

FIRST SESSION

THIRTY-SECOND LEGISLATURE

# NATIONAL ASSEMBLY OF QUÉBEC

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## Bill 15

**An Act respecting the abolition of compulsory retirement  
and providing amendments to certain legislation**

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First reading .....

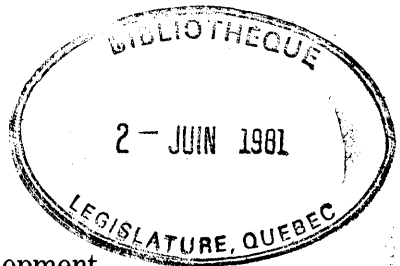
Second reading .....

Third reading .....

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M. DENIS LAZURE

Minister of State for Social Development



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QUÉBEC OFFICIAL PUBLISHER

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## EXPLANATORY NOTES

*The object of this bill is to abolish compulsory retirement.*

*To that end, it enacts a new labour standard, forbidding an employer or his agent to dismiss, suspend or retire an employee on the sole ground that he has reached or passed the age or the number of years of service at which he would normally retire. The Act respecting labour standards is amended accordingly.*

*This new right is granted both to employees who are members of private or public retirement plans and to employees who are not members of any retirement plan; the new provisions apply to all employees and employers, as well as to the Government and Government departments and bodies.*

*The bill also grants a right of appeal before a labour commissioner to any employee who believes his employer has not respected his rights under the new retirement standard.*

*While the bill preserves the employee's right to retire voluntarily according to the retirement plan that applies to him, it also, in a certain number of Acts and retirement plans, makes the provisions on compulsory retirement by reason of age or years of service no longer effective.*

*It provides that an employee who continues to hold an employment after reaching or passing the age or number of years of service at which he would have had to retire must continue to contribute to the retirement plan that applied to him, and in this case his employer must continue to make his contribution to the plan.*

*The benefits that would normally have been payable from compulsory retirement day will become payable from his voluntary retirement day.*

*Lastly, this Act will not apply to persons who, on the date of the sanction of the bill, are retired or are in early retirement owing to sick leave, accumulated leaves or any other grounds, who have resigned or have received notice of termination of employment or of non-rehiring owing to age or number of years of service.*

## Bill 15

An Act respecting the abolition of compulsory retirement  
and providing amendments to certain legislation

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

**1.** The Act respecting labour standards (1979, chapter 45), amended by chapter 5 of the statutes of 1980, is again amended by inserting, after section 84, the following division:

### “DIVISION VI.1

#### “RETIREMENT

**“84.1** No employer or his agent may dismiss, suspend or retire an employee on the sole ground that such employee has reached or passed the age or the number of years of service at which, according to the retirement plan to which he contributes, the collective agreement applicable to him or the common practice of his employer, he should retire.

**“84.2** This division applies to the Government and to Government departments and bodies, and notwithstanding section 3 it also applies to every employee and employer.”

**2.** Section 123 of the said Act is amended by inserting between the first and second paragraphs the following paragraph:

“The first paragraph applies to every employee who believes that he has been dismissed, suspended, or retired on one of the grounds set forth in section 84.1.”

**3.** Provisions regarding compulsory retirement of a person owing to his age or number of years of service cease to have effect in

(1) the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(2) the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(3) the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(4) the Act respecting pension coverage for certain teachers (1978, chapter 16);

(5) the Police Act (R.S.Q., chapter P-13);

(6) a pension plan established under the said Acts;

(7) a registered pension plan under the Act respecting supplemental pension plans (R.S.Q., chapter R-17);

(8) a pension plan determined by the Government.

However, a person may choose to retire in accordance with the Acts or plans referred to in the first paragraph.

An order made under subparagraph 8 of the first paragraph may have effect on a date prior to its adoption but not before (*insert here the date of the sanction of Bill 15*).

**4.** Every person holding employment after having reached or passed the age or number of years of service at which, according to his pension plan, he would have been compelled to retire, shall continue to contribute to the plan applicable to him.

Similarly, the employer of such person shall continue to contribute to the plan, where such is the case.

**5.** Where a person retires after the date he would have been compelled to retire pursuant to an Act or a pension plan, the benefits payable from that date are payable from the effective date of his retirement.

The first paragraph does not apply to deferred pension or annuity benefits.

**6.** This Act applies to an agreement within the meaning of the Act respecting labour standards, and to a pension plan in force on or after (*insert here the date of the sanction of Bill 15*).

**7.** This Act does not apply to a person who, on (*insert here the date of the sanction of Bill 15*),

(1) has retired,

(2) has resigned,

(3) is in early retirement owing to sick leave, accumulated leaves or any other grounds, or

(4) has received a notice of termination of employment or of non-rehiring owing to his age or number of years of service.

**8.** This Act comes into force on the day of its sanction.