



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 163

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

Introduction

**Introduced by
Mr. Pierre Arcand
Minister responsible for Government Administration and
Ongoing Program Review and Chair of the Conseil du
trésor**

**Québec Official Publisher
2017**

EXPLANATORY NOTES

This bill amends various Acts that establish public sector pension plans in order, in particular, to implement pension committee recommendations.

The bill sets out, for the retroactive recognition of service, the conditions and terms for crediting service completed by employees in cases where their employer did not withhold from their salary the annual amount provided for in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

The bill also allows employees participating in the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services to use all or part of their accumulated sick leave, if such a measure is provided for in their conditions of employment, to pay the cost of redeeming years of service.

The Act respecting the Pension Plan of Peace Officers in Correctional Services is amended to provide for the equal sharing, by employees and employers, of the cost of redeeming service completed as of 1 January 2025. In addition, the composition of the pension committee of that plan is modified.

The bill also provides for the partition of the benefits accrued under certain pension plans when de facto spouses cease living together.

Lastly, the bill includes consequential amendments and miscellaneous and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Public Administration Act (chapter A-6.01);
- 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 Pension Plan of Elected Municipal Officers (chapter R-9.3);
- 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);
- Act respecting Retraite Québec (chapter R-26.3).

Bill 163

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PUBLIC ADMINISTRATION ACT

1. Section 40 of the Public Administration Act (chapter A-6.01) is amended

(1) by replacing “the powers conferred by sections 2 and” in paragraph 2 by “the power conferred by section”;

(2) by striking out paragraph 3;

(3) by replacing “the powers conferred by the third paragraph of section 54 and” in paragraph 4 by “the power conferred by”;

(4) by inserting “paragraphs 1 to 4 and 8 of” after “conferred by” in paragraph 4.1.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

2. The Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is amended by inserting the following section after section 41.1:

“41.1.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

3. Section 41.8 of the Act is amended

(1) by replacing “of section 41.1” in paragraph 2 by “of sections 41.1 and 41.1.1”;

(2) by inserting the following paragraph after paragraph 2:

“(2.1) determine, for the purposes of section 41.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

4. Section 20 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “217.39%” and “117.39%” in the second paragraph by “200%” and “100%”, respectively.

5. Section 30 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the first paragraph.

6. Section 35 of the Act is amended by replacing “Schedule I. The payments” in the second paragraph by “Schedule I or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If the amount is paid in instalments, the payments”.

7. Section 41.8 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the fourth paragraph.

8. Section 74.6 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

9. Section 74.7 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

10. The Act is amended by inserting the following section after section 125.1:

“125.1.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

11. Section 127 of the Act is amended by replacing the first paragraph by the following paragraph:

“For the years of service subsequent to 2024, the cost of the plan is shared equally between the employees and the employers.”

12. Section 130 of the Act is amended, in the first paragraph,

(1) by replacing “of section 125.1” in subparagraph 8.2 by “of sections 125.1 and 125.1.1”;

(2) by inserting the following subparagraph after subparagraph 8.2:

“(8.2.1) determine, for the purposes of section 125.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

13. Section 134.1 of the Act is amended, in the second paragraph,

(1) by inserting “and prior to 1 January 2025” after “2012” in subparagraph 2;

(2) by adding the following subparagraph at the end:

“(3) in an equal proportion out of those funds for the years of service subsequent to 31 December 2024.”

14. Section 139.4 of the Act is amended, in the first paragraph,

(1) by replacing “10” in the introductory clause by “12”;

(2) by replacing “five” in subparagraph 1 by “six”;

(3) by inserting the following subparagraph after subparagraph *b* of subparagraph 1:

“(b.1) one person referred to in paragraph 4 of section 1, appointed after consultation with the unions representing those employees; and”;

(4) by replacing “five” in subparagraph 2 by “six”.

15. Section 143.4 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the fourth paragraph.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

16. The Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is amended by inserting the following section after section 63.1:

“**63.1.1.** If a member or former member of the council and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together,

and provided that the spouse had been living in a conjugal relationship with the member or former member and had been publicly represented as the member's or former member's spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years prior to the date on which they ceased living together, they may agree, within 12 months following that date and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the member or former member under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the member or former member and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the member or former member under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

17. Section 75 of the Act is amended, in the first paragraph,

(1) by replacing “of section 63.1” in subparagraph 4.2 by “of sections 63.1 and 63.1.1”;

(2) by inserting the following subparagraph after subparagraph 4.2:

“(4.2.1) determine, for the purposes of section 63.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the member or former member of the council under this plan;”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

18. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended, in paragraph 2,

(1) by replacing “ if, at the member’s or person’s request, the Government adopts an order to that effect” by “if the member applies to Retraite Québec to have the plan apply to him or her”;

(2) by inserting “. The plan is applicable to the member from the date specified in his or her application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he or she became such a member” after “(chapter R-12)”.

