

Newsletter

express

Information bulletin for supplemental pension plans

26 February 1999

The Y2K bug and supplemental pension plans

The Régie des rentes du Québec wishes to point out to pension plan administrators that there will be no extension of the deadlines under the *Supplemental Pension Plans Act* for submitting normally required periodic documents, such as annual information returns and reports on actuarial evaluations, on the grounds that computer systems have not been adapted to adequately process dates after 31 December 1999. Plan administrators should, therefore, be sure that their systems and those of their service providers will operate properly.

The Régie has already taken the necessary steps to adjust its systems for the year 2000.

Recognition of same-sex spouses: latest developments

We recently informed you of the situation concerning the recognition of same-sex spouses. There have since been some new developments.

On 21 October 1998, the Québec Minister of Justice acted on his intention to grant benefits to same-sex spouses by introducing a draft bill to amend several laws in order to bring them into line with the spirit of the Québec *Charter of Rights and Freedoms*. Section 85 of the *Supplemental Pension Plans Act* was to be amended to specify that spouses could be either same-sex or opposite-sex. A similar amendment was to be made to the *Act respecting the Québec Pension Plan*. However, the Québec National Assembly was dissolved on 28 October 1998 and the draft bill died. In order to move ahead, it will now be necessary to introduce a new draft bill or a bill.

A short time later, on 13 November 1998, Mr. Justice Vaillancourt of the Québec Superior Court rendered a judgment declaring that the provision of the *Act respecting the Québec Pension Plan* under which surviving spouse's pensions were refused in the case of same-sex spouses was incompatible with the Québec *Charter of Rights and Freedoms*. Mr. Justice Vaillancourt took notice of a shift in jurisprudence in favour of same-sex spouses. He was of the opinion that the fact that the purpose of the definition of "surviving spouse" in the *Act* is to remedy the situation of a vulnerable group, if indeed that is the case, does not, however, make it permissible to discriminate against another group.

On 14 December 1998, the Québec Attorney General announced her decision to appeal the judgment. She mentioned, however, that the decision to appeal had nothing to do with the Government's intention to extend the meaning of the word "de facto spouse" to same-sex spouses, as provided for in the October draft bill.

Updated provisions for employers who are parties to a pension plan

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The *Supplemental Pension Plans Act* provides that a plan text must indicate the names of all employers who are parties to the plan. Where there is more than one employer, an indication such as "ABC Inc. and its affiliates" is not sufficient. The name of each employer must be given. It is important to update the plan text whenever an employer withdraws, joins, changes name or is substituted. To complete the update, the plan administrator must submit an application for registration of an amendment to the plan text and notify the plan's members in accordance with the *Act*. It is not sufficient to indicate such changes on the pre-printed list of the plan's participating employers that is included in the annual information return form received at the end of each fiscal year. The administrator must also amend the plan text. By submitting an application for registration as soon as possible, the plan administrator can avoid receiving a reminder of the obligation from the Régie.

Translator:

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When a plan administrator notifies the Régie of a change in the list of employers, it is a good idea to indicate the reason for the change. If the change is the result of a transaction (e.g., a company merger or liquidation), the exact nature of the transaction should be noted and any confirming ancillary document should be enclosed. Such a document may be a certificate of change issued by the Inspector General of Financial Institutions following a change in the company's name. Sending the information and any documents will allow the Régie to quickly determine whether to approve a substitution of employer or to partially terminate the plan.

Do you have a comment, objection or complaint about the services provided by the Régie des rentes du Québec or about the application of the *Supplemental Pension Plans Act*?

The Régie attaches great importance to your opinion and your appreciation. It believes that listening to you contributes to the improvement of its services and the development of legislation. That is why it has a Services Commissioner who reports directly to the President and General Manager.

The Services Commissioner's role

The Services Commissioner receives with impartiality, attentiveness and constructively the comments, objections and complaints of people who are in contact with the Régie's various sectors of administration. He has the power to make recommendation to facilitate the settlement of cases brought to his attention. He can also propose client service improvements to all departments of the Régie.

For more informations,
contact our:

Information Officer

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It should be noted that where a complaint from an individual concerns the administration of his or her pension plan, the Commissioner makes sure that the individual has already tried to get a satisfactory response from the administrator of the plan.

How to reach the Commissioner

To contact the Commissioner's office, just telephone the Régie at (418) 643-8282. A representative of the Commissioner will call you back within 48 hours. You can also reach the Commissioner by postal mail, fax or e-mail.

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