

1986

# c 13 Teachers' Superannuation Amendment Act, 1986

Ontario

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## CHAPTER 13

**An Act to amend the  
Teachers' Superannuation Act, 1983**

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause 1 (1) (g) of the *Teachers' Superannuation Act, 1983*, being chapter 84, is amended by adding at the end thereof “or under a predecessor of this Act”.**

**(2) Subclause 1 (1) (j) (v) of the said Act is amended by adding at the end thereof “or as a person deemed to continue to be employed in education by section 11”.**

**(3) Subclause 1 (1) (j) (vii) of the said Act is amended by striking out “or in the Ministry of Education” in the first and second lines.**

**(4) Subclause 1 (1) (j) (viii) of the said Act is amended by striking out “the Minister of Education or” in the first line.**

**(5) A person who was employed in education, within the meaning of the said Act, immediately before the 1st day of January, 1986, does not cease to be employed in education for the purposes of the said Act by reason only of the amendments set out in subsections (3) and (4).**

Transitional

**2. Subsections 4 (5), (6), (7) and (8) of the said Act are repealed and the following substituted therefor:**

**(5) Contributions to the Fund under subsection (3) may be increased in each year by an amount that does not exceed 6.9 per cent of the annual rate of salary that would be payable to the person in the year if the annual rate of salary paid to the person immediately before the cessation by reason of disability of the person's employment in education were increased in each year after the person so ceased to be employed in the same manner as a pension would be increased in each year under the *Superannuation Adjustment Benefits Act*.**

Increased contributions whether or not provided for in agreement

Application  
of  
contributions

(6) Contributions under subsection (5) may be made by or for the person in any year after the first year of contribution, but apply only in respect of the year in which the contributions are made, and the person in respect of whom the contributions are accepted shall be given credit in the Fund for the annual rate of salary on which the contributions under this section accepted by the Commission are based.

**3. Subsection 5 (4) of the said Act is repealed and the following substituted therefor:**

Long term  
disability

(4) Subsection (1) applies in respect of contributions made to the Fund in accordance with section 4 (long term disability agreements), but does not apply in respect of contributions under that section in respect of a person referred to in subsection (2) or (3).

**4. Section 9 of the said Act is amended by adding thereto the following subsection:**

Termination  
of election

(9a) A person employed in education as a teacher in a private school designated under this or a predecessor Act who elected to be excluded from the benefits and obligations of this or a predecessor Act may, by written notice in form satisfactory to the Commission, terminate the effect of the election, provided that,

- (a) the person is entitled to be a contributor to the Fund on and after the 1st day of September, 1986;
- (b) the person is employed in education as a teacher in a designated private school on the 1st day of September, 1986;
- (c) the person continues to be employed in education for at least twenty working days in the school year commencing on the 1st day of September, 1986; and
- (d) the written notice of termination provided for in this section is delivered as required by this section before the 1st day of January, 1987 to the governing body of the designated private school where the person is employed and to the Commission,

and upon delivery of the notice of termination in accordance with this subsection, the person is, from and after the 1st day of September, 1986, entitled to the benefits and subject to the obligations of this Act.

**5. Subsection 14 (2) of the said Act is amended by adding thereto the following paragraph:**

4. Paragraph 3 does not apply if the person's credit in the Fund has been reduced to less than ten years by a refund made to the person under subsection 44 (4) or a predecessor thereof.

**6. Section 16 of the said Act is repealed and the following substituted therefor:**

**16.—(1)** Where a person ceases to receive a superannuation allowance under this or a predecessor Act because of re-employment in education, and the re-employment is for less than one year, the person is entitled, upon the cessation of the re-employment and subject to subsection (3), to the resumption of the superannuation allowance to which the person was entitled immediately before the re-employment.

Resumption of superannuation allowance

(2) Where a person ceases to receive a superannuation allowance under this or a predecessor Act because of re-employment in education, and the re-employment is for a period or periods equivalent to full-time employment in education for one year or more, the person is entitled, upon the cessation of the re-employment and subject to subsection (3), to apply for a superannuation allowance under this Act adjusted to reflect the contributions to the Fund by or for the person during the period of re-employment.

Application for adjusted allowance

(3) A person mentioned in subsection (1) or (2) who has received, during the re-employment in education, a superannuation allowance under this or a predecessor Act is not entitled to the resumption of superannuation allowance under subsection (1) or to apply for a superannuation allowance under subsection (2) until the person pays to the Fund an amount equal to the total of the superannuation allowance received by the person during the re-employment together with interest on each such superannuation allowance payment computed at the debenture rate for the fiscal year in which the person's re-employment in education commenced and for the period from the date when each such superannuation allowance payment was paid out of the Fund to the date when it is paid to the Fund.

Allowance to be repaid

(4) This section applies despite subsection 76 (1).

Application of section

**7. The said Act is amended by adding thereto the following section:**

Reduction  
not to apply

**18a.** The reduction mentioned in paragraph 4 of subsection 13 (3) or in paragraph 4 of subsection 18 (2) does not apply in respect of a person who,

- (a) is entitled to an allowance under section 13 or 18;
- (b) has attained the age of fifty-five years;
- (c) has credit in the Fund for a period or periods equal to at least ten years of full-time employment in education; and
- (d) ceases to be employed in education after the 31st day of May, 1986 and before the 1st day of September, 1989.

**8. Section 23 of the said Act is repealed and the following substituted therefor:**

Effect of re-  
employment  
as a teacher

**23.—(1)** A person who is receiving a disability allowance under section 18 or a predecessor thereof, and who becomes employed as a teacher in a school or institution ceases to be entitled to the disability allowance until the person ceases to be so employed.

