



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 149

**An Act to reform the Québec Pension Plan and
to amend various legislative provisions**

Introduction

**Introduced by
Madam Louise Harel
Minister of Income Security**

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EXPLANATORY NOTES

This bill amends the Act respecting the Québec Pension Plan, in particular, to establish new rates of contribution which will increase gradually until 2003, and maintain the Basic Exemption at the level established for 1997.

The bill establishes new methods of calculation of the retirement pension of the beneficiary of a disability pension and provides for the adjustment of earnings used in the calculation of benefits, taking into account the average pensionable earnings for the last five years of the contributory period.

The bill also provides that every retired person who returns to the labour market is required to pay contributions to the pension plan.

The bill authorizes the Régie des rentes du Québec to pay, retroactively, for a maximum period of five years, the retirement pension that a person who is 65 years of age or over was entitled to receive but for which no application was made.

In addition, the bill replaces the death benefit currently established according to the worker's earnings by a uniform benefit, and specifies the terms and conditions of payment of the benefit.

It also provides that a review of the application of the Act respecting the Québec Pension Plan will be made at least every three years and that Committee hearings will be held at least every six years on the advisability of making changes to the benefits and to the rate of contribution.

Lastly, the bill proposes various other amendments concerning the administration of the pension plan and the payment of benefits, and contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Automobile Insurance Act (R.S.Q., chapter A-25);

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Bill 149

AN ACT TO REFORM THE QUÉBEC PENSION PLAN AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 319 of chapter 14 of the statutes of 1997 and by section 48 of chapter (*insert here the chapter number of Bill 144*) of the statutes of (*insert here the year of assent to Bill 144*), is again amended

(1) by replacing the words “contract of personal service” and “contract of lease and hire of personal services” in paragraphs *c* and *g* by the words “contract of employment”;

(2) by replacing paragraph *i* by the following paragraph :

“(i) “employer” : a person, including the Government, who pays an employee a remuneration for his services;”.

2. Section 3 of the said Act is amended by striking out paragraph *i*.

3. Section 4 of the said Act is amended by replacing the words “contract of lease and hire of personal services” in paragraph *d* by the words “contract of employment”.

4. Section 12 of the said Act is amended

(1) by replacing the words “an agent of the Crown in right of Québec” in the first paragraph by the words “a mandatary of the Government”;

(2) by replacing the words “general powers of a corporation, and” in the first line of the second paragraph by the words “capacity of a legal person and shall be vested with”.

5. The French text of section 15 of the said Act is amended by replacing the words “Au cas d’absence ou d’incapacité temporaire” in the first line of the third paragraph by the words “En cas d’absence ou d’empêchement”.

6. The French text of section 23.4 of the said Act is amended by replacing the words “Au cas d’absence ou d’incapacité temporaire” in the first line by the words “En cas d’absence ou d’empêchement”.

7. Section 41 of the said Act is amended by adding, at the end, the following paragraph :

“The adjustment to the maximum pensionable earnings of a worker, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, does not apply if the year in which the event concerned occurs is subsequent to 1997.”

8. Section 42 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraph :

“42. The Basic Exemption is equal

(*a*) for the years 1966 to 1974, to 12% of the Maximum Pensionable Earnings for the year;

(*b*) for the years 1975 to 1997, to 10% of the Maximum Pensionable Earnings for the year;

(*c*) for any year from the year 1998, to \$3,500.”;

(2) by replacing the words “the preceding paragraphs” in the first line of the third paragraph by the words “subparagraph *a* or *b* of the first paragraph”.

9. Section 43 of the said Act is amended by adding, after the second paragraph, the following paragraph :

“From the year 1998, the personal exemption of a worker for the year in which a retirement pension becomes payable to him under this Act or a similar plan or for the year in which he reaches 70 years of age, if he is not the beneficiary of such a pension, is equal to the amount of the Basic Exemption multiplied by the proportion that the number of months of the year which precede the event concerned bears to 12. If the pensionable earnings of the worker for the year exceed the amount of the year’s Maximum Pensionable Earnings adjusted according to the same proportion, his personal exemption thus calculated is increased by the lesser of the following amounts :

(*a*) the Basic Exemption for the year multiplied by the proportion that the number of months in the year which are subsequent to the month preceding the event concerned bears to 12;

(*b*) the amount by which the pensionable earnings of the worker for the year exceed the year’s Maximum Pensionable Earnings multiplied by the proportion that the number of months in the year that are prior to the event concerned bears to 12.”

