

## Regulations and other acts

Gouvernement du Québec

### O.C. 1235-2005, 14 December 2005

An Act respecting the Pension Plan  
of Management Personnel  
(R.S.Q., c. R-12.1)

Amendments to the Order in Council concerning the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel and to the Order in Council concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may establish special provisions with respect to classes of employees it designates;

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel, the Government may, with respect to classes of employees designated under the first paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement;

WHEREAS, on 17 September 2003, the Government made Order in Council 960-2003 establishing such special provisions and Order in Council 961-2003 establishing such a plan;

WHEREAS it is expedient to amend those Orders in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Order in Council concerning amendments to the Order in Council concerning the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel and to the Order in Council concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of

employees under section 208 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### SCHEDULE

AMENDMENTS TO THE ORDER IN COUNCIL CONCERNING THE SPECIAL PROVISIONS IN RESPECT OF CLASSES OF EMPLOYEES DESIGNATED UNDER SECTION 23 OF THE ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL \* AND TO THE ORDER IN COUNCIL CONCERNING THE PROVISIONS RESPECTING THE DETERMINATION OF SUPPLEMENTARY BENEFITS IN RESPECT OF CERTAIN CLASSES OF EMPLOYEES UNDER SECTION 208 OF THE ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL \*\*

An Act respecting the Pension Plan  
of Management Personnel  
(R.S.Q., c. R-12.1, ss. 23 and 208)

1. Section 36 of the Order in Council concerning the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel is amended

\* The Order in Council concerning the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 960-2003 dated 17 September 2003 (2003, *G.O.* 2, 2963), was last amended by Order in Council 482-2005 dated 25 May 2005 (2005, *G.O.* 2, 1653). For previous amendments to that Order in Council, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

\*\* The Order in Council concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 961-2003 dated 17 September 2003 (2003, *G.O.* 2, 2972), was amended once by Order in Council 482-2005 dated 25 May 2005 (2005, *G.O.* 2, 1653).

(1) by inserting “or under section 3 of the Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan made by Conseil du trésor Decision 197198 dated 30 October 2001” after “Plan” in the first paragraph;

(2) by replacing the second sentence of the second paragraph by the following sentence: “It is computed, for pension credits acquired under section 95 of that Act, according to the table in Schedule IV.3 to the Regulation under the Act respecting the Government and Public Employees Retirement Plan and, for the other pension credits, according to the method and actuarial assumptions provided for in Schedule I to that Regulation.”.

2. The following is inserted after section 36:

“**36.1.** For the purposes of the fifth paragraph of section 23 of the Act, the actuarial values of the benefits are established using the method and actuarial assumptions provided for in section 10.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel approved by Conseil du trésor Decision 202420 dated 24 May 2005, subject to the following:

(1) if the employee or the person is less than three years from retirement, the pensionable salary for the retirement plans concerned by the transfer and that are prior to the year in which it becomes covered by this Order must also be taken into account in determining average pensionable salary;

(2) taking into account the following retirement rate for the employee or person as follows:

For the Pension Plan of Peace Officers in Correctional Services:

|   |   |
|---|---|
| For an employee attaining or who would attain 32 years of service before age 50 | <ul style="list-style-type: none"> <li>• 100% at age 50</li> </ul>  |
| For an employee attaining or who would attain 30 years of service before age 60 | <ul style="list-style-type: none"> <li>• 60% at 30 years of service</li> <li>• 100% (of the remaining 40%) at 32 years of service</li> </ul>  |
| For an employee who would attain 30 years of service at age 60 or after         | <ul style="list-style-type: none"> <li>• 60% at age 60</li> <li>• 100% (of the remaining 40%) at 32 years of service or at age 65 if the employee attains that age without attaining 32 years of service</li> </ul> |

For an employee with at least 32 years of service at the time of transfer

- 100% six months after the transfer

For an employee who is 60 years of age or older at the time of transfer

- 60% six months after the transfer
- 100% (of the remaining 40%) at 32 years of service or at age 65 if the employee attains that age without attaining 32 years of service

If the first two criteria apply, the assumption retained is that of the first criteria attained.

If the last two criteria apply, the assumption retained is that of 32 years of service.

For the Pension Plan of Management Personnel:

|  |  |
|--|--|
| For an employee attaining or who would attain 35 years of service before age 55  | <ul style="list-style-type: none"> <li>• 100% at age 55</li> </ul>   |
| For an employee whose age and years of service add up or would add up to 88 or more “criteria 88” at age 55 or older but before age 60 | <ul style="list-style-type: none"> <li>• 60% at criteria 88</li> <li>• 100% (of the remaining 40%) at 35 years of service or at age 65 if the employee attains that age without attaining 35 years of service</li> </ul>             |
| For an employee who has fewer than 28 years of service at age 60   | <ul style="list-style-type: none"> <li>• 60% at age 60</li> <li>• 100% (of the remaining 40%) at age 65</li> </ul>   |
| For an employee who has at least 35 years of service at the time of transfer   | <ul style="list-style-type: none"> <li>• 100% six months after the transfer</li> </ul>   |
| For an employee who is 60 years of age or older at the time of transfer  | <ul style="list-style-type: none"> <li>• 60% six months after the transfer</li> <li>• 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service</li> </ul> |

If the last two criteria apply, the assumption retained is that of the criteria of 35 years of service.”.

