared an actuarial valuation of the Government and Public Employees Retirement Plan”;

(2) by striking out the last paragraph.

342. Section 177 of the said Act is amended by replacing the first paragraph by the following paragraph:

“177. The Government may, by regulation, revise the rate of contribution to the Government and Public Employees Retirement Plan. The rate shall be based on the result of the actuarial valuation of the plan and shall be adjusted from 1 January after receipt by the Minister of the report of the independent actuary.”

343. Section 179 of the said Act, amended by section 35 of chapter 32 of the statutes of 2000, is again amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the third line of subparagraph 1 of the first paragraph.

344. Section 183 of the said Act, amended by section 36 of chapter 32 of the statutes of 2000, is again amended

(1) by replacing “committees referred to in sections 164 and 173.1” in the first and second lines of the first paragraph by “committee referred to in section 164”;

(2) by inserting the following paragraph after the first paragraph:

“The Government shall also appoint, after consulting the pension committee referred to in section 173.1, two arbitrators and a substitute for a period not exceeding 2 years.”

345. Section 192 of the said Act is amended by replacing “or the Civil Service Superannuation Plan” in the fifth and sixth lines of the first paragraph by “, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel”.

346. Section 194 of the said Act is amended by inserting “or the Pension Plan of Management Personnel” after “Act” in the first line of the second paragraph.

347. Section 201 of the said Act is amended by inserting “the Pension Plan of Management Personnel or” after “under” in the fourth line of the first paragraph.

348. Section 207 of the said Act is amended

(1) by inserting “the Pension Plan of Management Personnel or” after “under” in the fourth line of the first paragraph;

(2) by adding the following sentence at the end: “; however, in the case of a pensioner under the Pension Plan of Management Personnel, the provisions of Chapter VII of the Act respecting the Pension Plan of Management Personnel apply”.

349. Section 208 of the said Act is amended by adding the following at the end: “or, if the person is a pensioner under the Pension Plan of Management Personnel, the provisions of Chapter VII of the Act respecting the Pension Plan of Management Personnel apply”.

350. Section 211 of the said Act is amended by inserting “and the Pension Plan of Management Personnel” after “Act” in the first line of the second paragraph.

351. Section 215 of the said Act is amended by replacing “or section 72 of the Act respecting the Civil Service Superannuation Plan (chapter R-12)” in the last two lines of the first paragraph by “, section 72 of the Act respecting the Civil Service Superannuation Plan or section 44 of the Act respecting the Pension Plan of Management Personnel”.

352. Title IV.0.1 of the said Act, amended by sections 37 to 39 of chapter 32 of the statutes of 2000 and comprising sections 215.0.0.1 to 215.0.0.25, is repealed.

353. Section 215.0.2 of the said Act is amended

(1) by inserting “the Pension Plan of Management Personnel or” after “under” in the second line of the first paragraph;

(2) by replacing “Chapter VII of Title I of this Act” in the first line of the second paragraph by “Chapter VII of the Act respecting the Pension Plan of Management Personnel”.

354. Section 215.0.4 of the said Act is amended by striking out “for the pension plan provided for” in the second and third lines.

355. Section 215.12.0.1 of the said Act, enacted by section 42 of chapter 32 of the statutes of 2000, is amended by inserting “, the Pension Plan of Management Personnel” after “Superannuation Plan” in the fourth line of paragraph 1.

356. Section 215.12.0.6 of the said Act, enacted by section 42 of chapter 32 of the statutes of 2000, is amended

(1) by replacing “or the Civil Service Superannuation Plan” in the fourth line by “, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel”;

(2) by replacing “or under the Government and Public Employees Retirement Plan” in the sixth line by “, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel”.

357. Section 216.1 of the said Act is amended by replacing “, 59.6” in the tenth line of the third paragraph by “to 59.6.0.2”.

358. Section 220 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel.”;

(2) by replacing the second paragraph by the following paragraph:

“Any order made under paragraph 2 of section 2 may have effect 12 months or less before it is made.”

359. Sections 220.1 and 220.2 of the said Act are repealed.

360. The second paragraph of section 223.1 of the said Act is again enacted and, consequently, shall read as follows:

“They have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

361. Schedule I to the said Act, amended by Orders in Council Nos. 561-2000 dated 9 May 2000 (2000, G.O. 2, 2260), 824-2000 dated 28 June 2000 (2000, G.O. 2, 3555), 965-2000 dated 16 August 2000 (2000, G.O. 2, 4406), 1109-2000 dated 20 September 2000 (2000, G.O. 2, 5031) and 1168-2000 dated 4 October 2000 (2000, G.O. 2, 5151), by C.T. No. 195744 dated 21 December 2000 (2000, G.O. 2, 550) and by section 48 of chapter 32 of the statutes of 2000, is replaced by the following schedule:

## **“SCHEDULE I**

*(Section 1)*

### **EMPLOYEES AND PERSONS TO WHOM THE PLAN APPLIES AFTER 1 JULY 1973**

#### **1. EMPLOYEES OF THE FOLLOWING BODIES:**

the Accueil du Rivage inc.

the Alliance des professeures et professeurs de Montréal

Approvisionnement-Montréal Santé et Services sociaux

the Association des cadres du gouvernement du Québec

the Association des cadres des collèges du Québec

the Association des cadres de la santé et des services sociaux du Québec

the Association des cadres scolaires du Québec

the Association canadienne d'éducation de la langue française

the Association des CLSC et des CHSLD du Québec

the Association des enseignants de l'ouest du Québec

the Association des gestionnaires des établissements de santé et de services sociaux inc.

the Association des hôpitaux du Québec

the Association des institutions d'enseignement de niveau pré-scolaire et élémentaire du Québec

the Association montréalaise pour les aveugles

the Association paritaire pour la santé et la sécurité du travail — Secteur "Administration provinciale"

the Association paritaire pour la santé et la sécurité du travail — Secteur "Affaires municipales"

the Association pour la santé et la sécurité du travail, secteur Affaires sociales

the Association des professeurs de Lignery

the Provincial Association of Teachers of Québec

the Association des retraitées et retraités de l'enseignement du Québec

the Atelier le Fil d'Ariane inc.

the Ateliers du Grand Portage inc.

the Ateliers populaires de Sept-Îles

the Ateliers R-10 inc.

the Bibliothèque nationale du Québec

the Buanderie centrale de Montréal inc.

Centraide Mauricie inc.

the Centrale de l'enseignement du Québec

the Centrale de coordination santé de la région de Québec (03) Inc.

- the Centres d'accueil Le Bel Âge inc.
- the Centre d'accueil Marcelle Ferron inc.
- the Centre d'accueil Nazareth inc.
- the Centre d'accueil St-Joseph de Lévis inc.
- the Centre d'accueil St. Margaret
- the Centre d'hébergement et de soins de longue durée Gouin inc.
- the Centre d'hébergement et de soins de longue durée Heather inc.
- the Centre d'hébergement St-Hilaire enr.
- the Centre d'hébergement St-Joseph inc.
- the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc.
- the Centre d'insémination porcine du Québec, as regards employees who held employment with that body and were members of this Plan on 17 November 1993
- the Centre de référence des directeurs généraux et des cadres
- the Centre de réadaptation Lisette-Dupras
- the Centre de référence des directeurs généraux et des cadres
- the Centre régional des achats en groupe des établissements de santé et de services sociaux de la région du Saguenay Lac St-Jean (02)
- the Centre régional de services aux bibliothèques publiques du Saguenay—Lac St-Jean inc.
- the Centre de travail et de transition des Îles
- the Clinique juridique populaire de Hull inc.
- the Comité patronal de négociation du secteur de la santé et des services sociaux
- the Commission de la capitale nationale du Québec
- the Commission des droits de la personne et des droits de la jeunesse
- the Commission de reconnaissance des associations d'artistes et des associations de producteurs

the Commission de la représentation

the Commission des services juridiques and the corporations incorporated pursuant to or governed by the Legal Aid Act (chapter A-14) or the regulations made thereunder

the Commission des valeurs mobilières du Québec

the Conférence des régies régionales de la santé et des services sociaux du Québec

the Conseil des services essentiels

the Conseil québécois d'agrément d'établissements de santé et de services sociaux

not in force

the Conservatoire de musique et d'art dramatique du Québec

the Coopérative des services regroupés en approvisionnement de la Mauricie et du Centre-du-Québec

the Corporation d'achat régionale de biens et services de la Montérégie (région 16)

the Corporation d'Approvisionnement du réseau de la santé et des services sociaux de l'Outaouais

the Corporation d'urgences-santé de la région de Montréal Métropolitain who are not ambulance technicians

the École Démosthène de la Communauté Grecque Orthodoxe de la Ville de Laval

the Fédération des Professionnelles et Professionnels de l'Éducation du Québec

the Fédération du personnel de soutien scolaire

the Fédération québécoise des centres de réadaptation en déficience intellectuelle

the Fédération québécoise des centres de réadaptation pour personnes alcooliques et autres toxicomanes

Financement-Québec

the Fondation de la faune du Québec

the Fonds d'aide aux recours collectifs

the Fonds de la recherche en santé du Québec

the Foyer St-François inc.

Garantie-Québec

the Groupe d'achats de l'Abitibi-Témiscamingue Inc.

the Hôpital Marie-Clarac des Soeurs de charité de Ste-Marie (1995) inc.

the Hôpital Shriners pour Enfants (Québec) Inc.