10. Section 44 of the said Act is amended by inserting the words “, calculated without taking account of the third paragraph of section 43” after the word “year” in the third line.

11. Section 44.1 of the said Act, amended by section 1 of chapter 47 of the statutes of 1996, is again amended by replacing the words “and 6.0% for the year 1997” at the end by the words “, 6.0% for the year 1997, 6.4% for the year 1998, 7.0% for the year 1999, 7.8% for the year 2000, 8.6% for the year 2001, 9.4% for the year 2002 and 9.9% for the year 2003 and subsequent years”.

12. Section 45 of the said Act, amended by section 2 of chapter (*insert here the chapter number of Bill 102*) of the statutes of 1997, is again amended by adding, after the second paragraph, the following paragraph :

“The exclusion of income or amounts referred to in subparagraphs *c* and *d* of the second paragraph does not apply for years subsequent to 1997.”

13. Section 48 of the said Act is amended by adding, after the third paragraph, the following paragraph :

“The adjustment to the pensionable self-employed earnings of a worker, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, does not apply if the year in which the event concerned occurs is subsequent to 1997.”

14. The French text of section 55 of the said Act is amended by replacing the words “considéré comme” in the second paragraph by the words “réputé être”.

15. Section 64 of the said Act is amended

(1) by replacing the words “sections 65, 69, 70 or 182” in the fourth line of the first paragraph by the words “any of those sections or under the provisions of the Taxation Act (chapter I-3) referred to in section 184”;

(2) by replacing the words “shall be deemed” in the first and second lines of the second paragraph by the words “is deemed”.

16. Section 71 of the said Act is amended

(1) by replacing the words “shall, on 30 April in the following year, be deemed” in the third and fourth lines of the first paragraph by the words “is, on 30 April of the following year, deemed”;

(2) by replacing, in the French text, the words “la présente loi est censée n’exiger ni déduction ni versement” in the second and third lines of the second paragraph by the words “aucune déduction ni versement ne sont exigés en vertu de la présente loi”.

17. Section 73 of the said Act is amended by striking out the words “deemed to be” in the first line.

18. The French text of section 78.1 of the said Act is amended by replacing the word “contribution” in the second line by the word “cotisation”.

19. Section 91.1 of the said Act is amended by adding, at the end, the following paragraph:

“In addition, the person who, on the day of the death of the contributor, is married to the contributor but is separated from bed and board as a result of a judgment having taken effect between 30 June 1989 and 1 January 1994 may be considered to be the contributor’s surviving spouse where

- (a) no partition of earnings was effected following the judgment;
- (b) no new judgment of separation from bed and board took effect in their respect after 31 December 1993;
- (c) no person meets the conditions set out in subparagraph *b* of the first paragraph of section 91.”

20. Section 94 of the said Act is repealed.

21. The said Act is amended by inserting, after section 95.3, the following section:

“95.4. The Board is not required to assess the disability of a person to whom an indemnity referred to in section 96.1 is payable or of a person who does not meet the conditions provided for in sections 106 and 106.1 as regards contributions to qualify for a disability pension.”

22. Section 96 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The beneficiary of a disability pension is deemed to be capable regularly of carrying on substantially gainful occupation and, consequently, to have ceased to be disabled upon having carried on such an occupation for more than three months.”

23. Section 96.3 of the said Act is amended

- (1) by replacing the words “is considered” in the second and third lines of the second paragraph by the words “is deemed”;
- (2) by replacing the figure “103” in the first line of the third paragraph by the figure “116.3”.

24. Section 97 of the said Act is repealed.

25. Section 98 of the said Act is amended by replacing the words “shall be deemed to be equal to zero” in the second and third lines of the second paragraph by the words “is deemed to be nil”.

26. Section 99 of the said Act is amended

(1) by replacing, in the French text, the words “censée” or “censé” in the first, second, fourth, sixth and seventh paragraphs by the words “réputée” or “réputé”;

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

“For a year subsequent to 1997, the imputation of the contribution, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, applies only where the event concerned marks the end of the contributor’s contributory period within the meaning of section 101. In that case, the contribution is deemed to be paid for the contributor’s unadjusted pensionable earnings relating to months prior to the event concerned up to the amount of the Maximum Pensionable Earnings for the year, adjusted in proportion to the number of months in the year that are prior to the event concerned. The contributor’s unadjusted pensionable earnings which exceed that maximum amount are, in such a case, deemed to relate to the other months of the year.”;

(3) by replacing the words “shall be deemed to have been made for each month in that year shall be deemed to be zero” in the second and third lines of the fifth paragraph by the words “is deemed to have been made for each month in that year is deemed to be nil”.