19. The Act is amended by inserting the following section after section 3.1:

“3.1.1. Although participation in this plan is mandatory under the first paragraph of section 3.1, no participation may be recognized

(1) for years or parts of a year for which a decision or out-of-court settlement shows that the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) if,

(a) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following a request made under section 39 of the Labour Code (chapter C-27), or in the case of an out-of-court settlement following such a request, those years or parts of a year are prior to the date on which the request was made under section 39;

(b) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following an investigation made under section 39 of the Labour Code, those years or parts of a year are prior to the date of the Tribunal's decision; or

(c) in the case where the decision is a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, those years or parts of a year are prior to the date of the decision of the agency concerned; or

(2) if an application to that effect is received more than 36 months following the first day concerned by the application and is made because the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, and if those years or parts of a year are not the subject of a decision or out-of-court settlement referred to in subparagraph 1.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of sections 24, 74 and 74.1, the employee is deemed not to have held pensionable employment under this plan in relation to the years or parts of a year of service referred to in this section."

20. Section 10.2 of the Act is amended by adding the following paragraph at the end:

"The same applies for the purposes of the partition or assignment between spouses referred to in section 122.1.1 of the benefits accrued under the pension plan established under section 10.0.1."

21. Section 17.2 of the Act is amended by inserting “or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave, the salary that he or she would have been entitled to during such a period had it not been for that absence or leave. Where service is credited pursuant to section 115.10.7.1, the pensionable salary of the person is the salary that he or she would have received during the period of service credited if he or she had benefitted from the conditions of employment that should have applied during that period or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave during that period, the salary that the person would have been entitled to, had it not been for that absence or leave, if he or she had benefitted from such conditions of employment” at the end of the first paragraph.

22. Section 31.3 of the Act is amended by inserting “and 115.10.7.3” after “31.2”.

23. Section 98 of the Act is amended by inserting “or 122.1.1” after “122.1” in the second paragraph.

24. The Act is amended by inserting the following sections after section 115.10.7:

“115.10.7.1. If, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule I or II and was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the employee participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years.

To be credited with all or part of that service, the person is required to pay to Retraite Québec the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the person’s application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the person’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the person applies to have only part of that service credited, the most recent service is credited first.

The application for redemption must be accompanied by a copy of a decision of a competent authority or an out-of-court settlement following a request made under section 39 of the Labour Code (chapter C-27) showing that, during the years or parts of a year completed, the person was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan.

To the extent that the application for redemption is accompanied by a document other than a decision or out-of-court settlement referred to in subparagraph 1 of the first paragraph of section 3.1.1, the person must be participating in the plan on the date of receipt of the application for redemption.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of the second paragraph, the pensionable salary of a person who, at the time of the receipt of his or her application for redemption, is not participating in this plan is established by regulation.

“115.10.7.2. The amount established under section 115.10.7.1 is payable in cash or by instalments spread, before the date of retirement, over the period and payable at the intervals determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If paid by instalments, it bears interest, compounded annually, at the rate provided for in Schedule VII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by Retraite Québec expires.

“115.10.7.3. Unless it is listed in Schedule II.2, an employer referred to in section 115.10.7.1 must pay to Retraite Québec an amount equal to the amount determined under that section in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation.

“115.10.7.4. To the extent that the document showing that the person was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) is a decision rendered by an arbitrator under Division II of Chapter IV of Title III, the application for redemption that is the subject of that decision is deemed to be an application for redemption submitted in accordance with section 115.10.7.1.

“115.10.7.5. For the purposes of sections 115.10.7.1, 115.10.7.3 and 115.10.7.4, the date of receipt of an application for redemption is deemed to be

(1) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following a request made under section 39 of the Labour Code (chapter C-27) or a copy of an out-of-court settlement following such a request, the date on which the request was made under that section 39;

(2) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following an investigation made under section 39 of the Labour Code, the date of the Tribunal’s decision;

(3) if the application is accompanied by a copy of a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, the date of the decision of the agency concerned; or

(4) in all other cases, the date of receipt of the application for redemption.”