Ingenio, filiale de Loto-Québec inc.

the Institut des Métiers d'art — Cégep du Vieux Montréal

the Institut national de santé publique du Québec

the Institut de recherche en santé et en sécurité du travail du Québec

the Institut de recherches cliniques de Montréal, in respect of employees who were holding an employment with the Institut before 23 June 1995

the Institut du tourisme et de l'hôtellerie du Québec, in respect of employees of the Adult Education Service

Investissement-Québec

the Maison Blanche de North Hatley inc.

the Maison des Futailles, S.E.C., as regards employees who, immediately before being hired, held employment with the Société des alcools du Québec

Ma Maison St-Joseph

the Office de la sécurité du revenu des chasseurs et piégeurs cris

the Office Québec-Amériques pour la jeunesse

the Orchidée blanche, centre d'hébergement et de soins de longue durée inc.

the Priory School inc.

Québec-Transplant

the Régie de l'énergie

the Régie des installations olympiques



the regional health and social services boards within the meaning of the Act respecting health services and social services (chapter S-4.2)

the Réseau de recherche en réadaptation de Montréal et de l'Ouest du Québec

the Résidence Berthiaume-Dutremblay

SGF SOQUIA INC.

the Secrétariat général du secteur de la Santé et des Services sociaux

the Séminaire de Québec, in respect of employees who were participating in the plan on 30 June 1987

the Séminaire de St-Hyacinthe d'Yamaska, in respect of the employees who were participating in the plan on 30 June 1992

the Service de réadaptation sociale inc.

the Services documentaires multimédia (S.D.M.) inc.

the Société des bingos du Québec Inc.

the Société du Centre des congrès de Québec

the Société de développement de l'industrie des courses de chevaux du Québec inc.

the Société de développement des entreprises culturelles

the Société des établissements de plein air du Québec

the Société de gestion du réseau informatique des commissions scolaires

the Société Inter-Port de Québec

the Société des loteries du Québec

the Société des loteries vidéo du Québec inc.

the Société du Palais des congrès de Montréal

the Société de la Place des Arts de Montréal

the Société québécoise d'information juridique

the Société québécoise de récupération et de recyclage

not in force  
the Société du tourisme du Québec

the Syndicat des enseignants et des enseignantes du CEGEP Limoilou

the Syndicat des enseignantes et enseignants du Cégep de Victoriaville

the Syndicat des enseignantes et enseignants de Charlevoix

the Syndicat des enseignantes et enseignants Laurier

the Syndicat de l'enseignement des Bois-Francs

the Syndicat de l'enseignement de Champlain

the Syndicat de l'enseignement des Deux Rives

the Syndicat de l'enseignement de la Haute Côte Nord

the Syndicat de l'enseignement du Grand-Portage

the Syndicat de l'enseignement de l'ouest de Montréal

the Syndicat de l'enseignement de la région du Fer (SERF)

the Syndicat de l'enseignement de la région des Moulins

the Syndicat de l'enseignement de la région de Québec

the Syndicat de l'enseignement Richelieu-Yamaska

the Syndicat de l'enseignement de la Rivière-du-Nord

the Syndicat de l'enseignement secondaire des Basses-Laurentides

the Syndicat de l'enseignement de l'Ungava et de l'Abitibi-Témiscamingue

the Syndicat de la fonction publique du Québec inc.

the Syndicat national des employés de l'hôpital Charles Le Moyne (C.S.N.)

the Syndicat du personnel de l'enseignement de Chauveau

the Syndicat du personnel de l'enseignement du Nord de la Capitale

the Syndicat des physiothérapeutes et des thérapeutes en réadaptation physique du Québec

the Syndicat des professeurs du CEGEP de l'Outaouais

the Syndicat des professeurs du Collège Marie-Victorin

the Table patronale de concertation en santé et sécurité du travail du gouvernement du Québec

the Transport adapté du Québec métro inc.

the Université du Québec contemplated by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election contemplated in section 13 of this Act

the Vigi Santé Ltée (for the employees working in its institution known under the corporate name of Centre d'hébergement et de soins de longue durée Mont-Royal)

the town of Vaudreuil, who were, on 31 May 1981, employees of the Station expérimentale de Vaudreuil

**2. THE EMPLOYEES OF THE INSTITUTIONS WITH WHICH AN AGREEMENT HAS BEEN ENTERED INTO UNDER SECTION 61 OF THE ACT RESPECTING PRIVATE EDUCATION (CHAPTER E-9.1), FOR THE TERM OF THE AGREEMENT**

**3. THE MEMBERS OF THE FOLLOWING BODIES:**

the Bureau d'audiences publiques sur l'environnement if they are appointed under the first paragraph of section 6.2 of the Environment Quality Act (chapter Q-2)

the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc. if they are employed full-time

the Commission d'appel en matière de lésions professionnelles if they are employed full-time

the Commission des lésions professionnelles if they are commissioners

the Commission de protection du territoire agricole du Québec if they are employed full-time

the Commission des valeurs mobilières du Québec if they are employed full-time

the Régie des installations olympiques

the Régie du bâtiment du Québec if they are employed full-time

the Régie du logement if they are employed full-time and remunerated on an annual basis

SGF SOQUIA INC.

4. THE CHAIRMAN OR PRESIDENT OF EACH OF THE FOLLOWING BODIES :

the Commission administrative des régimes de retraite et d'assurances

the Commission de la construction du Québec

the Commission de protection du territoire agricole du Québec

the Commission de surveillance de la langue française

the Commission des valeurs mobilières du Québec

the Conseil du statut de la femme

the Office de la langue française

the Office des personnes handicapées du Québec

the Office des services de garde à l'enfance

the Société de l'assurance automobile du Québec

the Société des loteries du Québec

5. THE VICE-CHAIRMAN OR VICE-PRESIDENT OF EACH OF THE FOLLOWING BODIES :

the Commission de protection du territoire agricole du Québec

the Commission de la santé et de la sécurité du travail

6. THE DIRECTOR GENERAL OF EACH OF THE FOLLOWING BODIES :

the Société des établissements de plein air du Québec

7. FULL-TIME CHAPLAINS WHO EXERCISE THEIR FUNCTIONS IN A HOUSE OF DETENTION WITHIN THE MEANING OF THE ACT RESPECTING CORRECTIONAL SERVICES (CHAPTER S-4.01)

8. THE CHIEF ELECTORAL OFFICER

9. THE CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

10. THE PRESIDENT AND GENERAL MANAGER OF THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

11. THE COMMISSIONERS OF THE RÉGIE DU LOGEMENT

12. THE SECRETARY OF THE CONSEIL DE LA LANGUE FRANÇAISE.”

362. Schedule II to the said Act is replaced by the following schedule :

**“SCHEDULE II**

*(Section 1)*

**EMPLOYEES AND PERSONS TO WHOM THE PLAN APPLIES ON 1 JULY 1973**

1. EMPLOYEES OF THE FOLLOWING BODIES :

the Association des centres de jeunesse du Québec

the Association des collèges privés du Québec

the Association des commissions scolaires de la Gaspésie Inc.

the Association des institutions d’enseignement secondaire

the C.H.S.L.D. Bayview Inc.

Les Cèdres, centre d’accueil pour personnes âgées

the Centre d’accueil Grandes-Piles inc.

the Centre d’accueil Le Royer inc.

the Centre d’accueil Pavillon St-Théophile inc.

the Centre d’accueil St-Hilaire inc.

the Centre d’animation, de développement et de recherche en éducation

the Centre d’hébergement et de soins de longue durée Bourget inc.

the Centre d’hébergement et de soins de longue durée Bussey (Québec) inc.

the Centre d’hébergement et de soins de longue durée Deux-Montagnes inc.

the Centre d'hébergement et de soins de longue durée Jean-Louis-Lapierre inc.

the Centre d'hébergement et de soins de longue durée Shermont inc.

the Centre d'hébergement St-François inc.

the Centre d'hébergement St-Georges inc.

the Centre d'hébergement St-Vincent-Marie inc.

the Centre le Cardinal inc.

the Centre gériatrique Courville inc.

the Centre hospitalier de l'Assomption inc.

the Centre hospitalier Beloeil inc.

the Centre hospitalier Champlain-Villeray inc.

the Centre hospitalier Le Château de Berthier inc.

the Centre hospitalier Notre-Dame du Chemin inc.

the Centre hospitalier Notre-Dame de Gatineau inc.

the Centre hospitalier Rive-Sud inc.

the Centre hospitalier St-François inc.

the Centre hospitalier St-Sacrement Itée

the Centre d'intégration socio-professionnelle de Laval

the Centre administratif St-Pie X inc.

the Clinique médicale de l'Est inc.

the Collège Marie de France, except employees engaged after 16 June 1994 during the years or parts of years in which they pay contributions to the Régime général des retraites de l'État français

the Collège Stanislas inc., except employees engaged after 16 June 1994 during the years or parts of years in which they pay contributions to the Régime général des retraites de l'État français

School boards within the meaning of the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) and general and vocational colleges

the Conseil scolaire de l'Île de Montréal

Health and social service councils and public institutions within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5)

the École Dollard-des-Ormeaux

Private educational institutions accredited for purposes of subsidies by virtue of the Act respecting private education (chapter E-9.1), except employees of the Collège Français primaire inc. and the Collège Français (1965) inc. engaged after 18 June 1997 during the years or parts of a year in which they pay contributions to the Régime général des retraites de l'État français

Public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2)

the Fédération des collèges d'enseignement général et professionnel

the Fédération des commissions scolaires du Québec

the Fédération des commissions scolaires catholiques du Québec — Région Saguenay—Lac St-Jean

Florence Groulx inc.

the Foyer Notre-Dame de Foy inc.

the Foyer Saint-Cyprien (1993) inc.

the Foyer Sainte-Bernadette de Mont-Joli enr.

the Foyer Saints-Anges de Ham-Nord inc.

the Foyer Wheeler inc.

the Havre du Crépuscule inc.

the Havre Jeunesse

the Hôpital Marie Claret

the Hôpital St-Jude de Laval ltée

the Hôpital Ste-Monique inc.

the Hôpital Ste-Thérèse inc.

the Maison Élisabeth

the Maison de santé Roxboro ltée

the Maison Reine-Marie inc.

the Manoir St-Patrice inc.