27. Section 100 of the said Act is repealed.

28. Section 102 of the said Act is repealed.

29. Section 102.5 of the said Act is amended

(1) by replacing the word “considered” in the first and second paragraphs by the word “presumed”;

(2) by replacing the word “considered” in the first line of the third paragraph by the word “presumed”.

30. Section 102.6 of the said Act is amended by replacing the word “assign” by the word “heir”.

31. Section 102.7 of the said Act is amended by replacing the word “assign” by the word “heir”.

32. The French text of section 102.10 of the said Act is amended by replacing the word “présumé” in the second line by the word “réputé”.

33. Sections 103 and 104 of the said Act are repealed.

34. Section 105.2 of the said Act is amended

(1) by replacing the words “no disability pension is payable to a contributor” in the first and second lines by the words “no contributor qualifies for a disability pension”;

(2) by replacing the words “to him” in the third line by the words “, except where a replacement indemnity is payable for less than 16 days in the month”.

35. Section 106 of the said Act is amended by inserting the words “wholly or partly included” before the words “in his contributory period” wherever they appear in subparagraphs *a*, *b* and *c* of the first paragraph.

36. Section 106.1 of the said Act is amended

(1) by inserting the words “or became, before that date, incapable regularly of carrying on any substantially gainful occupation” after the word “held” in the third line;

(2) by inserting the words “wholly or partly included” before the words “in his contributory period” in the fourth and fifth lines.

37. Section 106.3 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“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, unless the retirement pension became payable before such 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.”

38. The said Act is amended by inserting, after section 116, the following:

“Pensionable Earnings for One Month

“116.1. For the calculation of a benefit, the pensionable earnings of a contributor for each month are his unadjusted pensionable earnings for that month multiplied by the ratio between the average Maximum Pensionable Earnings relating to the year for which the average monthly pensionable earnings of the contributor are established and the Maximum Pensionable Earnings for the year that includes that month.

The average Maximum Pensionable Earnings relating to a year is equal

(*a*) if the year concerned is prior to 1998, to the average Maximum Pensionable Earnings for that year and the two preceding years, except that, for the year 1967, only one preceding year is considered,

(b) if the year concerned is the year 1998, to the average Maximum Pensionable Earnings for that year and the three preceding years, or

(c) if the year concerned is subsequent to 1998, to the average Maximum Pensionable Earnings for that year and the four preceding years.

However, if the contributor is 65 years of age or over on 1 January 1998 or became the beneficiary of a retirement pension before that date, the average Maximum Pensionable Earnings shall be calculated in accordance with subparagraph *a* of the second paragraph, regardless of the year considered. The same applies to the calculation of the pension of the surviving spouse of a contributor who became the beneficiary of a disability pension before 1 January 1998.

“Average Monthly Pensionable Earnings

“116.2. A contributor’s average monthly pensionable earnings are equal to G/N

where

G is the total pensionable earnings of the contributor for each month included in his contributory period,

N is the total number of months included in the contributor’s contributory period or the following basic number, whichever is higher, depending on the benefit calculated :

(a) for the retirement pension, the basic number of contributory months of the contributor, which is 120 less the number of months excluded from his contributory period under subparagraph *a* or *b* of the second paragraph of section 101 ;

(b) for the disability pension, 24 months or, if the contributor’s disability date to qualify for the pension is prior to 1 July 1993, 60 months ;

(c) for the surviving spouse’s pension or the death benefit, in respect of a contributor who died after 31 December 1993 and who was not, at the time of his death, the beneficiary of a retirement pension payable under this Act or a similar plan, 36 months.

“116.3. In calculating the average monthly pensionable earnings of a contributor, the following months may be excluded from the total number of months in the contributory period :

(a) the months for which the contributor was the beneficiary of a family allowance, and

(b) the months included in a period of indemnity of the contributor,

in the case of months for which the contributor's pensionable earnings are less than his average monthly pensionable earnings calculated before any exclusion under this section or under section 116.4 and provided that such an exclusion is to the advantage of the beneficiary of the benefit.