25. The Act is amended by inserting the following section after section 122.1:

“122.1.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

26. Section 127 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) the sums paid by the employer under section 115.10.7.3;”.

27. Section 134 of the Act is amended, in the first paragraph,

(1) in subparagraph 4.2,

(a) by replacing “and 115.10.6” by “, 115.10.6 and 115.10.7.1”;

(b) by inserting “or person’s” after “employee’s”;

(2) by inserting the following subparagraph after subparagraph 14.1:

“(14.1.1) determine, for the purposes of section 115.10.7.3, the conditions and terms of payment by the employer of the amount concerned;”;

(3) by replacing “of section 122.1” in subparagraph 14.3 by “of sections 122.1 and 122.1.1”;

(4) by inserting the following subparagraph after subparagraph 14.3:

“(14.3.1) determine, for the purposes of section 122.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

28. Section 220 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE TEACHERS PENSION PLAN

29. Section 9.0.1 of the Act respecting the Teachers Pension Plan (chapter R-11) is amended by replacing the second paragraph by the following paragraph:

“If he is not entitled to such re-assignment, he may, if he applies therefor to Retraite Québec within one year following the date on which he became such a staff member, be a member of this plan from the date specified in his application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he became such a staff member.”

30. Section 24 of the Act is amended by inserting “or 72.1.1” after “72.1” in the second paragraph.

31. The Act is amended by inserting the following section after section 72.1:

“72.1.1. If a teacher or former teacher and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the teacher or former teacher and had been publicly represented as the teacher’s or former teacher’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the teacher or former teacher and

- (1) a child was or is to be born of their union,
- (2) they adopted a child together, or
- (3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the teacher or former teacher under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the teacher or former teacher and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the teacher or former teacher under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

32. Section 73 of the Act is amended

(1) by replacing “of section 72.1” in paragraph 9.2 by “of sections 72.1 and 72.1.1”;

(2) by inserting the following paragraph after paragraph 9.2:

“(9.2.1) determine, for the purposes of section 72.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the teacher or former teacher under this plan;”.

33. Section 75.1 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter V.1 that concern the spouses referred to in section 72.1.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

34. Section 54 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is amended, in the third paragraph,

(1) by inserting “to Retraite Québec” after “applies therefor”;

(2) by replacing “ and if the Government adopts an order to that effect. The order has effect on the date on which the officer becomes such a member of staff” by “within one year following the date on which he became such a staff member, from the date specified in his application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he became such a staff member”.

35. Section 90 of the Act is amended by inserting “or 108.1.1” after “108.1” in the first paragraph.

36. The Act is amended by inserting the following section after section 108.1:

“108.1.1. If an officer or former officer and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the officer or former officer and had been publicly represented as the officer’s or former officer’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the officer or former officer and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the officer or former officer under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the officer or former officer and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the officer or former officer under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

37. Section 109 of the Act is amended

(1) by replacing “of section 108.1” in paragraph 8.3 by “of sections 108.1 and 108.1.1”;

(2) by inserting the following paragraph after paragraph 8.3:

“(8.3.1) determine, for the purposes of section 108.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the officer or former officer under this plan;”.

38. Section 111.2 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter VIII that concern the spouses referred to in section 108.1.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

39. Section 2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended, in paragraph 5,

(1) by replacing “if, at the member’s request, the Government makes an order to that effect,” by “if the staff member applies to Retraite Québec within 12 months following the date on which he or she became such a staff member to have the plan apply to him or her”;

(2) by inserting “. The plan is applicable to the staff member from the date specified in his or her application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he or she became such a staff member” after “(chapter R-12)”.

40. The Act is amended by inserting the following section after section 9:

“**9.1.** Although participation in this plan is mandatory under the first paragraph of section 9, no participation may be recognized

(1) for years or parts of a year for which a decision or out-of-court settlement shows that the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) if,

(a) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following a request made under section 39 of the Labour Code (chapter C-27), or in the case of an out-of-court settlement following such a request, those years or parts of a year are prior to the date on which the request was made under section 39;

(b) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following an investigation made under section 39 of the Labour Code, those years or parts of a year are prior to the date of the Tribunal's decision; or

(c) in the case where the decision is a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, those years or parts of a year are prior to the date of the decision of the agency concerned; or

(2) if an application to that effect is received more than 36 months following the first day concerned by the application and is made because the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel, and if those years or parts of a year are not the subject of a decision or out-of-court settlement referred to in subparagraph 1.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of sections 38, 111 and 112, the employee is deemed not to have held pensionable employment under this plan in relation to the years or parts of a year of service referred to in this section.”

