



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 599

**An Act to amend mainly the Act
respecting the Québec Pension Plan
to abolish the reduction of the
retirement pension of a person who
receives a disability pension between
60 and 65 years of age**

Introduction

**Introduced by
Mr. Haroun Bouazzi
Member for Maurice-Richard**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

This bill amends the Act respecting the Québec Pension Plan to abolish the retirement pension reduction imposed on a person who receives a disability pension between 60 and 65 years of age.

The bill also cancels the changes to the disability benefits for a person who receives disability benefits between 60 and 65 years of age that came into force on 1 January 2024.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Québec Pension Plan (chapter R-9);
- Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3).

Bill 599

AN ACT TO AMEND MAINLY THE ACT RESPECTING THE QUÉBEC PENSION PLAN TO ABOLISH THE REDUCTION OF THE RETIREMENT PENSION OF A PERSON WHO RECEIVES A DISABILITY PENSION BETWEEN 60 AND 65 YEARS OF AGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. Section 41 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age, or in which a disability pension ceases to be payable to him under this Act or under a similar plan, such maximum is equal to the amount obtained by multiplying that year’s Maximum Pensionable Earnings by the proportion that the number of months after the day preceding his eighteenth birthday or after such disability pension ceases bears to 12.”

2. Section 48 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age or in which a disability pension ceases to be payable to him under this Act or under a similar plan, his pensionable self-employed earnings are equal to the amount obtained by multiplying the amount of such earnings by the proportion that the number of months after the day preceding his eighteenth birthday or after the disability pension ceases bears to 12.”

3. Section 48.1 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age or in which a disability pension ceases to be payable to him under this Act or under a similar plan, his pensionable earnings as a family-type resource or an intermediate resource are equal to the amount obtained by multiplying the amount of earnings as such a resource by the proportion that the number of months after the day preceding his eighteenth birthday or after the disability pension ceases bears to 12.”;

(2) by striking out “while no retirement pension was payable to him” in the third paragraph.

4. Section 95.4 of the Act is amended by inserting “105.0.1,” after “in sections”.

5. Section 96 of the Act is amended, in the second paragraph,

(1) by inserting “or of the additional amount for disability after retirement” after “disability pension” in the introductory clause;

(2) by inserting “105.0.1,” after “to section” in subparagraph *e*.

(3) by replacing the third paragraph by the following paragraph:

“The beneficiary of a disability pension or of an additional amount for disability after retirement is deemed to have ceased to be disabled in a calendar year if his income for that year equals or exceeds the income from a substantially gainful occupation for the year concerned. In such a case, the disability end date is fixed by regulation.”

6. Section 99 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which the contributor reaches 18 years of age or in which a disability pension ceases to be payable to him under this Act or under a similar plan, any of the contributions referred to in the first paragraph shall be deemed to have been made for earnings relating to the months following the day preceding his eighteenth birthday or the day on which the disability pension ceased to be payable.”

7. Section 101 of the Act is amended by striking out “while no retirement pension is payable to him” in subparagraph *a* of the third paragraph.

8. Section 105 of the Act is amended

(1) by inserting “and an additional amount for disability after retirement to the beneficiary of a retirement pension who becomes a qualified disabled contributor” after “to a qualified contributor” in paragraph *a*;

(2) by inserting “if no retirement pension is payable to him under this Act or under a similar plan” after “contributor” in paragraph *e*.

9. The Act is amended by inserting the following section after section 105:

“105.0.1. A contributor is qualified for an additional amount for disability after retirement only if

(1) he is the beneficiary of the retirement pension;

(2) the time granted to cancel his application for a retirement pension has expired;

(3) he is considered disabled under the second paragraph of section 95; and

(4) he paid base contributions for at least three of the last six years wholly or partly included in his base contributory period.

For the purposes of this section, the base contributory period of the contributor ends at the end of the month in which he became disabled. However, no month included between the month prior to the beginning of the retirement pension and the month following the month in which the contributor became disabled may be excluded under the third paragraph of section 101.”

10. Section 106 of the Act is amended by striking out “However, no month included between the month prior to the beginning of the retirement pension and the month following the month in which he became disabled may be excluded under the third paragraph of section 101.” in the second paragraph.