However, the exclusion may not have the effect of reducing the contributory period to a number of months which is less than the basic number applicable, in accordance with section 116.2, to the benefit calculated.

The exclusion is effected beginning with the months for which the pensionable earnings are the lowest; as a consequence of the exclusion, the sum of the pensionable earnings corresponding to the months so excluded is subtracted from the total of the pensionable earnings of the contributor.

"116.4. Where the total number of months in the contributory period of the contributor, after any exclusion under section 116.3, exceeds 120, a number of months equal to the lesser of the following is excluded from the contributory period:

(a) 15% of the total number of months, counting any fraction of a month as a whole month;

(b) the number of months by which the total number exceeds 120.

The exclusion is effected by selecting the months for which the pensionable earnings are the lowest; as a consequence of the exclusion, the sum of the pensionable earnings corresponding to the months so excluded is subtracted from the total of the pensionable earnings of the contributor.

"116.5. The contributor's pensionable earnings which relate to months subsequent to the end of the contributory period, within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, may be substituted, after months are excluded under section 116.3, for the pensionable earnings relating to months of the contributory period in which contributory earnings are lower. The substitution shall first be effected in respect of the months for which contributory earnings are the lowest.

The pension increase that may result from the substitution of earnings shall have effect from the month of January of the year following the year to which they relate or, if later, from the month in which the pension becomes payable.

"Maximum Monthly Retirement Pension

"116.6. The maximum monthly retirement pension for a year is the amount that is 25% of 1/12 of the average Maximum Pensionable Earnings for the year, established in accordance with section 116.1."

39. Section 117 of the said Act is amended by replacing the fifth paragraph by the following paragraph:

“However, the Pension Index for a year is, in the following circumstances, equal to the Pension Index for the preceding year

(a) for any year prior to 1998, if the result of the calculation provided for in this section is less than 1.01 times the Pension Index for the preceding year;

(b) from the year 1998, if the result of the calculation provided for in this section is less than the Pension Index for the preceding year.”

40. Section 120 of the said Act is amended by inserting, after the word “earnings” in the second line, the following words: “, calculated as provided in sections 116.1 to 116.5, for the year in which the retirement pension becomes payable. The amount is adjusted in accordance with sections 120.1 and 120.2”.

41. The said Act is amended by inserting, after section 120.1, the following section:

“120.2. The basic monthly amount of retirement pension of a contributor is reduced by 0.5% for each month for which he received, between the age of 60 and 65, a disability pension under this Act or a similar plan.

The reduction, however, does not apply to a contributor who has become disabled, within the meaning of section 96, before 1 January 1998.”

42. Section 121 of the said Act is repealed.

43. Section 123 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) 75% of the amount that is 25% of the average monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.4, for the year in which the disability pension becomes payable.”

44. Sections 125 and 126 of the said Act are repealed.

45. Section 128 of the said Act is replaced by the following section:

“128. The amount of the death benefit payable in respect of a contributor who dies after 31 December 1997 shall be \$2,500.”

46. Sections 129 to 131 of the said Act are repealed.

47. Section 133 of the said Act is amended by replacing the words “retirement pension of the contributor” in the fourth line of the first paragraph by the words “amount established in accordance with section 137”.

48. Section 134 of the said Act is amended by replacing the words “retirement pension of the contributor” in the fourth line by the words “amount established in accordance with section 137”.

49. Section 135 of the said Act is amended by replacing the definitions of “a” and “b” in the first paragraph by the following:

“where

“a” is the amount established in accordance with section 137;

“b” is the maximum monthly retirement pension, calculated in accordance with section 116.6, for the year that includes the month for which the basic monthly amount is established;”.

50. Section 136 of the said Act is amended by replacing the definitions of “a” and “c” by the following:

“where

“a” is the amount established in accordance with section 137;

“c” is the maximum monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1 by taking into account the age of the surviving spouse at the time of retirement, and according to section 120.2;”.