41. Section 28.1 of the Act is amended by inserting “or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave, the salary that he or she would have been entitled to during such a period had it not been for that absence or leave. Where service is credited pursuant to section 152.8.1, the pensionable salary of the person is the salary that he or she would have received during the period of service credited if he or she had benefitted from the conditions of employment that should have applied during that period or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave during that period, the salary that the person would have been entitled to, had it not been for that absence or leave, if he or she had benefitted from such conditions of employment” at the end of the first paragraph.

42. Section 40 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the first paragraph.

43. Section 47 of the Act is amended by inserting “and 152.8.3” after “46”.

44. Section 84 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the second paragraph.

45. Section 85 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the second paragraph.

46. Section 86 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the second paragraph.

47. Section 87 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the second paragraph.

48. Section 128 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the third paragraph.

49. Section 130 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the third paragraph.

50. Section 138.3 of the Act is amended by replacing “a lump sum” in the fifth paragraph by “cash or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec”.

51. Section 138.8 of the Act is amended by replacing “in a lump sum or in instalments over the period and at the times determined by Retraite Québec” in the fourth paragraph by “in cash, by instalments over the period and at the times determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec”.

52. Section 139 of the Act is amended by inserting “or 163.1” after “163” in the second paragraph.

53. Section 144 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the third paragraph.

54. Section 145 of the Act is amended by inserting the following paragraph after the second paragraph:

“The amount established under the second paragraph is payable in cash or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec.”

55. Section 147 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

56. Section 152.2 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

57. Section 152.5 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

58. Section 152.7 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

59. The Act is amended by inserting the following sections after section 152.8:

“152.8.1. If, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule II and was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the person participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years.

To be credited with all or part of that service, the person is required to pay to Retraite Québec the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the person’s application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the person’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the person applies to have only part of that service credited, the most recent service is credited first.

The application for redemption must be accompanied by a copy of a decision of a competent authority or an out-of-court settlement following a request made under section 39 of the Labour Code (chapter C-27) showing that, during the years or parts of a year completed, the person was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel.

To the extent that the application for redemption is accompanied by a document other than a decision or out-of-court settlement referred to in subparagraph 1 of the first paragraph of section 9.1, the person must be participating in the plan on the date of receipt of the application for redemption.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of the second paragraph, the pensionable salary of a person who, at the time of the receipt of his or her application for redemption, is not participating in this plan is established by regulation.

“152.8.2. The amount established under section 152.8.1 is payable in cash or by instalments spread, before the retirement date, over the period and payable at the intervals determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VIII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by Retraite Québec expires.

“152.8.3. Unless it is listed in Schedule IV, an employer referred to in section 152.8.1 must pay to Retraite Québec an amount equal to the amount determined under that section in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation.

“152.8.4. To the extent that the document showing that a person was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is a decision rendered by an arbitrator under Division II of Chapter XI.2, the application for redemption that is the subject of that decision is deemed to be an application for redemption submitted in accordance with section 152.8.1.

“152.8.5. For the purposes of sections 152.8.1, 152.8.3 and 152.8.4, the date of receipt of an application for redemption is deemed to be

(1) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following a request made under section 39 of the Labour Code (chapter C-27) or a copy of an out-of-court settlement following such a request, the date on which the request was made under that section 39;

(2) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision, and that final decision is rendered following an investigation made under section 39 of the Labour Code, the date of the Tribunal's decision;

(3) if the application is accompanied by a copy of a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, the date of the decision of the agency concerned; or

(4) in all other cases, the date of receipt of the application for redemption.”

60. Section 152.9 of the Act is amended by replacing “in a lump sum” in the third paragraph by “in cash”.

61. The Act is amended by inserting the following section after section 163:

“163.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee's or former employee's spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under the pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

62. Section 177 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) the sums paid by the employer under section 152.8.3;”.

63. Section 196 of the Act is amended, in the first paragraph,

(1) in subparagraph 5.1,

(a) by replacing “and 152.6” by “, 152.6 and 152.8.1”;

(b) by inserting “or person’s” after “employee’s”;

(2) by inserting the following subparagraph after subparagraph 12:

“(12.1) determine, for the purposes of section 152.8.3, the conditions and terms of payment by the employer of the amount concerned;”;

(3) by replacing “of section 163” in subparagraph 14 by “of sections 163 and 163.1”;

(4) by inserting the following subparagraph after subparagraph 14:

“(14.1) determine, for the purposes of section 163.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

64. Section 207 of the Act is amended by striking out “, and any order made under paragraph 5 of section 2 may have effect 12 months or less before it is made” in the second paragraph.

