

**13.** Section 15 is amended by replacing “VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” with “III of the Act”.

**14.** Sections 16 and 17 are replaced with the following:

“**16.** If the amount paid to the spouse results from entitlement to a refund of contributions, a differed pension or a pension credit, the benefits of the employee or former employee are established in accordance with the Act and recalculated as follows:

(1) where the employee or former employee is entitled to a contribution refund, to the payment of an actuarial value or to the transfer of an amount under a transfer agreement entered into pursuant to section 133 of the Act, the amount of the contributions refunded, of the payment of the actuarial value or of the transfer is reduced by the sums attributed to the spouse at the date of the valuation, with interest compounded annually at a rate which is determined for each period in accordance with Schedule II of the Act. The interest is accrued from the date of the valuation to the date on which the refund, payment or transfer is made. Furthermore, in the case of a pension credit, the calculation must be separate. However, no interest is calculated on the part of the sums resulting from years or parts of a year of service accrued under the pension fund for officers of education established by Part VIII of the Education Act (R.S.Q. 1964, ch. 235), the Teachers Pension Plan or the Civil Service Superannuation Plan, if those years or parts of a year of service were transferred to the Pension Plan of Peace Officers in Correctional Services other than on an actuarially equivalent basis;

(2) where the employee or former employee is entitled to a deferred pension, a pension or a pension credit, his pension or pension credit is reduced, from the date on which it becomes payable or is paid, as the case may be, by the amount of the pension or pension credit that would be obtained from the sums attributed to the spouse at the date of the valuation.

**17.** If the amount paid to the spouse derives from an entitlement to a pension, pension credit or any other benefit that would be paid at the date of the valuation, the pension or pension credit is reduced, from the date on which it is paid or the date on which it becomes payable in the case of an employee who is 65 years of age or over on the date of the valuation, by the amount of the pension or pension credit that would be obtained from the sums attributed to the spouse at the date of the valuation.”

**15.** Section 18 is amended by replacing every occurrence of “amount of deferred pension” with “deferred pension amount or pension credit amount”.

**16.** Section 19 is amended by replacing every occurrence of “amount of pension” with “pension amount or pension credit amount”.

**17.** Section 22 is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” with “Schedule II of the Act”.

**18.** This Regulation comes into force on (*insert the date of coming into force of sections 11 and 13 of chapter 4 of the Statutes of 2018*).

103743

Gouvernement du Québec

**T.B. 220173, 19 November 2018**

An Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

**Centre hospitalier Côte des Neiges**  
— Régime de retraite des employés en fonction  
— Partition and assignment of benefits accrued  
— Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges

WHEREAS, under the first paragraph of section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, chapter 5), the Government may, despite any provision of any Act, regulation or order inconsistent therewith, by order, render the special measures provided in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and in the regulations thereunder applicable, in whole or in part and adapted as required, to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges (O.C. 397-78 dated 16 February 1978), for the purposes of partition and assignment of benefits between spouses;

WHEREAS, under the second paragraph of section 52 of the Act, the Government may also, by the same order, prescribe special provisions for the establishment and assessment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges and for the reduction of the sums payable under such plan by reason of payment of the sums awarded to the spouse;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises 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 2 and 4 to 6 of that provision;

WHEREAS, to follow up on section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, the Conseil du trésor made the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges by decision T.B. 197248 dated 13 November 2001;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 73 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4), despite any provision to the contrary, the Government may, by order, make the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and the regulation made under that Act applicable, in whole or in part and with the necessary modifications, to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

WHEREAS, under the first paragraph of section 73 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions, the Government may, by order, make the special measures provided for in section 75 of the Act applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges;

WHEREAS, under the second paragraph of section 73 of that Act, the Government may also include special provisions in that order concerning the establishment and

assessment of benefits accrued under Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan;

WHEREAS it is expedient to make the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and the regulation made under that Act applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

WHEREAS it is expedient to make the special measures provided for in section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges;

WHEREAS the consultation provided for in section 40 of the Public Administration Act has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it 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 comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan apply to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

THAT the special measures provided for in section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector

pension plans and amending various legislative provisions apply to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, so that the spouses referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, who have ceased living together after 31 August 1990 but before the date of taking effect of section 75, may agree to partition the benefits accrued under the plan not later than 12 months following the latter date;

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges is hereby made.

*Le greffier du Conseil du trésor,*  
LOUIS TREMBLAY

## **Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges**

An Act respecting the Government and Public Employees Retirement Plan (chapter R-10; 1990, chapter 5, s. 52)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, ss. 73 and 75)

**1.** Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges (chapter R-10, r. 7.1) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

(2) by inserting, after subparagraph 2 of the first paragraph, the following paragraph:

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have

undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

**2.** The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to subparagraphs 1 to 3 of the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”.

**3.** Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

**4.** Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

**5.** Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment, out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage,” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited for the period of the marriage or civil union;”.

**6.** Section 5 is amended by adding “or civil union” at the end.

**7.** Section 7 is amended by inserting “or civil union” in the second paragraph after “marriage”.

**8.** Section 10 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

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

“(3.1) in the case of spouses referred to in the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

**9.** The Regulation is amended by inserting, after section 18.1, the following:

“**18.2.** Notwithstanding the fact that under section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), spouses referred to therein may agree, within 12 months following the date on which they ceased living together, to the partition of the benefits accrued by the employee or former employee under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, such persons who ceased living together after 31 August 1990 but before (*insert the date of coming into force of this Regulation*) may so agree, in accordance with section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4), not later than 12 months following the latter date.”.

**10.** This Regulation comes into force on (*insert the date of coming into force of sections 73 and 75 of chapter 4 of the Statutes of 2018*).

103744

Gouvernement du Québec

**T.B. 220174, 19 November 2018**

An Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

**Pension plan for federal employees transferred to employment with the gouvernement du Québec**  
— Partition and assignment of benefits accrued  
— Amendments to the Order

Amendments to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec

WHEREAS, under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), employees of the federal government who transfer to an employment that is pensionable employment under the plan or the Pension Plan of Management Personnel within the framework of an