51. Section 137 of the said Act is replaced by the following section:

“137. For the calculation of the basic monthly amount of the surviving spouse’s pension, the amount to be used is, depending on the contributor’s situation for the month of his death,

(1) in the case of a contributor to whom a retirement pension was payable, the amount of that pension for the month of his death, established before any partition under sections 158.3 to 158.8 or a similar plan or adjustments provided for in sections 120.1 and 120.2. If the basic number of months established in accordance with section 116.2 for the calculation of the retirement pension of the contributor is higher than the total number of months included in his contributory period, the amount of the retirement pension must be multiplied by the proportion that the basic number bears to 36 or the total number of months included in his contributory period, whichever is higher;

(2) in other cases, an amount equal to 25% of the average monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.5, for the year of his death.

The amount obtained is adjusted by multiplying it by the ratio between the Pension Index for the year including the month for which the monthly basic amount is established and the Pension Index for the year of the contributor's death. The Pension Index limits provided for in subparagraphs *a* and *b* of the second paragraph of section 117 do not apply to the adjustment."

52. Section 139.1 of the said Act is amended by inserting the words "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" after the word "pension" in the third line of the second paragraph.

53. Section 139.2 of the said Act is amended

(1) by striking out the words "by mail" in the second line of the first paragraph;

(2) by inserting the words "and the contributor's entitlement to a replacement indemnity giving rise to exclusion from entitlement to a disability pension under section 105.2 has not been recognized" after the word "Commission" in the fifth line of the third paragraph;

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

"Where an application for retirement pension is made by a contributor who, while he was 59 years of age or over, was informed that his application for a disability pension was refused or that his disability pension ceased to be payable for a reason other than his having reached 65 years of age or his becoming qualified for an indemnity referred to in section 96.1, the Board may consider that the application is made during the latest of the following months:

(a) the month in which the application for a disability pension was filed by the contributor;

(b) the last month for which the disability pension was payable to him;

(c) the month preceding the month in which he reaches 60 years of age;

(d) the month preceding the month from which payment of the retirement pension is to be made according to the contributor's application."

54. Section 143.0.1 of the said Act is amended by replacing the first two sentences of the first paragraph by the following: "Any unpaid amount of benefit bears interest from the fifth month following the month in which the application is received, except that, in the case of an amount that becomes payable after the application is received, the interest does not run before the fifth month after the month in which the amount becomes payable. However, where a retirement pension becomes payable after the fourth month following

the month in which the application is received, any unpaid amount of pension bears interest from the month following the month in which the pension becomes payable.”

55. The said Act is amended by inserting, after section 143.0.1, the following section :

“143.0.2. Every beneficiary of benefits must inform the Board of any change in his situation which may affect his entitlement to, or the amount of, the benefits.”

56. Section 145 of the said Act is amended by adding, after the second paragraph, the following paragraph :

“In addition, the Board may, when authorized in writing by a contributor who is the beneficiary of a disability insurance plan whose benefits and those of a disability pension are integrated, deduct from the disability pension payable to the contributor any amount which would not have been paid to him under the insurance plan had he received the disability pension. The amount deducted shall not exceed the amount of the payment made under the insurance plan. The terms and conditions of deduction and remittance of the amount to the administrator of the plan shall be fixed by regulation.”

57. Section 148 of the said Act, amended by section 2 of chapter 55 of the statutes of 1995, is again amended by inserting the words “or a retirement pension” after the word “pension” in the third line.

58. Section 157.1 of the said Act is amended

(1) by replacing paragraph *b* by the following paragraph :

“(b) the month following the month in which the application is made, if the contributor is under 65 years of age at the time of the application;”;

(2) by replacing paragraph *e* by the following paragraph :

“(e) the month of the contributor’s sixty-fifth birthday, the month of July 1998, the month in which he ceased working or the fifty-ninth month preceding the month in which his application is made, whichever is earliest, if the contributor is 65 years of age or over at the time of the application and the application is made after 30 June 1998;”;

(3) by striking out paragraph *f*;

(4) by adding, at the end, the following paragraph :

“Notwithstanding the provisions of subparagraph *e* of the first paragraph, if the contributor is 70 years of age or over at the time of the application and the

application is made before 1 July 1999, the retirement pension may be payable from the eleventh month preceding his application and the month of his seventieth birthday, whichever is earlier.”

59. Section 158.2 of the said Act is amended by replacing the words “25% of the average of the Maximum Pensionable Earnings for the year during which the retirement pension would become payable to him and for each of the two preceding years” in the fifth, sixth and seventh lines of the first paragraph by the words “twelve times the maximum monthly retirement pension, calculated in accordance with section 116.6, for the year in which the retirement pension would become payable”.

