

## Regulations and other Acts

Gouvernement du Québec

**O.C. 426-2019, 17 April 2019**

Supplemental Pension Plans Act  
(chapter R-15.1)

### Supplemental Pension Plans

— **Framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans**  
— **Amendment**

Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans

WHEREAS, under section 230.0.0.11 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may make any regulation required for the purposes of subdivision 4.0.1 of Division II of Chapter XIII of the Act and it may, in particular,

— set the rules applicable to the determination of the value of the benefits accrued to the members and beneficiaries and to the distribution of the assets and liabilities of a pension plan to determine which part of the pension fund of the plan must be administered by Retraite Québec;

— prescribe the terms and conditions that make it possible to improve the benefits of the members and beneficiaries referred to in section 230.0.0.4 of the Act;

— prescribe the terms and conditions for reducing the pensions paid by Retraite Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans**

Supplemental Pension Plans Act  
(chapter R-15.1, s. 230.0.0.11)

**1.** The Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans (chapter R-15.1, r. 3) is amended by striking out, in section 6, “in section 27 of this Regulation or”.

**2.** Section 9 of the Regulation is amended by replacing “60” by “120”.

**3.** Section 11 of the Regulation is amended by striking out paragraph 1.

**4.** Section 13 of the Regulation is revoked.

**5.** Section 15 of the Regulation is amended:

- (1) by replacing “30” by “45” in the first paragraph;
- (2) by replacing, in the second paragraph, “seventy-fifth” by “ninetieth”.

**6.** Section 16 of the Regulation is amended:

- (1) by replacing subparagraph 1 of the first paragraph with the following:

“(1) the ratio between the value of the assets reduced by the amount of the administration expenses of the pension fund allocated to the group of members and beneficiaries affected by the withdrawal and the value of the liabilities related to that group established as at the date of the withdrawal;”

- (2) by replacing, in subparagraph 4 of the first paragraph, “to whom section 230.0.0.2 or 230.0.0.3 of the Act applies, the methods of payment provided for in the section that applies to the member or beneficiary” by “to whom a pension is being paid on the date of the withdrawal, that, in accordance with section 230.0.0.3 of the Act, he or she may request that his or her pension be paid out of the assets administered by Retraite Québec under section 230.0.0.4 of the Act”;

- (3) by inserting, after subparagraph 5 of the first paragraph, the following:

“(5.1) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the withdrawal fails to request that his or her pension be paid out of the assets administered by Retraite Québec within the time allotted under the second paragraph of section 15, his or her benefits will be paid by an insurer according to the conditions prescribed by regulation and chosen by the pension committee;”;

- (4) by replacing, in subparagraph 6 of the first paragraph, “3 to 10” by “3 to 9 and 10”.

**7.** Section 17 of the Regulation is replaced by the following:

“**17.** In the case of a plan termination, the statement of benefits is the statement referred to in section 207.3 of the Act, with the following modifications:

- (1) the payment methods that must be indicated in accordance with subparagraph 1 of the first paragraph of this section must include, for each member or beneficiary to whom a pension is being paid on the date of termination, the payment methods provided for under section 230.0.0.3 of the Act;

- (2) the time allotted under the second paragraph of section 15 must be indicated instead of the date mentioned in subparagraph 4 of section 207.3 of the Act;

- (3) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the termination fails to request that his or her pension be paid out of the assets administered by Retraite Québec within the time allotted under the second paragraph of section 15, his or her benefits will be paid by an insurer according to the conditions prescribed by regulation and chosen by the pension committee.”.

**8.** Section 18 of the Regulation is revoked.

**9.** Section 19 of the Regulation is amended:

- (1) by striking out paragraph 1;

- (2) by striking out, in paragraph 2, “and, if an instruction has been given in respect of the plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans (chapter R-15.1, r. 4) covered by the Act, the estimated amount of the pension that could be paid by Retraite Québec by taking into account the third paragraph of section 230.0.0.9 of the Act”;

- (3) by adding, after paragraph 3, the following:

“(4) the rules set out in section 38.1 and in the second paragraph of section 39 regarding the reduction of pensions paid by Retraite Québec.”.