3. Schedule IV is replaced by the following :

**“SCHEDULE IV  
ASSUMPTIONS  
(s. 14)**

**Actuarial assumptions**

(1) Rate of interest :

**For fully-indexed and non-indexed benefits :**

The interest rates are those determined in accordance with the Standard of Practice for Determining Pension Commuted Values confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004, hereafter called the “CIA Standard”.

**For partially indexed benefits :**

The interest rates are determined according to the following formula :

$$\frac{((1 + \text{interest rate for a non-indexed benefit}) / (1 + \text{indexing rate for a partially-indexed benefit})) - 1}{}$$

The result must be rounded to the nearest multiple of 0.25%.

(2) Indexing rate :

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard ;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph a over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

| Inflation level | Addition to the result of the PI-3% formula | Adjusted indexing rate | Addition to the result of the 50% PI, min. PI-3% formula | Adjusted indexing rate |
|-----------------|---|------------------------|--|------------------------|
| 0.5             | 0.1   | 0.1                    | 0.05   | 0.3                    |
| 1.0             | 0.1   | 0.1                    | 0.10   | 0.6                    |
| 1.5             | 0.3   | 0.3                    | 0.15   | 0.9                    |
| 2.0             | 0.5   | 0.5                    | 0.20   | 1.2                    |
| 2.5             | 0.7   | 0.7                    | 0.15   | 1.4                    |
| 3.0             | 1.0   | 1.0                    | 0.20   | 1.7                    |
| 3.5             | 0.8   | 1.3                    | 0.25   | 2.0                    |
| 4.0             | 0.6   | 1.6                    | 0.30   | 2.3                    |
| 4.5             | 0.5   | 2.0                    | 0.45   | 2.7                    |
| 5.0             | 0.4   | 2.4                    | 0.50   | 3.0                    |

”.

4. Schedule V to the Regulation is replaced by the following :

**“SCHEDULE V  
ASSUMPTIONS AND ACTUARIAL METHOD  
(ss. 16 and 37)**

**Actuarial method**

The actuarial method is the “projected benefit method pro rated on service”.

**Actuarial assumptions**

(1) Mortality rates :

The mortality rates are determined in accordance with the CIA Standard.

(2) Interest rates :

**For fully-indexed and non-indexed benefits :**

The interest rates are those determined in accordance with the CIA Standard.

**For partially indexed benefits :**

The interest rates are determined according to the following formula :

$((1 + \text{interest rate for a non-indexed benefit}) / (1 + \text{indexing rate for a partially-indexed benefit})) - 1$

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph a over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

| Inflation level | Addition to the result of the PI-3% formula | Adjusted indexing rate | Addition to the result of the 50% PI, min. PI-3% formula | Adjusted indexing rate |
|-----------------|---|------------------------|--|------------------------|
| 0.5             | 0.1   | 0.1                    | 0.05   | 0.3                    |
| 1.0             | 0.1   | 0.1                    | 0.10   | 0.6                    |
| 1.5             | 0.3   | 0.3                    | 0.15   | 0.9                    |
| 2.0             | 0.5   | 0.5                    | 0.20   | 1.2                    |
| 2.5             | 0.7   | 0.7                    | 0.15   | 1.4                    |
| 3.0             | 1.0   | 1.0                    | 0.20   | 1.7                    |
| 3.5             | 0.8   | 1.3                    | 0.25   | 2.0                    |
| 4.0             | 0.6   | 1.6                    | 0.30   | 2.3                    |
| 4.5             | 0.5   | 2.0                    | 0.45   | 2.7                    |
| 5.0             | 0.4   | 2.4                    | 0.50   | 3.0                    |

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Rate of increase of the MPE:

The annual increase of the maximum pensionable earnings within the meaning of the Québec Pension Plan corresponds to the annual rate of inflation plus 1%.