Partagec inc.

the Pavillon Bellevue inc.

the Pavillon Foster

the Pavillon Ste-Marie inc. et Villa Raymond

the Résidence Riviera inc.

the Résidence St-François inc.

the Résidence Ste-Marguerite inc.

the Résidence Tracy inc.

the Santé Groupe Champlain inc. for its institution acting under the name of  
Centre hospitalier Champlain-Limoilou

SGF REXFOR INC., but only with respect to its regular employees

the St. Michael's Algonquin School

the Villa Marie-André inc.

the Villa Marie-Claire inc.

the Villa Médica inc.

the Villa de la Paix inc.

the Villa St-Lucien inc.

the Vigi Santé ltée for the employees working in the institutions known  
under the following corporate names :

the Centre d'hébergement et de soins de longue durée Aylmer ;

the Centre d'hébergement et de soins de longue durée Berthier ;

the Centre d'hébergement et de soins de longue durée Bois-Menu ;

the Centre d'hébergement et de soins de longue durée Dollard-des-Ormeaux ;



- the Centre d'hébergement et de soins de longue durée Montérégie;
- the Centre d'hébergement et de soins de longue durée Notre-Dame-de-Lourdes;
- the Centre d'hébergement et de soins de longue durée Pierrefonds;
- the Centre d'hébergement et de soins de longue durée St-Augustin;
- the Centre d'hébergement et de soins de longue durée St-Félix de Longueuil;
- the Centre d'hébergement et de soins de longue durée Ste-Germaine Cousin;
- the Centre d'hébergement et de soins de longue durée Ste-Rita;
- the Centre d'hébergement et de soins de longue durée Ville-Émard;

2. THE EMPLOYEES OF THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC, WITH THE EXCEPTION OF THOSE WHO ARE MEMBERS OF THE PENSION PLAN OF THE CANADIAN MARINE OFFICERS' UNION OR THE SEAFARERS' INTERNATIONAL UNION OF CANADA

3. EVERY PERSON HOLDING AN EMPLOYMENT CONTEMPLATED IN THE ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN (CHAPTER R-12).”

363. Schedule II.1 to the said Act, amended by Orders in Council 824-2000 dated 28 June 2000 and 965-2000 dated 16 August 2000, and by section 49 of chapter 32 of the statutes of 2000, is again amended by striking out the following :

“The Association des gestionnaires de la Fonction publique et parapublique du Québec Inc.”;

“The Fédération québécoise des directeurs et directrices d'établissement d'enseignement (FQDE)”.

364. Schedule III to the said Act is replaced by the following schedule :

### **“SCHEDULE III**

*(Section 31)*

#### **EMPLOYERS REQUIRED TO PAY THE SHARE REFERRED TO IN THE SECOND PARAGRAPH OF SECTION 31**

the Association des cadres des collèges du Québec

the Association des cadres scolaires du Québec

- the Association canadienne d'éducation de la langue française
- the Association des centres jeunesse du Québec
- the Association des C.L.S.C. et des C.H.S.L.D. du Québec
- the Association des gestionnaires des établissements de santé et de services sociaux
- the Association des hôpitaux du Québec
- the Association paritaire pour la santé et la sécurité du travail — Secteur “Administration provinciale”
- the Association paritaire pour la santé et la sécurité du travail — Secteur “Affaires municipales”
- the Association des retraitées et retraités de l'enseignement du Québec
- the Association pour la santé et la sécurité du travail, secteur Affaires sociales
- the Provincial Association of Teachers of Québec
- the Ateliers populaires de Sept-Îles
- the Ateliers R-10 inc.
- the Centre régional de services aux bibliothèques publiques du Saguenay—Lac St-Jean inc.
- the Caisse de dépôt et placement du Québec
- Centraide Mauricie
- the Centrale de l'enseignement du Québec
- the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc.
- the Centre de formation collégiale pour adultes de Beauce
- the Centre québécois de valorisation de la biomasse
- the Centre régional de services aux bibliothèques publiques du Saguenay—Lac-St-Jean inc.
- C.I.D.E. (Consortium intercollégial de développement en éducation)
- the Clinique juridique populaire de Hull inc.

the Comité patronal de négociation du secteur de la santé et des services sociaux

the Commission des normes du travail

the Commission de la santé et de la sécurité du travail

the Conférence des régies régionales de la santé et des services sociaux du Québec

the Corporation d'urgences-santé de la région de Montréal Métropolitain in respect of employees who are not ambulance technicians

the École Démosthène de la Communauté Grecque Orthodoxe de la Ville de Laval

the École Dollard-des-Ormeaux

the Établissements du Gentilhomme inc.

the Fédération des syndicats de professionnelles et professionnels de commissions scolaires du Québec (CEQ)

the Fondation pour le développement de la science et de la technologie

the Fondation de la faune du Québec

the Fonds d'aide aux recours collectifs

the Fonds de la recherche en santé du Québec

the Institut des Métiers d'art — Cégep du Vieux Montréal

the Institut de recherche en santé et en sécurité du travail du Québec

the Priory School inc.

the Régie de l'assurance-maladie du Québec

the Régie des rentes du Québec

the Réseau de recherche en réadaptation de Montréal et de l'Ouest du Québec

the Secrétariat général du secteur de la Santé et des Services sociaux

the Séminaire Marie-Reine-du-Clergé, in respect of the employees who were participating in the plan on 28 June 1987

the Séminaire de Québec, in respect of employees who were participating in the plan on 30 June 1987

the Séminaire de St-Hyacinthe d'Yamaska, in respect of the employees who were participating in the plan on 30 June 1992

the Services documentaires multimédia (S.D.M.) inc.

the Société de l'assurance automobile du Québec

the Société des alcools du Québec

the Société des établissements de plein air du Québec

the Société de développement de l'industrie des courses de chevaux du Québec inc.

the Société de gestion du réseau informatique des commissions scolaires

the Société immobilière du Québec

the Société Inter-Port de Québec

the Société des loteries du Québec

the Société du Palais des congrès de Montréal

the Société du parc industriel et portuaire de Bécancour

the Société de la Place des Arts de Montréal

the Société québécoise de récupération et de recyclage

SGF REXFOR INC., but only with respect to its regular employees

the Société des traversiers du Québec

the St. Michael's Algonquin School

the Syndicat des enseignants et des enseignantes du CEGEP Limoilou

the Syndicat de l'enseignement des Bois-Francs

the Syndicat de l'enseignement de l'ouest de Montréal

the Syndicat de la fonction publique du Québec inc.

the Syndicat national des employés de l'hôpital Charles Le Moyne (C.S.N.)

the Syndicat du personnel de l'enseignement de Chauveau

the Syndicat des professeurs du CEGEP de l'Outaouais

the Syndicat des professeurs du Collège Marie-Victorin

Table patronale de concertation en santé et sécurité du travail du gouvernement du Québec

Transport adapté du Québec métro inc.

the town of Vaudreuil in respect of employees who, on 31 May 1981, were employees of the Station expérimentale de Vaudreuil.”

#### ACT RESPECTING THE TEACHERS PENSION PLAN

365. Section 3 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “10.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second and third lines of paragraph 4 by “23 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31)”.

366. Section 5 of the said Act is amended

(1) by replacing “or the Government and Public Employees Retirement Plan, but not, in the latter case” in the second and third lines of the first paragraph by “, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, but not, in the latter two cases”;

(2) by inserting “or the Pension Plan of Management Personnel” after “Plan” in the second line of the second paragraph.

367. Section 5.0.1 of the said Act is amended by replacing “or under the Government and Public Employees Retirement Plan, except, in the latter case” in the seventh and eighth lines of the first paragraph by “, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, but not, in the latter two cases”.

368. Section 9.0.1 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the sixth line of the first paragraph.

369. Section 21 of the said Act is amended

(1) by replacing “or” in the third line of paragraph 3 by a comma;

(2) by replacing “, even if, in the latter case” in the third and fourth lines of paragraph 3 by “or the Pension Plan of Management Personnel, even if, in the latter two cases”.

370. The said Act is amended by inserting the following section after section 28.5.11 :

“28.5.12. The pension credit granted under this division to a teacher who, as a result of the application of section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000, is a member of the Pension Plan of Management Personnel shall be paid under this Act.

For the purposes of this division, the teacher referred to in the first paragraph is deemed to retire on the date he or she retires under the Pension Plan of Management Personnel and the teacher’s application for a pension filed under that plan is deemed to be an application for the payment of pension credit.

Sections 28.5.11, 61, 67 to 72 and 72.1 to 72.7 do not apply to the teacher. Sections 59.2 to 59.5 of the Act respecting the Government and Public Employees Retirement Plan apply, with the necessary modifications.”

