



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 133
(1996, chapter 10)

**An Act to amend the Charter of
human rights and freedoms and
other legislative provisions**

**Introduced 15 December 1995
Passage in principle 2 May 1996
Passage 12 June 1996
Assented to 13 June 1996**

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EXPLANATORY NOTES

The object of this bill is to secure the right to equality recognized in section 10 of the Charter of human rights and freedoms as regards the establishment of contracts and plans relating to insurance, retirement pensions or other social benefits.

Under the bill, provisions of exception to the Charter are introduced in the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, and the declaration of exception to section 15 of the Charter of Human Rights and Freedoms is re-enacted in the following Acts: the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Government and Public Employees Retirement Plan.

LEGISLATION AMENDED BY THIS BILL:

- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).

Bill 133

An Act to amend the Charter of human rights and freedoms and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 20 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by striking out the second paragraph.

2. The said Charter is amended by inserting, after section 20, the following section:

“20.1 In an insurance or pension contract, a social benefits plan, a retirement, pension or insurance plan, or a public pension or public insurance plan, a distinction, exclusion or preference based on age, sex or civil status is deemed non-discriminatory where the use thereof is warranted and the basis therefor is a risk determination factor based on actuarial data.

In such contracts or plans, the use of health as a risk determination factor does not constitute discrimination within the meaning of section 10.”

3. Section 97 of the said Charter is amended by striking out subparagraph 1 of the first paragraph.

4. Section 137 of the said Charter is repealed.

5. The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is re-enacted and shall consequently read as follows:

“The provisions of this Act have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

6. The second paragraph of section 223.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is re-enacted and shall consequently read as follows:

“They have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

7. Section 78.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “Section 28 applies” in the first line of the first paragraph by the words “Sections 28, 32 and 51 apply”.

The second paragraph of the said section is re-enacted and shall consequently read as follows:

“Sections 28, 32 and 51 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

8. Section 114.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the word “The” in the first line of the first paragraph by the words “Sections 56 and 84, the”.

The second paragraph of the said section is re-enacted and shall consequently read as follows:

“Sections 56 and 84, the first paragraph of section 90 and the ninth paragraph of section 96 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

9. The Act to amend the Charter of human rights and freedoms (1976, chapter 5) is repealed.

10. Sections 25 and 33 of the Act to amend the Charter of human rights and freedoms (1982, chapter 61) are repealed.

11. This Act comes into force on 13 June 1996.