

Definition of “Spouse” Changed in the EPPA

This document updates and replaces EPPA Update 02-03 – December 2002.

The Legislative Assembly passed Bill 30-2, the *Adult Interdependent Relationships Act* (the Act), on December 3, 2002. The Act and the associated *Alberta Interdependent Partner Agreement Regulation* (the Regulation) came into force June 1, 2003.

The most significant change the *Employment Pension Plans Act* (EPPA) contained in Bill 30-2 is the change from "spouse" to "pension partner". This new definition, like the old one, includes a person who, at the time a right to a benefit is determined, was married to that other person and had not been separated from that other person for three or more consecutive years. The significant change comes in the cases where there is no married spouse, but there is another person who is in a conjugal relationship with the member. Under the new definition, a person who, immediately preceding the time the benefit is determined, had lived with that other person in a conjugal relationship for at least three years, or in a relationship of some permanence if there is a child of the relationship by birth or adoption, is a pension partner and therefore eligible for the same spousal benefits as if they were married to the member.

Note that this is not as broad as the definition of Adult Interdependent Partner found in some other legislation affected by Bill 30-2. This definition restricts spousal benefits to those in conjugal relationships to be consistent with the *Income Tax Act*.

The old definition reads:

"spouse" means, in relation to another person,

- (i) a person who, at the relevant time, was married to that other person and had not been living separate and apart from that other person for 3 or more consecutive years, or
- (ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who had lived with that other person in a marriage-like relationship for the 3-year period immediately preceding the relevant time.

The new definition reads:

“pension partner” means, in relation to another person,

- (i) a person who, at the relevant time, was married to that other person and had not been living separate and apart from that other person for 3 or more consecutive years, or
- (ii) if there is no person to whom subclause (i) applies, a person who, immediately preceding the relevant time, had lived with that other person in a conjugal relationship

(A) for a continuous period of at least 3 years, or

(B) of some permanence, if there is a child of the relationship by birth or adoption;

Effective June 1, 2003, “spouse” is replaced with “pension partner” in the EPPA. Pension plan administrators must amend their plan documents by December 31, 2003 to conform to this new definition. They do not have to use the term “pension partner” if they prefer to retain the term “spouse”, provided that the term “spouse” is amended to reflect the provisions of “pension partner”.

Administrators will not be required to file the amendment with the Superintendent of Pensions immediately after June 1, 2003, although they may do so if they wish. **They are required to file the amendment on the next occasion on which they are submitting other amendments or by December 31, 2003 at the latest.** It should also be noted that a plan must be administered in accordance with the legislation once it is proclaimed, regardless of whether the plan text has been amended.

New plans, having an effective date subsequent to May 31, 2003, must contain the new definition.

For further information, please see the [Queen's Printer](#) website.

If you are a member of a public sector plan (Management Employees, Local Authorities, Special Forces, Public Service, MLA's, or Provincial Judges and Masters in Chambers) please refer to the [Alberta Pension Administration](#) website.

If you are a member of any other pension plan, check with your pension administrator to see how this may affect you.