371. Section 29.1.1 of the said Act, enacted by section 54 of chapter 32 of the statutes of 2000, is amended by replacing “who, if the teacher participated in the Government and Public Employees Retirement Plan, would be a non-unionizable employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10),” in the first paragraph by “who holds, with the corresponding classification, an employment referred to in Schedule I to the Act respecting the Pension Plan of Management Personnel”.

372. Section 50 of the said Act is amended by inserting “the Pension Plan of Management Personnel,” after “Retirement Plan,” in the second line of subparagraph 1.

373. Section 67 of the said Act is replaced by the following section :

“67. The pension, except the pension granted to the spouse and children, or the deferred pension shall be paid to a pensioner holding pensionable employment under the Civil Service Superannuation Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, until the pensioner attains 65 years of age. However, if the pensioner holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the pensioner is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan or, as the case may be, section 4 of the Act respecting the Pension Plan of Management Personnel, an employee who is a member of one of those plans for any period during which he or she holds pensionable employment, until the pensioner attains 65 years of age.”

374. Section 68 of the said Act is amended by replacing “shall participate in that plan” in the third line of the second paragraph by “or the Pension Plan of Management Personnel shall participate in either of such plans”.

375. Section 69 of the said Act is amended

(1) by replacing “an office or employment contemplated by the Civil Service Superannuation Plan or by” in the fourth and fifth lines by “pensionable employment under the Civil Service Superannuation Plan, the Pension Plan of Management Personnel or”;

(2) by inserting “in sections 89 to 100, 102 and 103 of the Act respecting the Pension Plan of Management Personnel or, as the case may be,” after “provided” in the sixth line.

376. Section 70 of the said Act is replaced by the following section:

“70. A pensioner 65 years of age or over who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan or section 4 of the Act respecting the Pension Plan of Management Personnel, an employee who is a member, as the case may be, of one of those plans for any period during which the pensioner holds pensionable employment, and sections 117, 118 and 122 of the Act respecting the Government and Public Employees Retirement Plan or sections 159 to 162 of the Act respecting the Pension Plan of Management Personnel, as the case may be, apply.”

377. Section 72 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the second line.

378. The second paragraph of section 78.1 of the said Act is again enacted and, consequently, shall read as follows:

“Sections 28, 32 and 51 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

379. Section 53 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing “10.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second and third lines of paragraph 6 by “23 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31)”.

380. Section 54 of the said Act is amended

(1) by inserting “the Pension Plan of Management Personnel or” after “under” in the third line of the second paragraph;

(2) by inserting “, the Pension Plan of Management Personnel” after “Plan” in the sixth line of the third paragraph;

(3) by inserting “or the Pension Plan of Management Personnel” after “Plan” in the second line of the fourth paragraph.

381. Section 54.1 of the said Act is amended by replacing “this plan or under the Government and Public Employees Retirement Plan” in the seventh and eighth lines of the first paragraph by “the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel”.

382. Section 66.1 of the said Act is amended

(1) by inserting “, the Pension Plan of Management Personnel” after “Teachers Pension Plan” in the second and third lines of paragraph 3;

(2) by replacing “even if, in the last case,” in the third and fourth lines of paragraph 3 by “even if, in the last two cases,”.

383. Section 69.0.2 of the said Act, enacted by section 73 of chapter 32 of the statutes of 2000, is amended by replacing “, who, if the officer participated in the Government and Public Employees Retirement Plan, would be a non-unionizable employee within the meaning of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10),” in the second, third, fourth and fifth lines of the first paragraph by “who holds, with the corresponding classification, an employment referred to in Schedule I to the Act respecting the Pension Plan of Management Personnel”.

384. Section 83 of the said Act is amended by inserting “the Pension Plan of Management Personnel,” after “Retirement Plan,” in the second line of paragraph 1.

385. Section 89 of the said Act is amended by replacing “shall participate in that plan” in the third line of the second paragraph by “or the Pension Plan of Management Personnel shall participate in either of such plans”.

386. Section 89.2 of the said Act is replaced by the following section:

“89.2. The pension, except the pension granted to the spouse and children, or the deferred pension shall be paid to a pensioner who holds pensionable employment under the Teachers Pension Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, until he attains 65 years of age. However, if the pensioner holds pensionable employment under the Government and Public Employees



Retirement Plan or the Pension Plan of Management Personnel, as the case may be, the pensioner is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan or, as the case may be, section 4 of the Act respecting the Pension Plan of Management Personnel, an employee who is a member of one of those plans for any period during which he or she holds pensionable employment, until the pensioner attains 65 years of age.”

387. Section 89.3 of the said Act is amended

(1) by replacing “a position or employment contemplated in the Teachers Pension Plan” in the third and fourth lines by “pensionable employment under the Teachers Pension Plan, the Pension Plan of Management Personnel”;

(2) by inserting “in sections 89 to 100, 102 and 103 of the Act respecting the Pension Plan of Management Personnel or, as the case may be,” after “provided” in the fifth line.

388. Section 89.4 of the said Act is replaced by the following section :

“89.4. A pensioner who is 65 years of age or over and who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan or section 4 of the Act respecting the Pension Plan of Management Personnel, an employee who is a member, as the case may be, of one of those plans for any period during which the pensioner holds pensionable employment, and sections 117, 118 and 122 of the Act respecting the Government and Public Employees Retirement Plan or sections 159 to 162 of the Act respecting the Pension Plan of Management Personnel, as the case may be, apply.”

389. Section 89.6 of the said Act is amended by inserting “, the Pension Plan of Management Personnel” after “Plan” in the second line.

390. Section 99.16 of the said Act is amended

(1) by inserting “, the Pension Plan of Management Personnel” after “Retirement Plan” in the second line of the first paragraph;

(2) by inserting “or of the Pension Plan of Management Personnel” after “Plan” in the ninth line of the first paragraph.

391. The said Act is amended by inserting the following section after section 99.17.6:

“99.17.7. The pension credit granted under this division to an officer who, following the application of section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December

2000, is a member of the Pension Plan of Management Personnel shall be paid under this Act.

For the purposes of this subdivision, the officer referred to in the first paragraph is deemed to retire on the date he or she retires under the Pension Plan of Management Personnel and the officer's application for a pension filed under that plan is deemed to be an application for the payment of pension credit.

Sections 89 to 89.6, 99.17.6 and 108.1 to 108.7 do not apply to the officer. Sections 59.2 to 59.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply, with the necessary modifications."

392. The second paragraph of section 114.1 of the said Act is again enacted and, consequently, shall read as follows :

"Sections 56 and 84, the first paragraph of section 90 and the ninth paragraph of section 96 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom)."

#### COURTS OF JUSTICE ACT

393. Section 162 of the Courts of Justice Act (R.S.Q., chapter T-16) is replaced by the following section :

"162. Section 95 applies to a justice of the peace appointed under section 158, provided that the deed of appointment indicates clearly that this section is applicable to the justice of the peace. If section 95 applies, the justice of the peace is a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as specified in his or her deed of appointment, and section 4 of the Act respecting the Government and Public Employees Retirement Plan or section 3 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31), as the case may be, shall then cease to apply to the justice of the peace."

#### PUBLIC ADMINISTRATION ACT

394. Section 40 of the Public Administration Act (2000, chapter 8) is amended

(1) by replacing paragraph 2 by the following paragraph :

"(2) the powers conferred by sections 2, 144 and 158.9, the second paragraph of section 173.1 and section 177 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);";

(2) by inserting the following paragraph after paragraph 4 :

“(4.1) the powers conferred by section 2, subparagraph 7 of the first paragraph of section 3, section 23 and the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31);”.

#### POLICE ACT

395. Section 65 of the Police Act (2000, chapter 12) is amended by replacing “notwithstanding paragraph 5 of section 4 of that Act, if the pension plan” in the fourth and fifth lines of the third paragraph by “notwithstanding paragraph 5 of section 4 of that Act, or in the pension plan established under the Act respecting the Pension Plan of Management Personnel (2001, chapter 31), notwithstanding paragraph 5 of section 3 of the latter Act, if either of those plans”.

### CHAPTER XIV

#### TRANSITIONAL AND FINAL PROVISIONS

396. The Pension Plan of Management Personnel also applies to a person who was a member of the Government and Public Employees Retirement Plan as a non-unionizable employee pursuant to an order made between 1 January 2001 and 21 June 2001. The plan applies from the date of effect of the order.

397. A person is deemed to qualify for membership under the Pension Plan of Management Personnel pursuant to section 10 of this Act if the person has remained entitled to be governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, as they read on 31 December 2000, ceased to be a member of that plan before 1 January 2001 and holds a non-unionizable employment referred to in Schedule I to this Act or holds pensionable employment under the Government and Public Employees Retirement Plan within 180 days from the date on which the person ceased to be governed by the plan.

398. The days and parts of a day forming part of a period during which an employee who is a member of this plan was exempted, immediately before 1 January 2001, from the payment of any contribution pursuant to section 21 of the Act respecting the Government and Public Employees Retirement Plan must be taken into account for the purposes of the limit of three years of service provided for in section 34 of this Act that is applicable to the days and parts of a day that may be credited to the employee under that plan without contributions.

399. The contribution rate provided for in section 41 of this Act is equal to 1% until 31 December 2001 and, from 1 January 2002, is equal to 4.50%, subject to the provisions of section 174.

400. For the purposes of section 171 of this Act, the first actuarial valuation of the Pension Plan of Management Personnel must be prepared on the basis of the data finalized on 31 December 1999 in respect of employees and

beneficiaries governed by Title IV.0.1 of the Government and Public Employees Retirement Plan on that date.