60. Section 158.5 of the said Act is amended by replacing the definition of “*r*” by the following :

“where

“*r*” is the amount of the retirement pension which, if there were no partition, would be payable for the month in which the partition takes effect;”.

61. Section 158.6 of the said Act is amended by replacing the words “the earliest of the month in which the application for partition is approved” in the fifth line of paragraph *b* of subparagraph 1 by the words “the earlier of the month preceding the date on which the partition takes effect”.

62. Section 158.7 of the said Act is amended

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

“158.7. Partition of the retirement pension has effect from the later of the following months :

(a) the month following the month in which the Board approves the application ;

(b) the month indicated in the application for partition, which shall not be later than the twelfth month following the month of the application.”;

(2) by inserting the words “indicate the date on which the partition takes effect and” after the word “shall” in the second line of the second paragraph.

63. Section 168 of the said Act is replaced by the following section :

“168. The death benefit shall be paid to the person or charity, whether or not it is endowed with juridical personality, that has paid the funeral expenses, provided that an application therefor is made within 60 days after the contributor’s death and that vouchers are produced within that time.

If the application is not made within the allotted time, the death benefit shall be paid to the first of the following applicants :

(a) the person or body referred to in the first paragraph, on production of vouchers;

(b) the heirs of the contributor or, if there are no heirs, the surviving spouse or, if there is no surviving spouse, the descendants or, if there is no surviving spouse or descendants, the ascendants.

The benefit shall be paid to the person or body that has paid for the funeral expenses but only up to an amount equal to the amount of those expenses. If the amount of funeral expenses that has been paid is less than the amount of the death benefit, any remaining balance shall be paid in accordance with subparagraph *b* of the second paragraph.”

64. Section 169 of the said Act is amended by replacing the words “testamentary executor” in the second line by the words “liquidator of the succession”.

65. Section 175 of the said Act is amended by striking out the words “, in the absence of any evidence to the contrary,” in the second and third lines of the second paragraph.

66. Section 176 of the said Act is amended by inserting the words “, in particular, the person” after the word “person” in the second line.

67. Section 180.2 of the said Act is amended

(1) by replacing subparagraph *b* of the second paragraph by the following subparagraph:

“(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166, of contributors who are beneficiaries of a replacement indemnity and the months or parts of months for which that indemnity is payable to them;”;

(2) by inserting the words “or retirement pension” after the word “pension” in the first line of subparagraph *c* of the second paragraph.

68. Section 185 of the said Act is amended by striking out the words “deemed to be” in the first line.

69. Section 192 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, an application for a statement of earnings may be made by an employer, on behalf of employees if he provides the Board with information allowing the employees to be identified; the statement of earnings shall, in

such a case, be transmitted to the personal address of each contributor mentioned in the application or, in a sealed envelope, through his employer.”;

(2) by adding, at the end of the third paragraph, the following words: “and notwithstanding section 13 of the Act respecting the protection of personal information in the private sector (chapter P-39.1)”.

70. Section 194 of the said Act, amended by section 37 of chapter 31 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“An entry in the Record of Contributors relating to pensionable earnings within the meaning of Title III or to a contribution under this Act may not be rectified if four years have elapsed from the end of the year in which the entry was made. The Board may, however, make a correction in the Record of Contributors after the expiry of the four years where the change consists in increasing an amount entered to the account of a contributor if, according to the information provided to the Board, the amount is less than the amount that should be entered or, subject to section 194.1, where the change consists in striking off an erroneous entry in the account of a person if

(1) an amount erroneously entered to the account of the person is transferred to the account of another contributor;

(2) an amount entered under a similar plan which has erroneously been entered as a contribution under this Act;

(3) a person to whose account earnings and contributions are entered for a year declares not to have contributed or to have contributed for an amount that is less than the amount entered for the year concerned and it is established, to the satisfaction of the Board, that no contribution has actually been paid in relation to the amounts concerned for that year in respect of that person.”

71. The said Act is amended by inserting, after section 194, the following section:

“194.1. The Board may not, however, in the cases referred to in subparagraph 1 or 3 of the second paragraph of section 194, reduce an amount that has been in the Record of Contributors for more than four years to the account of a contributor, if the effect of the correction is to reduce a pension the payment of which is in progress at the time the correction is made, except at the request or with the consent of the beneficiary of the pension.”