**10.** Section 20 of the Regulation is replaced by the following:

“**20.** The statement of benefits must, when intended for a member or beneficiary referred to in section 230.0.0.3 of the Act, be accompanied by the information provided by Retraite Québec concerning the payment methods referred to in that section and the administration of pensions paid by Retraite Québec.

Where the pension committee is informed that an association has been formed representing, for the purposes of the pensions plan, the members and beneficiaries to whom section 230.0.0.3 of the Act applies, it must include with the statement the notice required under section 113.1 of the Act.”.

**11.** Section 21 of the Regulation is amended by replacing the first sentence of the first paragraph with the following:

“The pension committee must, if the pension plan has more than 25 members and beneficiaries referred to in section 230.0.0.3 of the Act, call them to an information session on the methods of payment provided for under that section and on the administration of pensions, held by Retraite Québec on the date and at the place that Retraite Québec indicates.”

**12.** Section 22 of the Regulation is amended by striking out, in the second paragraph, “230.0.0.2 or”.

**13.** Sections 23 to 25 of the Regulation are replaced with the following:

**23.** No later than 15 days after the expiry of the time allotted for members and beneficiaries to indicate their choices and options, the pension committee must send to Retraite Québec the identifying information concerning the members and beneficiaries who opted to have a pension paid out of the assets administered by Retraite Québec, the amount and characteristics of the pension being paid by the pension plan to each of those members and beneficiaries on the date of the withdrawal or termination, the estimated amount of the reduced pension and the information required to pay the pensions.

**24.** The premium that the pension committee must use to determine, for settlement purposes, the value of the benefits of the members and beneficiaries to whom a pension was being paid on the date of the withdrawal or termination is the premium determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date of the calculation.

Despite the foregoing, to determine the value of the non-guaranteed benefits of a member or beneficiary who has requested that his or her pension be guaranteed by an insurer in accordance with section 230.0.0.3 of the Act, the premium to be used is the premium provided by the insurer to guarantee the benefits.

The value of the benefits of the members and beneficiaries must be calculated in the seven days following the first day of the month that follows the expiry of a time period that is not more than 40 days after the deadline given to the members and beneficiaries to indicate their choices and options.

**25.** The day after the value of the benefits of the members and beneficiaries is established in accordance with section 24, the pension committee must proceed to pay the benefits in accordance with the withdrawal or termination report, and where applicable, taking into account any adjustments provided for under this subdivision.”

**14.** Section 27 of the Regulation is revoked.

**15.** Section 30 of the Regulation is amended by striking out the second paragraph.

**16.** Section 31 of the Regulation is amended by striking out, in paragraph 1, “and the portion of the difference amount described in the third paragraph of section 230.0.0.9 of the Act accrued on that date in each account”.

**17.** Section 32 of the Regulation is amended by replacing “section 59.0.1” by “paragraphs 1 to 5 and 6 of section 59.0.1”;

**18.** Section 33 of the Regulation is amended by replacing “6 months” by “9 months”.

**19.** Section 37 of the Regulation is amended by replacing, in the first line, “If an instruction has been given in respect of the pension plan” by “If the plan is referred to in the second paragraph of section 318.7 of the Act and an instruction has been given in respect of the plan”.

**20.** Section 38 of the Regulation is amended:

(1) by replacing the first paragraph with the following:

“If, at the date of the end of a fiscal year, the plan’s assets administered by Retraite Québec, determined on a solvency basis and reduced by the estimated amount of the administration expenses to be assumed by the pension fund, exceed the liabilities increased by the provision for adverse deviations referred to in subparagraph 2 of the first paragraph of section 128 of the Act increased by 30%, the members and beneficiaries to whom a pension is being paid by Retraite Québec on that date are entitled for the next fiscal year to the payment of an amount determined on the basis of the amount by which the assets exceed the liabilities increased by the provision for adverse deviations.”;

(2) by replacing, in the second paragraph, “the actuarial valuation” by “the actuarial valuation report”.