401. The employees' contribution fund under the Pension Plan of Management Personnel established under section 176 of this Act shall remain the non-unionizable employees' contribution fund under the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec. The balance, on 31 December 2000, of the employers' contributory fund at the Caisse de dépôt et placement du Québec in respect of non-unionizable employees governed by Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan shall be paid into the employers' contributory fund established under that section 176.

402. The interest rate provided for in section 215.0.0.16 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 39 of chapter 32 of the statutes of 2000, applies until a rate may be determined in accordance with section 189 of this Act.

403. The special-purpose fund established under section 190 of this Act continues the special-purpose fund established under section 215.0.0.17 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 39 of chapter 32 of the statutes of 2000, as it read on 31 December 2000.

404. For the first application of section 194 of this Act, the first three-year period is computed from 1 January 2000 and applies to employees who were governed by Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan on 31 December 1999 and who retired while they were governed by that Title or the Pension Plan of Management Personnel during the period beginning on 1 January 2000 and ending on 31 December 2002.

405. The first regulations made under paragraphs 2, 3, 19, 20, 23 and 26 of section 196 and the first orders made under sections 23, 207 and 208 of this Act may, where they so provide, have effect from 1 January 2001.

406. The interest payable under this Act is, for any period prior to 1 August of the year 2001, the interest provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan with respect to the period indicated therein.

407. Sections 116 to 122 of the Act respecting the Government and Public Employees Retirement Plan as they read on 31 December 2000 continue to apply to pensioners governed by Title IV.0.1 of that Act who held pensionable employment under the Government and Public Employees Retirement Plan on that date and who, after that date, continue to hold such employment.

408. Section 85.16 of the Act respecting the Government and Public Employees Retirement Plan applies, with the necessary modifications, to a

pensioner under the Pension Plan of Management Personnel who, while he or she was subject to that Act, was governed by the provisions of Division IV of Chapter V.1 of Title I of that Act and who holds pensionable employment under the Pension Plan of Management Personnel or the Government and Public Employees Retirement Plan.

409. Any benefit paid under the Government and Public Employees Retirement Plan before 1 January 1997 to a pensioner who ceased to be a member of that plan before 1 January 1997 while the pensioner was a non-unionizable employee shall continue to be paid, after 31 December 1996, under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan.

410. Every benefit, except a benefit that relates to a pension credit or a paid-up annuity certificate paid under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan before 1 January 2001 to a pensioner who ceased to be a member of that plan before 1 January 1997 while the pensioner was a non-unionizable employee or who ceased to be a member of that plan between 31 December 1996 and 1 January 2001 while he or she was governed by the special provisions enacted under that Title, shall continue to be paid after 31 December 2000, under the Pension Plan of Management Personnel. The pensioner becomes a pensioner under that plan.

The first paragraph also applies to every benefit paid under the Government and Public Employees Retirement Plan before 1 January 2001 to the spouse or successors of the pensioner referred to in that paragraph.

411. A person who ceased to be a member of the Government and Public Employees Retirement Plan before 1 January 1997 while the person was holding a non-unionizable employment or who ceased to be a member of that plan between 31 December 1996 and 1 January 2001 while he or she was governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, to whom a benefit is payable under that Act, shall continue to be governed by that Act as it read at the time the person ceased to be a member of that plan. However, any benefit established under that Title IV.0.1 and payable to the person after 1 January 2001, except the benefit relating to a pension credit or a paid-up annuity certificate, shall be payable under the Pension Plan of Management Personnel and the person shall become a pensioner under that plan.

The first paragraph also applies to any benefit payable under the Government and Public Employees Retirement Plan before 1 January 2001 to the spouse or successors of the person referred to in that paragraph.

412. The years and parts of a year of service credited or counted under the Government and Public Employees Retirement Plan to a person who ceased to be a member of that plan between 31 December 1996 and 1 January 2001 while he or she was governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees

Retirement Plan shall, notwithstanding section 138 of this Act, be credited or counted under this plan on 1 January 2001.

If, on the date on which the person referred to in the first paragraph ceases to be a member of the plan, the person has not completed the 24-month period provided for in section 4 or 5 of the Regulation respecting special provisions applicable to non-unionizable employees, enacted by Order in Council 787-97 (1997, G.O. 2, 3335), and the person holds pensionable employment under the Pension Plan of Management Personnel, Chapter I of this Act applies.

413. The years and parts of a year credited or counted under the Government and Public Employees Retirement Plan to a person who ceased to be a member of that plan before 1 January 1997 while the person was a non-unionizable employee shall, notwithstanding section 138 of this Act, be credited or counted under this plan on 1 January 2001.

If the person referred to in the first paragraph holds pensionable employment under the Pension Plan of Management Personnel, Chapter I of this Act applies.

If the person referred to in the first paragraph is a member of the Government and Public Employees Retirement Plan after 31 December 2000, the years and parts of a year of service credited to or counted in respect of the person under the Pension Plan of Management Personnel pursuant to the first paragraph shall be credited or counted under the Government and Public Employees Retirement Plan on the date on which the person begins to hold pensionable employment under that plan, and section 178 applies.

414. Section 3.2 of the Act respecting the Government and Public Employees Retirement Plan also applies to a person referred to in sections 410 to 413 of this Act.

415. The Commission shall, in respect of the years and parts of a year of service credited under the Government and Public Employees Retirement Plan between 1 January 1997 and 1 January 2001 to an employee who has ceased to be entitled to be governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan and who began to be governed by Title I of that Act during that period, transfer from the employees' contribution fund under the Pension Plan of Management Personnel at the Caisse de dépôt et placement du Québec to the employees' contribution fund under the Government and Public Employees Retirement Plan the difference between the contributions the employee would have paid during that period had Title I of the Act applied to the employee and the contributions paid by the employee.

That amount bears interest from 1 July of the year in which the contributions were paid until the date of transfer. The interest, compounded annually, shall be computed according to the rates determined for each period by this Act.

416. The regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of this Act, as the regulations and orders made under the corresponding provisions of this Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions.

The provisions of the Regulation respecting certain temporary measures prescribed by Title IV of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1863-83 dated 21 September 1983 (1983, G.O. 2, 3426), and of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, G.O. 2, 2759), which, on 31 December 2000, apply in respect of the Government and Public Employees Retirement Plan shall also apply, with the necessary modifications, in respect of this plan. A reference in those regulations to a provision of the Act respecting the Government and Public Employees Retirement Plan is a reference to the corresponding provision of this Act.

417. Any decision made by the Commission before 21 June 2001 in respect of a person to whom this Act applies, the person's spouse or the person's successors under the provisions of the Act respecting the Government and Public Employees Retirement Plan or the provisions enacted pursuant to that Act is deemed to be made under the corresponding provisions of this Act or the provisions enacted under that Act, unless the context indicates otherwise.

418. The Commission may exercise, from 1 January 2001, the powers conferred on it under sections 40, 84 to 87, 117, 120, 128, 130, 144, 146, 147, 150 and 203 of this Act in accordance with the prior approval granted under the second paragraph of section 137 of the Act respecting the Government and Public Employees Retirement Plan with respect to the corresponding powers conferred on it under sections 26, 28, 59.5 to 59.6.0.2, 79, 85.3, 114.1, 115.1, 115.2, 115.8, 149, 158 and 221 of that Act, until the Comité de retraite referred to in section 173.1 of that Act rules on the prior approval required under the third paragraph of the said section 137.

419. All applications for a benefit, advantage, reimbursement, reexamination, arbitration, partition and assessment of rights filed with the Commission under the provisions of the Act respecting the Government and Public Employees Retirement Plan by an employee or beneficiary who is a member of that plan and who becomes a member of this plan are considered, where applicable, to be applications filed under the corresponding provisions of this Act.

420. Any time limit that is running under the Act respecting the Government and Public Employees Retirement Plan in respect of a person who is a member of the Government and Public Employees Retirement Plan and who becomes a member of this plan shall continue to run under the provisions of that Act or,

as the case may be, under the corresponding provisions of this Act, and the time elapsed shall be taken into account.

The first paragraph also applies to the spouse and the successors of the person referred to in that paragraph and to the persons referred to in sections 411 to 413 of this Act and to their spouse and successors.

421. The transfer agreements entered into by the Commission administrative des régimes de retraite et d'assurances under section 158 of the Act respecting the Government and Public Employees Retirement Plan are deemed, for the purposes of this Act, to have been entered into under section 203 of this Act until they are replaced in accordance with that section. To that end, those transfer agreements shall be read with the necessary modifications.

422. The temporary measures provided for non-unionizable employees in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan apply, with the necessary modifications, to employees who are members of the Pension Plan of Management Personnel and who may avail themselves of those measures after 31 December 2000 pursuant to section 37 of the Act to amend various legislative provisions concerning retirement (1997, chapter 71), as amended by section 17 of the Act to amend various legislative provisions concerning the pension plans in the public and parapublic sectors (1999, chapter 73), or to section 215.11.2 of the Act respecting the Government and Public Employees Retirement Plan, or following a decision rendered in review or arbitration pursuant to Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan.

423. The miscellaneous, final or transitional provisions of an Act that applied before 21 June 2001 in respect of the Act respecting the Government and Public Employees Retirement Plan also apply in respect of this Act, with the necessary modifications, except if corresponding provisions are enacted by this Act.

424. On the death of an employee who elected to be a member of the Government and Public Employees Retirement Plan in accordance with section 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 38 of chapter 32 of the statutes of 2000, as it read on 1 January 2000, section 76 of the Act respecting the Civil Service Superannuation Plan shall continue to apply until a pension becomes payable under Title IV.0.1 of the latter Act, as that Title read on that date.