72. Section 207 of the said Act is amended by replacing the words “Her Majesty” in the second line by the words “the Government”.

73. Section 216 of the said Act is amended

(1) by replacing the word “five” in the first line of the first paragraph by the word “three”;

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

“An actuarial valuation prepared under the first paragraph shall describe the situation of the plan as of 31 December of a year ; the valuation report must be available before the end of the following year.» ;

(3) by striking out the second sentence of the third paragraph.

74. The said Act is amended by inserting, after section 218, the following section :

“218.1. At least every six years, the competent committee of the National Assembly shall hold a public consultation on the examination of the operation of this Act, the state of the Board’s account and the accumulation of the reserve, and the advisability of proposing changes to the benefits provided for in this Act and to the rate of contribution.”

75. Section 219 of the said Act, amended by section 5 of chapter 15 of the statutes of 1996 and by section 4 of chapter (*insert here the chapter number of Bill 102*) of the statutes of 1997, is again amended

(1) by inserting the words “and the third paragraph of section 96” after the figure “95” in the first line of paragraph *h.1* ;

(2) by adding, after paragraph *w*, the following paragraph :

“(x) fixing, for the purposes of the third paragraph of section 145, the conditions, manner and form of an application for the transfer of retroactive disability pension and of an application relating to the deduction and remittance of the amounts thus transferred to the administrator of a disability insurance plan.”

76. Section 224 of the said Act is amended by replacing the word “corporation” in the first, second and fifth lines by the words “legal person”.

77. The said Act is amended by replacing the words “censé” or “censée” by the words “réputé” or “réputée” wherever they appear in the French texts of sections 7, 9, 51, 57, 61, 67 and 206.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

78. Section 42.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended

(1) by replacing subparagraph *b* of the second paragraph by the following subparagraph :

“(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166 of that Act, of contributors who are beneficiaries of an income replacement indemnity and the months or parts of months for which that indemnity is payable to them;”;

(2) by inserting the words “or retirement pension” after the word “pension” in the first line of subparagraph *c* of the second paragraph.

79. Section 144 of the said Act is amended by inserting the words “or retirement pension” after the word “pension” in the third line of the third paragraph.

AUTOMOBILE INSURANCE ACT

80. Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended

(1) by inserting the words “or retirement pension” after the word “pension” in the third line of the fifth paragraph;

(2) by inserting the words “or 106.3” after the figure “105.1” in the fifth line of the fifth paragraph.

HEALTH INSURANCE ACT

81. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting the words “language code,” after the word “address,” in the fifth line of the fourth paragraph.

TRANSITIONAL AND FINAL PROVISIONS

82. The repeal of paragraph *i* of section 3 of the Act respecting the Québec Pension Plan does not affect the rights of persons who were granted excepted employment on 31 December 1997.

83. The provisions of the second paragraph of section 91.1 of the Act respecting the Québec Pension Plan, enacted by section 19, apply to deaths occurring after 31 December 1993. An application for a surviving spouse’s pension based on those provisions for a death that occurred between that date and 1 January 1998 may not give rise to the payment of that pension for a period prior to that last date unless it is made before 1 January 1999; in that case, the pension shall be payable from the month following the month of the death of the contributor.

84. Section 106.3 of the Act respecting the Québec Pension Plan, enacted by section 37, applies only to retirement pensions which become payable after 30 June 1998.

85. The second paragraph of section 194 of the Act respecting the Québec Pension Plan, enacted by section 70, applies to any entry in the Record of Contributors, including an entry made more than four years before the date of coming into force of that section.

86. The first actuarial valuation to be prepared under section 216 of the Act respecting the Québec Pension Plan, as amended by section 73, shall describe the situation of the Québec Pension Plan as of 31 December 1998; the valuation report must be tabled in the National Assembly before the end of the following year.

87. This Act comes into force on 1 January 1998, except the following provisions which come into force on 1 July 1998:

(1) the provisions of paragraph 2 of section 34, section 37, paragraph 2 of section 53, sections 57, 67, 78, 79 and 80, which concern the coordination of benefits under the Québec Pension Plan with indemnities paid by the Société de l'assurance automobile du Québec or the Commission de la santé et de la sécurité du travail;

(2) the provisions of section 63 which concern the payment of death benefits;

(3) the provisions of section 58 which concern the retroactive payment of the retirement pension payable after 65 years of age.