**21.** The Regulation is amended by inserting, after section 38, the following:

**38.1.** Where, at the date of the end of a fiscal year, the degree of solvency of the plan with regard to the part of the plan that Retraite Québec administers is less than 90%, the amount of the pension paid by Retraite Québec to each member or beneficiary is reduced by at least 5%.

The reduction in the amount of the pensions of the members and beneficiaries must begin on 1 January of the year after the actuarial valuation report is sent pursuant to section 119 of the Act.

**38.2.** Retraite Québec must, at least 30 days before the date of the reduction provided for under section 38.1, inform the affected members and beneficiaries in writing of the degree of solvency of the plan established in accordance with section 38.1, of the amount of the reduced pension and of the date on which its payment begins.”.

**22.** Section 39 of the Regulation is amended by adding the following paragraph:

“If the liabilities exceed the assets reduced by the amount of the administration expenses of the pension fund, the pensions being paid to the members and beneficiaries by Retraite Québec on the date of the purchase must be reduced in proportion to the value of the portion of their benefits that is administered by Retraite Québec. The pension thus reduced is established determined on the basis of the premium charged by the insurer.”.

**23.** Section 40 of the Regulation is amended by replacing the second paragraph by the following:

“The notice must state the amount of the annuity purchased and provide the following information:

(1) the amount by which the assets, after deducting the administration costs, exceeds or is less than the liabilities on the date on which Retraite Québec has the pension guaranteed;

(2) where an increase has been granted on the date on which Retraite Québec has the pension guaranteed, the amount of the assets attributed to the member or beneficiary in proportion to the value of his or her benefits, as well as the amount of the increase in his or her pension at the date on which payment by the insurer begins and, if applicable, the amount of any lump-sum refund that was granted;

(3) where the pension of the member or beneficiary is reduced pursuant to the second paragraph of section 39, the amount of the reduced pension at the date on which payment by the insurer begins;

(4) in the case of a plan referred to in section 318.7 of the Act, a mention that the amount of the annuity purchased is at least equal to the pension paid by Retraite Québec prior to the date on which Retraite Québec had the pension guaranteed.”.

**24.** Section 41 of the Regulation is amended:

(1) by replacing “45” in the first paragraph with “120”;

(2) by replacing paragraph 7 by the following:

“(7) in the case of a plan referred to in section 318.7 of the Act, if there are insufficient assets to have the pensions guaranteed, the amounts required from the Government for that purpose pursuant to section 230.0.0.10 of the Act as it read on 31 December 2015;”;

(3) by inserting, after paragraph 7, the following:

“(7.1) where the assets are insufficient, to have the pensions paid by Retraite Québec guaranteed, the amount by which the assets, after deducting the administration costs, are less than the liabilities at the date on which Retraite Québec has the pensions guaranteed as well as the proportion by which the pensions of the members and beneficiaries were reduced pursuant to the second paragraph of section 39;”;

(4) by replacing paragraph 8 by the following:

“(8) the name of each member or beneficiary affected by the purchase of annuities, the amount of the annuity purchased and, if applicable, the amount of the reduction or the increase in the pension as well as, where applicable, the amount of any lump-sum refund that was granted;”.

**25.** Section 42 of the Regulation is revoked.

**26.** The Regulation is amended by inserting, after section 43, the following:

“**43.1.** The provisions provided for under section 2 as they read on 15 May 2019 apply with regard to a pension plan referred to in the second paragraph of section 318.7 of the Act.”.

**27.** This Regulation comes into force on 16 May 2019.

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