



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 193

An Act to amend the Supplemental Pension Plans Act

Introduction

**Introduced by
Mr Henri-François Gauthrin
Member for Verdun**

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EXPLANATORY NOTES

The purpose of this bill is to amend the Supplemental Pension Plans Act to enable the active members of a pension plan who are not represented by a certified association within the meaning of the Labour Code or who are not bound by a contract governing the use of the surplus assets of the plan and the non-active members and beneficiaries of the plan, to give their assent to an amendment to the plan confirming the employer's right to appropriate surplus assets to the payment of employer contributions.

The bill provides that the assent of those members and beneficiaries to the amendment proposed is to be given only at the annual meeting or, if the employer so requests, at a special meeting called in both cases by the pension committee.

Bill 193

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 146.5 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), enacted by section 84 of the Act to amend the Supplemental Pension Plans Act and other legislative provisions (2000, chapter 41), is amended by replacing subparagraph 3 of the first paragraph and the second paragraph by the following :

“(3) of active members not referred to in subparagraph 1 or 2 and of non-active members and beneficiaries ;

(4) in the case of a multi-employer pension plan, even not considered as such under section 11, of all the employers party to the plan on the date on which the proposal is made.

For the purposes of subparagraph 3 of the first paragraph, assent shall be given in accordance with the terms and conditions provided for, as the case may be, in section 166 or 166.1.

Where there is disagreement concerning the application of the first paragraph, the employer and the parties whose consent is required under that paragraph may, if all agree, refer the matter to an arbitrator, and define his or her mandate. The arbitrator shall, before rendering his or her decision, take into account the refund of overpayments of employer contributions made to reduce an actuarial deficit, the equity between the groups having contributed to the accumulation of an actuarial surplus and the maintenance of a reasonable reserve. The decision of the arbitrator is binding on all interested persons and every consent required to permit the amendment is deemed to have been obtained.”

2. Section 166 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**166.** Within six months after the end of each fiscal year of the plan, or within such additional period as may be granted by the Régie, the pension committee shall, by a written notice, call each member and each beneficiary as well as the employer to a meeting held to

(1) enable the members, the beneficiaries and the employer to examine the amendments made to the plan, the entries recorded in the register kept pursuant to section 159 and the financial position of the plan ;

(2) enable the group of active members and the group of non-active members and beneficiaries, independently, to decide whether or not it will designate a pension committee member under section 147 or 147.1 and, if it so decides, to proceed with the designation either in the manner proposed by the committee, or, if none is proposed or if the group refuses the manner proposed, in the manner, decided by the group, which allows to proceed with the designation at that meeting ;

(3) enable the group of active members not referred to in subparagraphs 1 and 2 of the first paragraph of section 146.5 and the group of non-active members and beneficiaries to give their assent to an amendment to the pension plan confirming the employer's right to appropriate surplus assets to the payment of employer contributions.

Any decision relating to a matter mentioned in subparagraph 2 or 3 of the first paragraph shall be made by a majority of the votes cast by the members and beneficiaries of each group.”

3. The said Act is amended by inserting the following section after section 166 :

“**166.1.** Within 60 days after a request is transmitted by the employer, or within such additional period as may be granted by the Régie, the pension committee shall, by a written notice, call each member and each beneficiary as well as the employer to a special meeting to examine an amendment to the plan proposed under subparagraph 3 of the first paragraph of section 146.5.

Any decision of the pension committee shall be made by a majority of the votes cast by the members and beneficiaries of each group.”

4. This Act comes into force on (*insert here the date of assent to this Act*).