11. Section 106.2 of the Act is amended by inserting “under this Act or” after “payable to him”.

12. Section 106.3 of the Act is amended by adding the following paragraph at the end:

“However, no contributor qualifies for a retirement pension before the age of 65 if an indemnity referred to in section 105.1 or 105.2 is payable to the contributor, unless the retirement pension has become payable to the contributor before that indemnity. Exclusion from entitlement to a retirement pension for the beneficiary of an indemnity referred to in section 105.1 applies only if the contributor otherwise qualifies for a disability pension.”

13. The Act is amended by inserting the following section after section 120:

“120.0.1. An additional amount for disability after retirement is added to the amount obtained under section 120 when the beneficiary of a retirement pension becomes disabled.

That amount is equivalent to the amount established in accordance with section 124.”

14. Section 120.1 of the Act is amended by striking out the second and third paragraphs.

15. Section 123 of the Act is amended

(1) by striking out “under 60 years of age” in the introductory clause of the first paragraph;

(2) by striking out the second and third paragraphs.

16. Section 127 of the Act is amended replacing “the disability pension of a contributor under 60 years of age” by “a disability pension, a”.

17. Section 135 of the Act is amended by striking out “and to whom no retirement pension is payable” in the first paragraph.

18. Section 136 of the Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) the lesser of G and H, calculated as follows:

$$(a \times 37.5\%) + b = G$$

$$[b + (c - d)] = H;”;$$

(2) by striking out the following:

““e” is, where applicable, the amount of the disability pension payable under this Act or the benefit for disability after retirement payable under a similar plan to the surviving spouse for the month for which the basic monthly amount is established.”

19. Section 139 of the Act is amended by replacing the third and fourth paragraphs by the following paragraph:

“The beneficiary of a disability pension or a replacement indemnity is presumed to have made an application for a retirement pension in the month preceding his 65th birthday.”

20. Section 139.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“Where a beneficiary of a retirement pension makes an application for a disability pension within six months after the first payment of the retirement pension or is declared disabled, for the purposes of qualification for a disability pension payable under this Act or a similar plan, on a date prior to the expiry of that period, he shall be granted a period of two months, beginning upon acceptance of his application for a disability pension, so that he may cancel his application for a retirement pension.”

21. Section 139.2 of the Act is amended by replacing “within six months of the date on which he” in the introductory clause of the fourth paragraph by “who, while he was under 59 years of age,”.

22. Section 145 of the Act is amended by inserting “, additional amounts for disability after retirement” after “except retirement pensions” in the first paragraph.

23. Section 148 of the Act is amended by replacing “a retirement pension paid for months that precede 1 January 2024 or a disability pension” by “a disability pension or a retirement pension”.

24. The Act is amended by inserting the following section after section 157.1:

“**157.2.** The additional amount for disability after retirement is payable for each month, commencing with the fourth month following the month in which the beneficiary of the retirement pension became disabled.”

25. Section 158 of the Act is amended by adding the following paragraph at the end:

“The additional amount for disability after retirement ceases at the end of the month in which the beneficiary ceases to be disabled or dies or at the end of the month preceding that in which he reaches 65 years of age.”

26. Section 166 of the Act is amended by inserting “at the end of the month preceding that in which a retirement pension becomes payable to the beneficiary under this Act or under a similar plan, and” after “ceases” in the second paragraph.

27. Section 180.2 of the Act is amended by replacing “a retirement pension paid for months that precede 1 January 2024 or a disability pension” in subparagraph *c* of the second paragraph by “disability pension or retirement pension”.

ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 25 MARCH 2021 AND AMENDING OTHER PROVISIONS

28. The Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3) is amended by striking out the second paragraph of section 105 and of section 106.

29. Sections 111 to 115 of the Act are repealed.

30. Section 121 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) section 64, paragraph 3 of section 65, paragraph 1 of section 93 and section 107, which come into force on 1 January 2024; and”.

TRANSITIONAL AND FINAL PROVISIONS

31. The basic monthly amount of the retirement pension of a contributor that was adjusted in accordance with section 120.1 of the Act respecting the Québec Pension Plan (chapter R-9), as it read on 31 December 2023, and that was payable on that same date ceases, from 1 January 2024, to be adjusted.

32. If a contributor is the beneficiary of a surviving spouse's pension and of a disability pension on (*insert the date of the day preceding the date of assent to this Act*), those pensions are, from the month of January 2024, recalculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on (*insert the date of assent to this Act*).

33. This Act comes into force on (*insert the date of assent to this Act*), but has effect from 1 January 2024, except section 28, which has effect from 1 January 2022.