



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 195

(2005, chapter 5)

**An Act to amend the Supplemental
Pension Plans Act**

**Introduced 13 May 2004
Passage in principle 3 June 2004
Passage 21 April 2005
Assented to 28 April 2005**

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EXPLANATORY NOTES

This bill amends the Supplemental Pension Plans Act to enable the group formed of active members of a pension plan who are not represented by a certified association within the meaning of the Labour Code, or who are not bound by a contract governing the use of the surplus assets of the plan, and the group formed of non-active members and beneficiaries of the plan to express their concurrence in an amendment to the plan confirming the employer's right to appropriate surplus assets to the payment of employer contributions.

The bill provides that the concurrence of each of these groups in the amendment proposed may only be expressed at the annual meeting or at a special meeting called by the pension committee.

Bill 195

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 146.5 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) of active members not referred to in subparagraph 1 or 2 and of non-active members and beneficiaries;

“(4) in the case of a multi-employer pension plan, even not considered as such under section 11, of all the employers party to the plan on the date on which the proposal is made.

For the purposes of subparagraph 3 of the first paragraph, concurrence must be obtained in accordance with the procedure set out in section 166 or 166.1, as the case may be.”

2. Section 166 of the Act is amended by replacing the first paragraph by the following paragraphs:

“**166.** Within six months after the end of each fiscal year of the plan, or within such additional period as may be granted by the Régie, the pension committee shall, by written notice, call each member and beneficiary and the employer to a meeting held to

(1) allow the members, the beneficiaries and the employer to be informed of the amendments made to the plan, the entries recorded in the register kept pursuant to section 159 and the financial position of the plan;

(2) enable the group formed of active members, on the one hand, and the group formed of non-active members and beneficiaries, on the other hand, to decide whether or not to designate a pension committee member under section 147 or 147.1 and, if the decision is affirmative, to proceed with the designation either in the manner proposed by the committee or, if none is proposed or if the group refuses the manner proposed, in a manner, determined by the group, which allows the designation to be made at that meeting;

(3) if no special meeting was called pursuant to section 166.1, enable the group formed of active members not referred to in subparagraphs 1 and 2 of

the first paragraph of section 146.5, on the one hand, and the group formed of non-active members and beneficiaries, on the other hand, to vote on a proposal to amend the pension plan, made by the employer under section 146.5.

A decision relating to a matter mentioned in subparagraph 2 or 3 of the first paragraph shall be made, for each group, by a majority of the votes cast by its members.”

3. The Act is amended by inserting the following section after section 166:

“**166.1.** Unless the subject is on the agenda of the annual meeting, the pension committee shall, by written notice and within 60 days after receiving a proposal to amend the pension plan, made by the employer under section 146.5, or within such additional period as may be granted by the Régie, call each member and beneficiary belonging to the groups mentioned in subparagraph 3 of the first paragraph of section 166 to a special meeting in order for them to vote on the proposal.

A decision shall be made, for each group, by a majority of the votes cast by its members.”

4. This Act comes into force on 28 April 2005.