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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## Bill 12

(2014, chapter 11)

### **An Act respecting the implementation of recommendations by the pension committee of certain pension plans in the public sector and amending various legislative provisions**

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**Introduced 30 September 2014  
Passed in principle 8 October 2014  
Passed 18 November 2014  
Assented to 19 November 2014**

## EXPLANATORY NOTES

*This Act amends various Acts establishing pension plans in the public sector, in particular in response to certain recommendations made by the pension committees. Also, a number of technical amendments are made to the pension plans to reflect changes to certain conditions of employment of the plan members.*

*In addition, the Act maintains the provisions overriding section 15 of the Constitution Act, 1982, found 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, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Teachers Pension Plan (chapter R-11);
- Act respecting the Civil Service Superannuation Plan (chapter R-12);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

## **Bill 12**

### **AN ACT RESPECTING THE IMPLEMENTATION OF RECOMMENDATIONS BY THE PENSION COMMITTEE OF CERTAIN PENSION PLANS IN THE PUBLIC SECTOR AND AMENDING VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

**1.** The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite 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**

**2.** Section 9 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “employee on adoption leave” in the third paragraph by “employee on paternity or adoption leave” and by replacing “adoption leave for” in that paragraph by “such leave for”.

**3.** Section 42.1.1 of the Act is amended by replacing “an adoption leave” by “a paternity or adoption leave”.

#### **ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

**4.** Section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “and, for the purposes of section 147, the criteria and conditions subject to which the Commission may remit any amount owed to it;” in subparagraph 16 of the first paragraph by “and, for the purposes of the third paragraph of section 147, the cases in and conditions subject to which the Commission remits any amount of pension or pension credit, or any excess reimbursement of contributions or actuarial value, owed to the Commission where the amount was paid before the expiry of the time limit specified in subparagraphs 1 and 2 of the second paragraph of that section;”.

**5.** Section 147 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Commission shall also remit, in the cases and subject to the conditions determined by regulation of the Government, any amount of pension or pension credit, or any excess reimbursement of contributions or actuarial value, owed to the Commission where the amount was paid before the expiry of the time limit specified in subparagraphs 1 and 2 of the second paragraph.”

**6.** Section 147.0.5 of the Act is amended by inserting “the regulatory provisions made under the third paragraph of that section,” after “section 147.”.

**7.** The Act is amended by inserting the following section after section 184:

**“184.1.** Sections 100.6 to 100.8 of the Labour Code (chapter C-27) apply to the arbitration provided for in this chapter.

Articles 307 and 308 of the Code of Civil Procedure (chapter C-25) apply to the witnesses heard in the arbitration.”

**8.** The second paragraph of section 223.1 of the Act is again enacted and therefore reads as follows:

“They have effect despite 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 TEACHERS PENSION PLAN

**9.** The second paragraph of section 78.1 of the Act respecting the Teachers Pension Plan (chapter R-11) is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite 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

**10.** The second paragraph of section 114.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is again enacted and therefore reads as follows:

“Sections 56 and 84 have effect despite 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 MANAGEMENT PERSONNEL

**11.** Section 10 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing the second sentence of the last paragraph by the following sentence: “When the contributions relating to a period of absence without pay have not been paid, that period of absence is not taken into account for that additional period, even if that period of absence was redeemed under section 38.”

**12.** Section 25 of the Act is amended by replacing “employee on adoption leave” in the third paragraph by “employee on paternity or adoption leave” and by replacing “adoption leave for” in that paragraph by “such leave for”.

**13.** Section 43.1 of the Act is amended by replacing “an adoption leave” by “a paternity or adoption leave”.

**14.** The Act is amended by inserting the following section after section 196.23:

“**196.23.1.** Sections 100.6 to 100.8 of the Labour Code (chapter C-27) apply to the arbitration provided for in this chapter.

Articles 307 and 308 of the Code of Civil Procedure (chapter C-25) apply to the witnesses heard in the arbitration.”

**15.** The second paragraph of section 211 of the Act is again enacted and therefore reads as follows:

“They have effect despite 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).”

## MISCELLANEOUS AND FINAL PROVISIONS

**16.** The first amendment to section 7 of the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) enacted after this Act has been assented to may have effect from a date not prior to 1 January 2013.

**17.** Sections 2 and 3 of this Act have effect from 13 March 2011, section 11 has effect from 1 January 2013, and sections 12 and 13 have effect from 29 May 2012.

**18.** This Act comes into force on 19 November 2014, except sections 1, 8, 9, 10 and 15, which come into force on 1 January 2015.