



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 38
(2019, chapter 25)

**An Act amending certain Acts
establishing public sector pension
plans**

**Introduced 26 September 2019
Passed in principle 30 October 2019
Passed 7 November 2019
Assented to 14 November 2019**

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EXPLANATORY NOTES

This Act amends various Acts establishing public sector pension plans in order to renew the provisions overriding section 15 of the Constitution Act, 1982, found in the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel.

Lastly, the Act also amends the Act respecting the Pension Plan of Management Personnel to provide that the terms and conditions relating to the return to work of a pensioner who does not resume membership in the plan may be determined by regulation.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (chapter R-9.1);
- 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).

Bill 38

AN ACT AMENDING CERTAIN ACTS ESTABLISHING PUBLIC SECTOR PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite 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).”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

2. The second paragraph of section 223.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is again enacted and therefore reads as follows:

“They have effect despite 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).”

ACT RESPECTING THE TEACHERS PENSION PLAN

3. The second paragraph of section 78.1 of the Act respecting the Teachers Pension Plan (chapter R-11) is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite 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).”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

4. The second paragraph of section 114.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is again enacted and therefore reads as follows:

“Sections 56 and 84 have effect despite 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).”

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

5. Section 154 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is replaced by the following section:

“154. Notwithstanding section 153, a pensioner may elect not to resume membership in this plan while holding or upon returning to pensionable employment under the first paragraph of section 153.

The Government may, by regulation, determine the terms and conditions relating to the return to work of the pensioner, which may vary depending on the pensionable employment the pensioner holds or returns to.”

6. Section 156 of the Act is repealed.

7. Section 158 of the Act is amended by replacing “an employee referred to in section 153 or a pensioner referred to in the first and second paragraphs of section 154 will be entitled” by “an employee referred to in section 153 will be entitled”.

8. Section 196 of the Act is amended by inserting the following subparagraph after subparagraph 12.1 of the first paragraph:

“(12.2.) determine, for the purposes of section 154, the terms and conditions relating to the return to work of a pensioner who does not resume membership in this plan, which may vary depending on the pensionable employment the pensioner holds or returns to;”.

9. The second paragraph of section 211 of the Act is again enacted and therefore reads as follows:

“They have effect despite 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).”

FINAL PROVISION

10. This Act comes into force on 1 January 2020, except sections 5 to 8, which come into force on the date of coming into force of the first regulation made for the purpose of those sections.