

(7) the age difference between spouses at death:

(a) the male spouse of the beneficiary is assumed to be 1 year older;

(b) the female spouse of the beneficiary is assumed to be 4 years younger.”

**2.** Section 15 is replaced by the following:

“**15.** Interest compounded annually and accrued from the date of assessment to the date of payment must be added to the sums awarded to the spouse at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan, in effect at the date of assessment. Where that date is prior to 1 June 2001, the applicable interest rate is 5.34%.”

**3.** The following Division is added after section 22:

**“DIVISION V  
TRANSITIONAL**

**22.1.** For the purposes of sections 18 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment is established at that date according to the actuarial method and assumptions that were used for the assessment of benefits accrued.”

**4.** This Regulation comes into force on the first day of the month that follows by at least 15 days the date of its publication in the *Gazette officielle du Québec*. However, sections 1 and 3 take effect on 1 January 2011.

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Gouvernement du Québec

**T.B. 210825, 22 November 2011**

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

An Act to amend various pension plans in the public sector (2010, c. 29)

**Pension Plan of Management Personnel  
— Certain provisions applicable to the partition  
and assignment of benefits accrued**

Regulation respecting certain provisions applicable to the partition and assignment of benefits accrued under the Pension Plan of Management Personnel

WHEREAS, under subparagraph 15 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by regulation, after the Commission administrative des régimes de retraite et d’assurances has consulted the pension committee referred to in section 196.2 of the Act, determine, for the purposes of section 164 of the Act, 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;

WHEREAS, under subparagraph 16 of the first paragraph of section 196 of the Act, the Government may, by regulation, determine, for the purposes of section 165 of the Act, rules, conditions and terms for the payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS, under subparagraph 17 of the first paragraph of section 196 of the Act, the Government may, by regulation, prescribe, for the purposes of section 167 of the Act, the actuarial rules, assumptions and methods for reducing any sum payable under the Pension Plan of Management Personnel, which may vary according to the nature of the benefit from which such sum is derived;

WHEREAS, under section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) that are in force on 20 June 2001 are considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of the Act, and they apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan (c. R-10, r. 7) and the Regulation, in force on 20 June 2001, is considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under the corresponding provisions of the Act, and it applies, with the necessary modifications, until it is replaced by the regulation made under such corresponding provisions;

WHEREAS it is expedient to make special provisions concerning the actuarial rules, assumptions and methods that apply to the assessment and reduction of accrued benefits under the Pension Plan of Management Personnel;

WHEREAS it is expedient to make special provisions concerning the interest payable on the sums awarded to the spouse;

WHEREAS, in accordance with paragraph 6 of section 36 of the Act to amend various pension plans in the public sector (2010, c. 29), the first regulation made after 2 December 2010 under subparagraphs 15 to 17 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel may have effect from any date not prior to 1 January 2011;

WHEREAS the pension committee referred to in section 196.2 of the Act respecting the Pension Plan of Management Personnel has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 1 to 6 of section 40;

WHEREAS the consultation has taken place;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting certain provisions applicable to the partition and assignment of benefits accrued under the Pension Plan of Management Personnel was published in Part 2 of the *Gazette officielle du Québec* of 13 July 2011 with a notice that the Regulation could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comments on the draft Regulation were received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation respecting certain provisions applicable to the partition and assignment of benefits accrued under the Pension Plan of Management Personnel, attached to this Decision, is hereby made.

*Le greffier du Conseil du trésor,*  
GEORGES BOULET

## **Regulation respecting certain provisions applicable to the partition and assignment of benefits accrued under the Pension Plan of Management Personnel**

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 15, 16 and 17, and s. 416)

An Act to amend various pension plans in the public sector (2010, c. 29, s. 36, par. 6)

**1.** The actuarial value of benefits accrued under the Pension Plan of Management Personnel is determined according to the “distribution of benefits” method and corresponds to the sum of 50% of the actuarial value determined for a male and 50% of the actuarial value determined for a female.

The actuarial value of the benefits is also determined according to the following actuarial assumptions:

(1) the mortality rates:

The mortality rates are those determined according to the CIA Standards.

(2) the interest rates:

(a) the interest rates for fully-indexed or non-indexed benefits are those determined according to the CIA Standards;

(b) the interest rates for partially-indexed benefits 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 adjusted according to the CIA Standards.

(3) the indexing rate:

(a) the indexing rate for a benefit fully-indexed by the rate of increase in the Pension Index is calculated in the manner described in the CIA Standards;

(b) the indexing rate for a benefit indexed by the excess of the rate of increase in the Pension Index (PI) over 3% or by half of the rate of increase in the Pension Index corresponds respectively to the excess of the indexing rate

calculated in the manner provided in subparagraph *a* over 3% or by half the indexing rate calculated in the manner provided in that subparagraph.

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

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. IR-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) the turnover rate: Nil

(5) the disability rate: Nil

(6) the proportion of married persons at death:

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) the age difference between spouses at death:

(a) the male spouse of the beneficiary is assumed to be 1 year older;

(b) the female spouse of the beneficiary is assumed to be 4 years younger.

In this section, the expression “CIA Standards” refers to the standards of practice entitled Practice-Specific Standards for Pension Plans—3800 Pension Commuted Values of the Canadian Institute of Actuaries, effective since 1 February 2005 and periodically revised.

**2.** Where the Commission administrative des régimes de retraite et d’assurances makes the payment of sums awarded to the spouse as a result of the partition or assignment of benefits accrued under the plan, interest compounded annually and accrued from the date of assessment to the date of payment must be added to the sums awarded to the spouse at the rate in Schedule VIII to the Act, in effect at the date of assessment. Where that date is prior to 1 July 2002, the applicable interest rate is 5.34%.

**3.** For the purposes of sections 19, 19.1 and 20 of the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan (c. R-10, r. 7), as it applies to the Pension Plan of Management Personnel, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment is established at that date according to the actuarial method and assumptions that were used for the assessment of benefits accrued.

In addition, for the purposes of those sections, a reference to section 7 of that Regulation must be read as a reference to section 1 of this Regulation if the benefits were assessed in accordance with section 1 of this Regulation.

**4.** For the purposes of the Pension Plan of Management Personnel, sections 7 and 15 of the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan are revoked. However, section 7 remains in force in the situations referred to in the first paragraph of section 3 of this Regulation.

**5.** This Regulation comes into force on the first day of the month that follows by at least 15 days the date of its publication in the *Gazette officielle du Québec*. However, sections 1, 3 and 4 take effect on 1 January 2011.