425. The deed of appointment of a justice of the peace appointed under section 158 of the Courts of Justice Act before 21 June 2001 which indicates that section 162 of that Act is applicable to the justice of the peace is deemed to refer to section 95 of that Act.

426. The reference to the Office Québec-Amériques pour la jeunesse in Schedule I to the Act respecting the Government and Public Employees Retirement Plan introduced by section 361 has effect from 1 October 2000.



427. Section 409 has effect from 1 January 1997.

428. Section 424 has effect from 1 January 2000.

429. Until the coming into force of section 20 of the Act respecting the Bibliothèque nationale du Québec and amending various legislative provisions (2001, chapter 11), Schedule II to this Act is deemed to refer to the Grande bibliothèque du Québec instead of the Bibliothèque nationale du Québec.

430. This Act comes into force on 1 January 2001. However, the references to the Conservatoire de musique et d'art dramatique du Québec and the Société de tourisme du Québec in paragraph 1 of Schedule II will come into force on the same date as each of those references in paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan.

SCHEDULE I  
(Section 1)

**NON-UNIONIZABLE EMPLOYMENT**

The following is non-unionizable employment :

I. in the public and parapublic sectors and in bodies whose employees are appointed under the Public Service Act (R.S.Q., chapter F-3.1.1) :

(1) the positions or employment held by management or non-management personnel determined according to the classification plans for management personnel established by the authorities designated for each of the public and parapublic sectors ;

(2) the following positions or employment in the public service sector :

(a) human resource management consultant ;

(b) labour commissioner ;

(c) Attorney General's prosecutor ;

(d) mediator and conciliator ;

II. in State-owned enterprises and government bodies in which the conditions of employment and the standards and scales of remuneration of the personnel are determined by the Government or approved by the Conseil du trésor pursuant to section 22 of the Financial Administration Act (R.S.Q., chapter A-6) :

(1) the positions identified in the classification plans for management personnel approved by the Conseil du trésor and subject to the conditions of employment of management personnel, where applicable. Such positions must be similar to management positions in the public service determined according to the classification plans for management personnel in that sector ;

(2) mediators of the Conseil des services essentiels ;

(3) human resource management consultants who are subject to the conditions of employment of the management personnel of the body ;

III. for members of the staff of a Minister, of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) or of the other Members, the position of executive secretary and, where applicable, the positions of assistant executive secretary where the conditions of employment provide that they benefit from the conditions of employment of senior management officers of the public service ;

IV. a position or employment not referred to in paragraphs I to III that is similar to a position or employment designated in paragraph I and is held by a person who belongs to a class of employees designated pursuant to section 23 ;

V. in private institutions and for all other employers party to the plan, positions similar to positions of management personnel in the public and parapublic sectors determined in relation to the classification plans for management personnel established by the designated authority of the sector concerned and, as the case may be, conditions of employment determined by that authority ;

VI. employment held by persons designated by the Government if their conditions of employment provide that the plan applies to them.

SCHEDULE II  
(Section 1)

**EMPLOYEES AND PERSONS WHO ARE MEMBERS OF THE  
PENSION PLAN**

1. EMPLOYEES OF THE FOLLOWING BODIES :

- the Accueil du Rivage inc.
- the Alliance des professeures et professeurs de Montréal
- the Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec
- the Approvisionnement des deux Rives
- Approvisionnements - Montréal Santé et Services sociaux
- the Association des cadres des collèges du Québec
- the Association des cadres du gouvernement du Québec
- the Association des cadres de la santé et des services sociaux du Québec
- the Association des cadres scolaires du Québec
- the Association canadienne d'éducation de la langue française
- the Association des centres de jeunesse du Québec
- the Association des CLSC et des CHSLD du Québec
- the Association des collèges privés du Québec
- the Association des commissions scolaires de la Gaspésie Inc.
- the Association des directeurs généraux des services de santé et des services sociaux du Québec
- the Association des enseignants de l'ouest du Québec
- the Association des gestionnaires des établissements de santé et de services sociaux inc.
- the Association des hôpitaux du Québec
- the Association des institutions d'enseignement de niveau pré-scolaire et élémentaire du Québec

the Association des institutions d'enseignement secondaire

the Association montréalaise pour les aveugles

the Association paritaire pour la santé et la sécurité du travail - Secteur "Administration provinciale"

the Association paritaire pour la santé et la sécurité du travail - Secteur "Affaires municipales"

the Association pour la santé et la sécurité du travail, secteur Affaires sociales

the Association des professeurs de Lignery

the Association provinciale des enseignantes et enseignants du Québec

the Association des retraitées et retraités de l'enseignement du Québec

the Atelier le Fil d'Ariane inc.

the Ateliers du Grand Portage inc.

the Ateliers populaires de Sept-Îles

the Ateliers R-10 inc.

the Bibliothèque nationale du Québec

the Buanderie centrale de Montréal inc.

the C.H.S.L.D. Bayview inc.

COREM, in respect of permanent employees assigned by the Government of Québec, as part of the assignment of the operations of the Centre de recherche minérale of the Ministère des Ressources naturelles, to COREM who were members of the plan on 26 September 1999

the Cèdres, centre d'accueil pour personnes âgées

Centraide Mauricie inc.

Centrale de coordination santé de la région de Québec (03) Inc.

the Centrale de l'enseignement du Québec

the Centre administratif St-Pie X inc.

the Centre d'accueil de Brossard inc.

the Centre d'accueil Grandes-Piles inc.

the Centres d'accueil Le Bel Âge inc.

the Centre d'accueil Le Royer inc.

the Centre d'accueil Marcelle Ferron inc.

the Centre d'accueil Nazareth inc.

the Centre d'accueil Pavillon St-Théophile inc.

the Centre d'accueil St-Hilaire inc.

the Centre d'accueil St-Joseph de Lévis inc.

the Centre d'accueil St. Margaret

the Centre d'accueil Ste-Rose inc.

the Centre d'animation, de développement et de recherche en éducation

the Centre d'hébergement St-François inc.

the Centre d'hébergement St-Georges inc.

the Centre d'hébergement St-Hilaire enr.

the Centre d'hébergement St-Joseph inc.

the Centre d'hébergement St-Vincent-Marie inc.

the Centre d'hébergement et de soins de longue durée Bourget inc.

the Centre d'hébergement et de soins de longue durée Bussey (Québec) inc.

the Centre d'hébergement et de soins de longue durée Champlain-Marie-Victorin

the Centre d'hébergement et de soins de longue durée de la Côte Boisée inc.

the Centre d'hébergement et de soins de longue durée Deux-Montagnes inc.

the Centre d'hébergement et de soins de longue durée Gouin inc.

the Centre d'hébergement et de soins de longue durée Heather inc.

the Centre d'hébergement et de soins de longue durée Jean-Louis-Lapierre inc.

the Centre d'hébergement et de soins de longue durée Shermont inc.

the Centre d'hébergement et de soins de longue durée Villa Soleil

the Centre d'Insémination artificielle (C.I.A.Q.), limited partnership, in respect of employees who held employment with the Centre d'insémination artificielle du Québec (C.I.A.Q.) inc. and who were members of this plan on 31 December 1998

the Centre d'insémination porcine du Québec, as regards employees who held employment with that body and were members of the Government and Public Employees Retirement Plan on 17 November 1993

the Centre d'intégration socio-professionnelle de Laval

the Centre de réadaptation Lisette-Dupras

the Centre de référence des directeurs généraux et des cadres

the Centre gériatrique Courville inc.

the Centre hospitalier de l'Assomption inc.

the Centre hospitalier Beloeil inc.

the Centre hospitalier Champlain-Villeray inc.

the Centre hospitalier Le Château de Berthier inc.

the Centre hospitalier Notre-Dame du Chemin inc.

the Centre hospitalier Notre-Dame de Gatineau inc.

the Centre hospitalier Rive-Sud inc.

the Centre hospitalier St-François inc.

the Centre hospitalier St-Sacrement Itée

the Centre le Cardinal inc.

the Centre régional des achats en groupe des établissements de santé et de services sociaux de la région du Saguenay - Lac St-Jean (02)

the Centre régional de services aux bibliothèques publiques du Saguenay - Lac St-Jean inc.

the Centre de travail et de transition des Îles

the Clinique juridique populaire de Hull inc.

the Clinique médicale de l'Est inc.

the Collège Marie de France, except employees engaged after 16 June 1994 during the years or parts of a year in which they pay contributions to the Régime général des retraites de l'État français

the Collège Stanislas inc., except employees engaged after 16 June 1994 during the years or parts of a year in which they pay contributions to the Régime général des retraites de l'État français

the Comité patronal de négociation des collèges

the Comité patronal de négociation du secteur de la santé et des services sociaux

the Commission de la capitale nationale du Québec

the Commission des droits de la personne et des droits de la jeunesse

the Commission de reconnaissance des associations d'artistes et des associations de producteurs

the Commission de la représentation

School boards within the meaning of the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) and general and vocational colleges

the Commission des services juridiques and the corporations incorporated pursuant to or governed by the Legal Aid Act (chapter A-14) or the regulations made thereunder

the Commission des valeurs mobilières du Québec

the Conférence des régies régionales de la santé et des services sociaux du Québec

the Conseil québécois d'agrément d'établissements de santé et de services sociaux

the Conseil scolaire de l'Île de Montréal

the Conseil des services essentiels

Health and social service councils and public institutions within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5)

the Conservatoire de musique et d'art dramatique du Québec



the Coopérative des services regroupés en approvisionnement de la Mauricie et du Centre-du-Québec

the Corporation d'achat régionale de biens et services de la Montérégie (region 16)

the Corporation d'Approvisionnement du réseau de la santé et des services sociaux de l'Outaouais

the Corporation d'hébergement du Québec

the Corporation d'urgences-santé de la région de Montréal Métropolitain who are not ambulance technicians

the École Démosthène de la Communauté Grecque Orthodoxe de la Ville de Laval

the École Dollard-des-Ormeaux

Private educational institutions accredited for purposes of subsidies by virtue of the Act respecting private education (R.S.Q., chapter E-9.1), except employees of the Collège Français primaire inc. and the Collège Français (1965) inc. engaged after 18 June 1997 during the years or parts of a year in which they pay contributions to the Régime général des retraites de l'État français

