

Regulations and other Acts

Gouvernement du Québec

O.C. 17-2021, 13 January 2021

Supplemental Pension Plans Act
(chapter R-15.1)

Exemption of certain pension plans from the application of provisions of the Act — Amendment

CONCERNING the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the category or by reason of the complexity of the Act in relation to the number of members in the plan and it may also prescribe special rules applicable to the plan or category;

WHEREAS, under the third paragraph of section 2 of the Act, a regulation made under the second paragraph may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* dated 23 September 2020 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 amendments;

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

THAT the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended by inserting the following after section 14.29:

“DIVISION III.5 PROVISIONS CONCERNING THE MERGER OF CERTAIN MULTI-JURISDICTIONAL PENSION PLANS IN THE PRESS SECTOR WITH A JOINTLY PENSION PLAN

14.30. This Division applies in respect of the merger, on 1 July 2019, of the following pension plans:

- (1) the Pension Plan of Canadian Press Enterprises Inc., registered under number 0237537 with the Financial Services Regulatory Authority of Ontario;
- (2) the Canadian Press Enterprises Inc. Pension Plan for Employees Represented by the Canadian Media Guild, registered under number 1031848 with the Financial Services Regulatory Authority of Ontario;
- (3) the Postmedia Network Inc. Retirement Plan, registered under number 1077049 with the Financial Services Regulatory Authority of Ontario;
- (4) the Colleges of Applied Arts and Technology Pension Plan, registered under number 0589895 with the Financial Services Regulatory Authority of Ontario.

14.31. A pension plan referred to in paragraphs 1 to 3 of section 14.30, is exempted from the first, second and third paragraphs of section 196 of the Act, if all the members and beneficiaries who are covered by the merger are informed by means of a written notice and at least two-thirds of the active members agreed to it and not more than one-third of the non-active members and beneficiaries as a group were opposed to it. A union can consent in the name of the members it represents.

14.32. The pension plan referred to in paragraph 4 of section 14.30 is exempted from the following provisions of the Act on the conditions indicated below:

(1) the last paragraph of section 143 and in sections 145 to 146, if the value of the benefits of a member or a beneficiary is paid in full, up to 100%. The balance of the value of the benefits which, according to the transfer ratio applicable to a jointly pension plan cannot be paid, must be paid within 5 years after the date of the initial payment;

(2) the provisions of Chapter XIII of the Act that apply to the withdrawal of an employer from a multi-employer pension plan;

(3) the first paragraph of section 228 regarding the benefits accrued as of 1 July 2019 and the amendments made as of that date to enhance the benefits of members or beneficiaries under the plans referred to in paragraphs 1 to 3 of section 14.30 for which the transfer of assets and liabilities takes effect on 1 July 2019.

(4) section 230.2, provided that the surplus assets upon plan termination are allocated to members and beneficiaries and distributed between them in proportion to the value of their benefits.

14.33. For the purpose of paying the debt of the employer pursuant to subdivision 4 of Division II of Chapter XIII of the Act, the assets upon termination must be distributed, according to sections 220 to 227 of the Act that apply with the necessary modifications, between the value of the benefits referred to in paragraph 3 of section 14.32 and the value of the benefits that come from the pension plans referred to in paragraphs 1 to 3 of section 14.30.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, it has effect from 1 July 2019.