65. Section 208 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter VIII that concern the spouses referred to in section 163.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

66. Section 211.4 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to an employee or former employee who is or was subject to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2).”

ACT RESPECTING RETRAITE QUÉBEC

67. Section 59.1 of the Act respecting Retraite Québec (chapter R-26.3) is amended by replacing the first paragraph by the following paragraph:

“The sums required to cover the administrative expenses related to the Pension Plan of Peace Officers in Correctional Services are taken in equal proportions

(1) out of the employees’ contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and

(2) out of the employers’ contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and subsequently in accordance with section 134.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2).”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

68. 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 (chapter R-10) and the regulation made under that Act, as well as in section 70 of this Act, applicable, in whole or in part and with the necessary modifications, to the pension plan of the employees of the Centre hospitalier Côte-des-Neiges, O.C. 397-78 (1978, G.O. 2, 1497, French only) for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act.

To that end, the Government may also include special provisions in that order concerning the establishment and assessment of benefits accrued under that pension plan and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan.

69. Despite any provision to the contrary, the Government may, by regulation, include 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, as well as in section 71 of this Act, in the pension plan of the Sûreté du Québec (C.T. 181151 dated 18 August 1992) for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act.

To that end, the Government may include special provisions in that regulation concerning the establishment and assessment of benefits accrued under that pension plan and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan. It may also include criteria allowing persons to be considered spouses entitled to partition and assignment of the benefits concerned.

70. Despite the fact that sections 41.1.1 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), 125.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), 63.1.1 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, 72.1.1 of the Act respecting the Teachers Pension Plan (chapter R-11), 108.1.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) and 163.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), enacted respectively by sections 2, 10, 16, 25, 31, 36 and 61 of this Act, allow spouses to agree, within 12 months after the date on which they ceased living together, to a partition of the benefits accrued under the pension plan concerned, such persons who ceased living together after 31 August 1990 but before the coming into force, according to the pension plan concerned, of that section 2, 10, 16, 25, 31, 36 or 61, may agree to such partition not later than 12 months following the latter date.

71. The first regulation made under subparagraphs 4.2 and 14.1.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan after this Act is assented to and the first regulation made under subparagraphs 5.1 and 12.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel after this Act is assented to may, if they so provide, be effective from any date not prior to (*insert the date of assent to this Act*).

72. Sections 17.2, 31.3 and 127 and subparagraph 4.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, amended respectively by sections 21, 22, 26 and 27 of this Act, and sections 3.1.1 and 115.10.7.1 to 115.10.7.5 and subparagraph 14.1.1 of the first paragraph of section 134 of that first Act, enacted respectively by sections 19, 24 and 27 of this Act, apply to any person who, before (*insert the date of assent to this Act*), submitted an application for redemption to Retraite Québec in relation to years or parts of a year of service completed during which the person was an employee of an employer designated in Schedule I or II to the Act respecting the Government and Public Employees Retirement Plan. A final decision must not have been rendered before (*insert the date of assent to this Act*) regarding that application.

73. Sections 28.1, 47 and 177 and subparagraph 5.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel, amended respectively by sections 41, 43, 62 and 63 of this Act, and sections 9.1 and 152.8.1 to 152.8.5 and subparagraph 12.1 of the first paragraph of section 196 of that first Act, enacted respectively by sections 40, 59 and 63 of this Act, apply to any person who, before (*insert the date of assent to this Act*), submitted an application for redemption to Retraite Québec in relation to years or parts of a year of service completed during which the person was an employee of an employer designated in Schedule II to the Act respecting the Pension Plan of Management Personnel. A final decision must not have been rendered before (*insert the date of assent to this Act*) regarding that application.

74. Section 66 of this Act has effect from 11 May 2017.

75. This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 2, 3, 10, 12, 16, 17, 20, 23 and 25, paragraphs 3 and 4 of section 27, sections 30 to 33, 35 to 38, 52 and 61, paragraphs 3 and 4 of section 63 and sections 65 and 68 to 70, which come into force on the date or dates to be set by the Government; and

(2) sections 4, 11, 13 and 67, which come into force on 1 January 2025.