Public institutions within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2)

the Fédération des collèges d'enseignement général et professionnel

the Fédération des commissions scolaires catholiques du Québec - Région Saguenay - Lac St-Jean

the Fédération des commissions scolaires du Québec

the Fédération des infirmières et infirmiers du Québec

the Fédération des professionnelles et professionnels de l'Éducation du Québec

the Fédération québécoise des centres de réadaptation en déficience intellectuelle

the Fédération québécoise des centres de réadaptation pour personnes alcooliques et autres toxicomanes

Financement-Québec

Florence Groulx inc.  
the Fondation de la faune du Québec  
the Fonds d'aide aux recours collectifs  
the Fonds de la recherche en santé du Québec  
the Foyer Notre-Dame de la Prairie inc.  
the Foyer St-Cyprien (1993) inc.  
the Foyer St-François inc.  
the Foyer Sainte-Bernadette de Mont-Joli enr.  
the Foyer Saints-Anges de Ham-Nord inc.  
the Foyer Wheeler inc.  
Garantie-Québec  
the Groupe d'achats de l'Abitibi-Témiscamingue Inc.  
the Havre du Crépuscule inc.  
the Havre Jeunesse  
the Hôpital Marie-Clarac des Soeurs de charité de Ste-Marie (1995) inc.  
the Hôpital Marie Claret  
the Hôpital St-Jude de Laval ltée  
the Hôpital Ste-Monique inc.  
the Hôpital Ste-Thérèse inc.  
the Hôpital Shriners pour Enfants (Québec) inc.  
Ingenio, filiale de Loto-Québec inc.  
the Institut des Métiers d'art - Cégep du Vieux Montréal  
the Institut national de santé publique du Québec  
the Institut de recherche en santé et en sécurité du travail du Québec  
the Institut de recherches cliniques de Montréal, in respect of employees who were holding employment with the Institut before 23 June 1995

the Institut du tourisme et de l'hôtellerie du Québec, in respect of employees of the Adult Education Service

Investissement-Québec

the Maison Blanche de North Hatley inc.

the Maison Élisabeth

the Maison des Futailles, S.E.C., in respect of employees who, immediately before being hired, were holding employment with the Société des alcools du Québec

the Maison Reine-Marie inc.

Ma Maison St-Joseph

the Maison de santé Roxboro ltée

the Manoir St-Patrice inc

the Office de la sécurité du revenu des chasseurs et piégeurs cris

the Office Québec-Amériques pour la jeunesse

the Orchidée blanche centre d'hébergement et de soins de longue durée inc.

Partagec inc.

the Pavillon Bellevue inc.

the Pavillon Foster

the Pavillon Ste-Marie inc. et Villa Raymond

the Priory School inc.

Québec-Transplant

the Régie de l'Énergie

the Régie des installations olympiques

the Regional Health and Social Services Boards within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2)

the Réseau de recherche en réadaptation de Montréal et de l'Ouest du Québec

the Résidence Berthiaume-Dutremblay

the Résidence Riviera inc.

the Résidence St-François inc.

the Résidence Ste-Marguerite inc.

the Résidence Tracy inc.

SGF REXFOR INC., in respect of its regular employees only

SGF SOQUIA INC.

the Santé Groupe Champlain inc. for its institution acting under the firm name of Centre hospitalier Champlain-Limoilou

the Secrétariat général du secteur de la Santé et des Services sociaux

the Séminaire de Québec, in respect of employees who were members of the Government and Public Employees Retirement Plan on 30 June 1987

the Séminaire de St-Hyacinthe d'Yamaska, in respect of the employees who were members of the Government and Public Employees Retirement Plan on 30 June 1992

the Service de réadaptation sociale inc.

the Services documentaires multimédia (S.D.M.) inc.

the Société des bingos du Québec Inc.

the Société du Centre des congrès de Québec

the Société de développement de l'industrie des courses de chevaux du Québec inc.

the Société de développement des entreprises culturelles

the Société des établissements de plein air du Québec

the Société de gestion du réseau informatique des commissions scolaires

the Société Inter-Port de Québec

the Société des loteries du Québec

the Société des loteries vidéo du Québec inc.

the Société du Palais des congrès de Montréal

the Société de la Place des Arts de Montréal  
the Société québécoise d'information juridique  
the Société québécoise de récupération et de recyclage  
the Société du tourisme du Québec  
the St. Michael's Algonquin School  
the Syndicat des enseignants et des enseignantes du CEGEP Limoilou  
the Syndicat des enseignantes et enseignants du Cégep de Victoriaville  
the Syndicat des enseignantes et enseignants de Charlevoix  
the Syndicat des enseignantes et enseignants des Laurentides  
the Syndicat des enseignantes et enseignants Laurier  
the Syndicat de l'enseignement du Bas-Richelieu  
the Syndicat de l'enseignement des Bois-Francs  
the Syndicat de l'enseignement de Champlain  
the Syndicat de l'enseignement de la Chaudière  
the Syndicat de l'enseignement de la Côte-du-Sud  
the Syndicat de l'enseignement des Deux Rives  
the Syndicat de l'enseignement du Grand-Portage  
the Syndicat de l'enseignement du Haut-Richelieu  
the Syndicat de l'enseignement de la Haute Côte Nord  
the Syndicat de l'enseignement du Lac St-Jean  
the Syndicat de l'enseignement de l'ouest de Montréal  
the Syndicat de l'enseignement de l'Outaouais  
the Syndicat de l'enseignement de Portneuf  
the Syndicat de l'enseignement de la région de Drummondville  
the Syndicat de l'enseignement de la région du Fer (SERF)

the Syndicat de l'enseignement de la région de la Mitis

the Syndicat de l'enseignement de la région des Moulins

the Syndicat de l'enseignement de la région de Québec

the Syndicat de l'enseignement Richelieu-Yamaska

the Syndicat de l'enseignement de la Rivière-du-Nord

the Syndicat de l'enseignement du Saguenay

the Syndicat de l'enseignement de la Seigneurie-des-Mille-Îles

the Syndicat de l'enseignement secondaire des Basses-Laurentides

the Syndicat de l'enseignement de l'Ungava et de l'Abitibi-Témiscamingue

the Syndicat de l'enseignement des Vieilles-Forges

the Syndicat de la fonction publique du Québec inc.

the Syndicat national des employés de l'hôpital Charles Le Moyne (C.S.N.)

the Syndicat du personnel de l'enseignement de Chauveau

the Syndicat du personnel de l'enseignement des Hautes Rivières

the Syndicat du personnel de l'enseignement du Nord de la Capitale

the Syndicat des physiothérapeutes et des thérapeutes en réadaptation physique du Québec

the Syndicat des professeurs du CEGEP de l'Outaouais

the Syndicat des professeurs du Collège Marie-Victorin

the Syndicat professionnel des infirmières et infirmiers de Québec

the Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R)

the Table patronale de concertation en santé et sécurité du travail du gouvernement du Québec

the Transport adapté du Québec métro inc.

the Université du Québec governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan

the Vigi Santé Ltée for the employees working in the institutions known under the following names :

- the Centre d'hébergement et de soins de longue durée Aylmer;
  - the Centre d'hébergement et de soins de longue durée Berthier;
  - the Centre d'hébergement et de soins de longue durée Bois-menu;
  - the Centre d'hébergement et de soins de longue durée Dollard-des-Ormeaux;
  - the Centre d'hébergement et de soins de longue durée Montérégie;
  - the Centre d'hébergement et de soins de longue durée Mont-Royal;
  - the Centre d'hébergement et de soins de longue durée Notre-Dame-de-Lourdes;
  - the Centre d'hébergement et de soins de longue durée Pierrefonds;
  - the Centre d'hébergement et de soins de longue durée St-Augustin;
  - the Centre d'hébergement et de soins de longue durée St-Félix de Longueuil;
  - the Centre d'hébergement et de soins de longue durée Ste-Germaine-Cousin;
  - the Centre d'hébergement et de soins de longue durée Ste-Rita;
  - the Centre d'hébergement et de soins de longue durée Ville-Émard;
- the Villa Marie-André inc.
- the Villa Marie-Claire inc.
- the Villa Médica inc.
- the Villa de la Paix inc.
- the Villa St-Lucien inc.