(7) Rate of increase of salaries:

The annual increase in salaries corresponds to the annual increase of the MPE, increased by the annual rate of salary increase.

| Age               | Annual rate of increase |
|-------------------|-------------------------|
| 18 - 35 years     | 5.75%                   |
| 36 - 50 years     | 2.50%                   |
| 51 years and over | 0.88%                   |

(8) Retirement rate:

For an employee whose age and years of service add up or would add up to 85 or more "criteria 85" at age 55 or older but before age 60

- 60% at criteria 85

- 100% (of the remaining 40%) at 35 years of service or at age 65 if the employee attains that age without attaining 35 years of service

For an employee who has fewer than 25 years of service at age 60 or older

- 60% at age 60

- 100% (of the remaining 40%) at age 65

For an employee who has at least 35 years of service at the time of transfer

- 100% six months after the transfer

For an employee who is 60 years of age or older at the time of transfer

- 60% six months after the transfer

- 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

If the last two criteria apply, the assumption retained is that of the criteria of 35 years of service.

(9) Proportion of employees with a spouse at retirement:

| Age                | Male | Female |
|--------------------|------|--------|
| 18 - 64 years old  | 85%  | 65%    |
| 65 - 79 years old  | 80%  | 30%    |
| 80 - 109 years old | 60%  | 10%    |
| 110 years old      | 0%   | 0%     |

(10) Age difference between spouses at retirement:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.

For the purposes of section 16 of the Act, the actuarial assumptions apply taking into account the rules in Part D of Section 3 of the Standard of Practice for Determining Pension Commuted Values confirmed by the Canadian Institute of Actuaries on 15 June 2004, hereafter called the “CIA Standard”.

5. Schedule II to the Order in Council concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel is replaced by the following:

**“SCHEDULE II**  
ASSUMPTIONS AND ACTUARIAL METHOD  
(s. 4)

**Actuarial method**

The actuarial method is the “benefit allocation” method.

**Actuarial assumptions**

(1) Mortality rates:

The mortality rates are those determined in accordance with the Standard of Practice for Determining Pension Commuted Values confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004, hereafter called the “CIA Standard”.

(2) Interest rates:

**For fully-indexed and non-indexed benefits:**

The interest rates are those determined in accordance with the CIA Standard.

**For partially-indexed benefits:**

The interest rates are those determined according to the following formula:

$$((1 + \text{interest rate for a non-indexed benefit}) / (1 + \text{indexing rate for a partially-indexed benefit})) - 1$$

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph a over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

| Inflation level | Addition to the result of the PI-3% formula | Adjusted indexing rate | Addition to the result of the 50% PI, min. PI-3% formula | Adjusted indexing rate |
|-----------------|---|------------------------|--|------------------------|
| 0.5             | 0.1   | 0.1                    | 0.05   | 0.3                    |
| 1.0             | 0.1   | 0.1                    | 0.10   | 0.6                    |
| 1.5             | 0.3   | 0.3                    | 0.15   | 0.9                    |
| 2.0             | 0.5   | 0.5                    | 0.20   | 1.2                    |
| 2.5             | 0.7   | 0.7                    | 0.15   | 1.4                    |
| 3.0             | 1.0   | 1.0                    | 0.20   | 1.7                    |
| 3.5             | 0.8   | 1.3                    | 0.25   | 2.0                    |
| 4.0             | 0.6   | 1.6                    | 0.30   | 2.3                    |
| 4.5             | 0.5   | 2.0                    | 0.45   | 2.7                    |
| 5.0             | 0.4   | 2.4                    | 0.50   | 3.0                    |

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of married persons at retirement:

| Age                | Male | Female |
|--------------------|------|--------|
| 18 - 64 years old  | 85%  | 65%    |
| 65 - 79 years old  | 80%  | 30%    |
| 80 - 109 years old | 60%  | 10%    |
| 110 years old      | 0%   | 0%     |

(7) Age difference between spouses at retirement:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.”.

6. This Regulation comes into force on 1 January 2006.

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Gouvernement du Québec

## O.C. 1244-2005, 4 December 2005

Environment Quality Act  
(R.S.Q., c. Q-2)

### Heavy vehicles — Environmental standards

Regulation respecting environmental standards for heavy vehicles

WHEREAS sections 31, 53 and 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) confer on the Government the power to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, the draft Regulation respecting environmental standards for heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 11 May 2005 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation respecting environmental standards for heavy vehicles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation respecting environmental standards for heavy vehicles

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, c, d, e, h, h.1, h.2* and *l*, s. 53, pars. *a, b* and *c*, and ss. 109.1, 118.6 and 124.0.1)

### CHAPTER I SCOPE AND INTERPRETATION

**1.** The purpose of this Regulation is to set environmental standards for heavy vehicles. The standards apply to the pollution control devices and systems on heavy vehicles and to the testing of heavy vehicle emissions.

For the purposes of this Regulation, roadside testing to assess compliance with the standards is to be conducted on public highways within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2).

**2.** The heavy vehicles to which this Regulation applies are

(1) heavy vehicles within the meaning of subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), except farm tractors within the meaning of section 2 of the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991; and

(2) buses, minibuses and tow trucks referred to in subparagraph *b* of subparagraph 3 of section 2 of that Act having a net mass in excess of 3,000 kg.