Ville de Vaudreuil, who were, on 31 May 1981, employees of the Station expérimentale de Vaudreuil

2. THE EMPLOYEES OF THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC, WITH THE EXCEPTION OF THOSE WHO ARE MEMBERS OF THE PENSION PLAN OF THE CANADIAN MARINE OFFICERS' UNION OR THE SEAFARERS' INTERNATIONAL UNION OF CANADA

3. THE EMPLOYEES OF THE INSTITUTIONS WITH WHICH AN AGREEMENT HAS BEEN ENTERED INTO UNDER SECTION 61 OF THE ACT RESPECTING PRIVATE EDUCATION (R.S.Q., CHAPTER E-9.1), FOR THE TERM OF THE AGREEMENT

4. THE MEMBERS OF THE FOLLOWING BODIES :

the Bureau d'audiences publiques sur l'environnement if they are appointed under the first paragraph of section 6.2 of the Environment Quality Act (R.S.Q., chapter Q-2)

the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc. if they are full-time members

the Commission d'appel en matière de lésions professionnelles if they are full-time members

the Commission des lésions professionnelles if they are commissioners

the Commission de protection du territoire agricole du Québec if they are full-time members

the Commission des valeurs mobilières du Québec if they are full-time members

the Régie des installations olympiques

the Régie du bâtiment du Québec if they are full-time members

the Régie du logement if they are full-time members and remunerated on an annual basis

SGF SOQUIA INC.

5. THE CHAIRMAN OR PRESIDENT OF EACH OF THE FOLLOWING BODIES :

the Commission administrative des régimes de retraite et d'assurances

the Commission de la construction du Québec

the Commission de protection du territoire agricole du Québec

the Commission de surveillance de la langue française



the Commission des valeurs mobilières du Québec

the Conseil du statut de la femme

the Office de la langue française

the Office des personnes handicapées du Québec

the Office des services de garde à l'enfance

the Société de l'assurance automobile du Québec

the Société des loteries du Québec

6. THE VICE-CHAIRMAN OR VICE-PRESIDENT OF EACH OF THE FOLLOWING BODIES :

the Commission de protection du territoire agricole du Québec

the Commission de la santé et de la sécurité du travail

7. THE DIRECTOR GENERAL OF THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

8. FULL-TIME CHAPLAINS EXERCISING THEIR FUNCTIONS IN A HOUSE OF DETENTION WITHIN THE MEANING OF THE ACT RESPECTING CORRECTIONAL SERVICES (R.S.Q., CHAPTER S-4.01)

9. THE CHIEF ELECTORAL OFFICER

10. THE CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

11. THE PRESIDENT AND GENERAL MANAGER OF THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

12. THE COMMISSIONERS OF THE RÉGIE DU LOGEMENT

13. THE SECRETARY OF THE CONSEIL DE LA LANGUE FRANÇAISE

14. EVERY PERSON HOLDING PENSIONABLE EMPLOYMENT UNDER THE ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN (R.S.Q., CHAPTER R-12)

15. EVERY PERSON, OTHER THAN THE PERSONS REFERRED TO IN PARAGRAPHS 1 TO 13, WHO, ON 31 DECEMBER 2000 OR AFTER THAT DATE, ARE MEMBERS OF THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN UNDER AN ACT.

SCHEDULE III  
(Section 2)

**BODIES WITH EMPLOYEES RELEASED BY AN EMPLOYER  
PARTY TO THE PLAN**

The Association des cadres du gouvernement du Québec

The Fédération québécoise des directeurs et directrices d'établissements  
d'enseignement (FQDE)

SCHEDULE IV  
(Section 44)

**EMPLOYERS FOR WHOM THE GOVERNMENT PAYS THE  
CONTRIBUTORY AMOUNTS**

the Collège Marie de France

the Collège Stanislas inc.

General and vocational colleges within the meaning of the General and Vocational Colleges Act (R.S.Q., chapter C-29)

School boards within the meaning of the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14)

Health and social service councils and public institutions within the meaning of the Act respecting health services and social services for Cree Native Persons (R.S.Q., chapter S-5)

Educational institutions at the university level within the meaning of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1)

Private educational institutions accredited for purposes of subsidies by virtue of the Act respecting private education (R.S.Q., chapter E-9.1)

Private educational institutions having an agreement of association under section 215 of the Education Act to the extent that the agreement entitles them to subsidies of a level at least equal to those paid to private educational institutions accredited for purposes of subsidies by virtue of the Act respecting private education

Government departments and bodies all or part of whose operating budget is voted by the National Assembly, except to the extent provided by law

Regional health and social services boards and public institutions and private institutions under agreement within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2), except to the extent provided by law.

SCHEDULE V  
(Section 44)

**EMPLOYERS REQUIRED TO PAY THE SHARE REFERRED TO IN  
THE SECOND PARAGRAPH OF SECTION 44**

- the Association des cadres des collèges du Québec
- the Association des cadres scolaires du Québec
- the Association canadienne d'éducation de la langue française
- the Association des centres jeunesse du Québec
- the Association des C.L.S.C. et des C.H.S.L.D. du Québec
- the Association des gestionnaires des établissements de santé et des services sociaux
- the Association des hôpitaux du Québec
- the Association paritaire pour la santé et la sécurité du travail - Secteur "Administration provinciale"
- the Association paritaire pour la santé et la sécurité du travail - Secteur "Affaires municipales"
- the Association des retraitées et retraités de l'enseignement du Québec
- the Association pour la santé et la sécurité du travail, secteur Affaires sociales
- the Provincial Association of Protestant Teachers of Québec
- the Ateliers populaires de Sept-Îles
- the Ateliers R-10 inc.
- the Caisse de dépôt et placement du Québec
- Centraide Mauricie
- the Centrale de l'enseignement du Québec
- the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc.
- the Centre de formation collégiale pour adultes de Beauce
- the Centre québécois de valorisation de la biomasse

the Centre régional de services aux bibliothèques publiques du Saguenay - Lac-St-Jean inc.

C.I.D.E. (Consortium intercollégial de développement en éducation)

the Clinique juridique populaire de Hull inc.

the Comité patronal de négociation du secteur de la santé et des services sociaux

the Commission des normes du travail

the Commission de la santé et de la sécurité du travail

the Conférence des régies régionales de la santé et des services sociaux du Québec

the Corporation d'urgences-santé de la région de Montréal Métropolitain in respect of employees who are not ambulance technicians

the École Démosthène de la Communauté Grecque Orthodoxe de la Ville de Laval

the École Dollard-des-Ormeaux

the Établissements du Gentilhomme inc.

the Fédération des syndicats de professionnelles et professionnels de commissions scolaires du Québec (CEQ)

the Fondation pour le développement de la science et de la technologie

the Fondation de la faune du Québec

the Fonds d'aide aux recours collectifs

the Fonds de la recherche en santé du Québec

the Institut des Métiers d'art - Cégep du Vieux Montréal

the Institut de recherche en santé et en sécurité du travail du Québec

the Priory School inc.

the Régie de l'assurance maladie du Québec

the Régie des rentes du Québec

the Réseau de recherche en réadaptation de Montréal et de l'Ouest du Québec

- the Secrétariat général du secteur de la Santé et des Services sociaux
- the Séminaire Marie-Reine-du-Clergé, in respect of the employees who were members of the plan on 28 June 1987
- the Séminaire de Québec, in respect of employees who were members of the plan on 30 June 1987
- the Séminaire de St-Hyacinthe d'Yamaska, in respect of the employees who were members of the plan on 30 June 1992
- the Services documentaires multimédia (S.D.M.) inc.
- the Société de l'assurance automobile du Québec
- the Société des alcools du Québec
- the Société des établissements de plein air du Québec
- the Société de développement de l'industrie des courses de chevaux du Québec inc.
- the Société de gestion du réseau informatique des commissions scolaires
- the Société immobilière du Québec
- the Société Inter-Port de Québec
- the Société des loteries du Québec
- the Société du Palais des congrès de Montréal
- the Société du parc industriel et portuaire de Bécancour
- the Société de la Place des Arts de Montréal
- the Société québécoise de récupération et de recyclage
- the Société de récupération, d'exploitation et de développement forestiers du Québec
- the Société des traversiers du Québec
- the St. Michael's Algonquin School
- the Syndicat des enseignants et des enseignantes du CEGEP Limoilou
- the Syndicat de l'enseignement des Bois-Francis
- the Syndicat de l'enseignement de l'ouest de Montréal

the Syndicat de la fonction publique du Québec inc.

the Syndicat national des employés de l'hôpital Charles Le Moyne (C.S.N.)

the Syndicat du personnel de l'enseignement de Chauveau

the Syndicat des professeurs du CEGEP de l'Outaouais

the Syndicat des professeurs du Collège Marie-Victorin

the Table patronale de concertation en santé et sécurité du travail du gouvernement du Québec

the Transport adapté du Québec métro inc.

Ville de Vaudreuil in respect of employees who, on 31 May 1981, were employees of the Station expérimentale de Vaudreuil.

SCHEDULE VI  
(Section 45)

**EMPLOYERS FOR WHOM THE GOVERNMENT PAYS THE  
EMPLOYER'S CONTRIBUTORY AMOUNTS IN RESPECT OF THE  
EMPLOYEES TO WHOM SECTION 45 APPLIES**

the Commission des droits de la personne et des droits de la jeunesse

public institutions and health and social service councils within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5)

public institutions and regional health and social services boards within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2)

the Government

the Office des personnes handicapées du Québec

the Office des services de garde à l'enfance

the bodies in the sector of the Ministère de la Santé et des Services sociaux which are listed in the agreement entered into within the framework of the Canada Assistance Plan (Revised Statutes of Canada, 1985, chapter C-1) between the Government of Canada and that of Québec.



SCHEDULE VII  
(Section 204)

**INTEREST PAYABLE UNDER THIS ACT**

Rate	Period
12,54%	from 1 January 2001 to 31 July 2001.