Re-  
employment  
in education  
other than  
as a teacher

(2) A person who is receiving a disability allowance under section 18 or a predecessor thereof, and who is employed in education otherwise than as a teacher, may continue to receive, subject to subsection (3), any disability allowance to which the person continues to be entitled.

Idem

(3) The disability allowance payable to a person mentioned in subsection (2) shall be reduced by the amount by which,

- (a) the aggregate of the disability allowance paid to the person in the year, plus the payments made to the person in the year under the *Superannuation Adjustment Benefits Act* in relation to that allowance, plus the salary paid to the person in the year in respect of employment in education,

R.S.O. 1980,  
c. 490

exceeds an amount equal to,

- (b) the annual rate of salary paid to the person immediately before the cessation, by reason of the disability, of the person's employment in education and increased in each year after the person so ceased to be employed, to and including the year referred to in clause (a), in the same manner as a pension

would be increased under the *Superannuation Adjustment Benefits Act*. R.S.O. 1980, c. 490

(4) This section applies despite subsection 76 (1).

Application  
of section

**9. Subsection 26 (1) of the said Act is amended by inserting after "Act" in the second line "other than a survivor allowance".**

**10. Subsection 28 (1) of the said Act is repealed and the following substituted therefor:**

(1) The child or children of a person who,

(a) dies while receiving or with a vested interest in an allowance under this Act; and

(b) is survived by a spouse entitled to an annual survivor allowance in respect of the person,

Survivor  
allowance  
to child on  
death of  
surviving  
spouse

are entitled upon the death of the spouse to an annual survivor allowance payable to or among such of the child or children as are, at the death of the spouse, under the age of eighteen years until each child attains that age or dies under that age, and the share of each of the children who attains that age or dies under that age accrues to the child or children, if any, remaining under that age.

**11. Subsection 29 (1) of the said Act is repealed and the following substituted therefor:**

(1) The child or children of a person who,

(a) dies while receiving or with a vested interest in an allowance under this Act; and

(b) is not survived by a spouse entitled to an annual survivor allowance under this Act in respect of the person,

Survivor  
allowance  
to child  
where no  
surviving  
spouse

are entitled upon the death of the person to an annual survivor allowance payable to or among such of the child or children as are, at the death of the person, under the age of eighteen years until each child attains that age or dies under that age, and the share of each of the children who attains that age or dies under that age accrues to the child or children, if any, remaining under that age.

**12. The said Act is further amended by adding thereto the following section:**

Deduction  
and  
remittance  
of health  
insurance  
premiums

**37a.**—(1) The Commission may accept and act upon a written direction from a person receiving an allowance under this or a predecessor Act that authorizes the Commission, on behalf of the person, to deduct and remit from the allowance,

- (a) premiums payable under the Ontario Health Insurance Plan by the person; or
- (b) premiums for medical, dental or health related insurance payable by the person under a contract of group insurance approved by the Commission for the purpose of this section and effected between an insurer within the meaning of the *Insurance Act* and the Superannuated Teachers of Ontario or any other organization prescribed by the regulations for the purpose of this section.

R.S.O. 1980,  
c. 218

Form of  
direction

(2) The Commission is not required to accept or to act upon a direction that is not in a form approved by the Commission, and the Commission may impose and require compliance with such conditions as the Commission considers appropriate before accepting or acting upon a direction.

Application  
of s. 43 (1)

(3) Subsection 43 (1) (which prevents assignment of an allowance) does not apply to prevent deductions and remittances under subsections (1) and (2).

**13. Section 46 of the said Act is amended by adding thereto the following subsection:**

Employment  
for fewer  
than  
twenty days

(3) Notwithstanding subsection (1), a person in receipt of a superannuation allowance under this or a predecessor Act who is employed in education for fewer than twenty days in a school year is entitled upon application to the Commission, after the end of the school year, to a refund of contributions made to the Fund by or for the person during the school year.

**14. Section 64 of the said Act is amended by adding thereto the following subsections:**

Delivery of  
valuations  
to Minister

(4) The actuary shall deliver to the Minister every valuation made under subsection (3) forthwith after making the valuation.

Transmittal  
of copy to  
Commission

(5) The Minister shall transmit to the Commission a copy of each valuation delivered by the actuary under subsection (4).

Transmittal  
of copies  
under  
R.S.O. 1980,  
c. 373

(6) The Minister shall transmit to the Pension Commission of Ontario the copies of valuations delivered by the actuary

under subsection (4) that are required by or under the *Pension Benefits Act*.

**15.—(1) Clause 75 (1) (e) of the said Act is repealed and the following substituted therefor:**

- (e) authorizing the Commission to require boards, contributors to the Fund, recipients of allowances under this Act or applicants for allowances under this Act to furnish information to or for the use of the Commission, and prescribing the form thereof and the information to be furnished.

**(2) Subsection 75 (1) of the said Act is amended by adding thereto the following clauses:**

- (t) providing for and regulating the granting of credit in the Fund to persons employed in education in respect of past teaching service in schools or institutions in Ontario prescribed for the purpose of this clause, prescribing conditions in respect of the giving of such credit, prescribing the amount or the method of calculating the amount of the credit, and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;
- (u) prescribing minimum allowances under this or a predecessor Act and providing for the payment thereof or for payments to increase an allowance under this or a predecessor Act that is below the prescribed minimum allowance, prescribing the classes of persons to whom any such minimum allowance shall be paid, and providing for the payment out of the Consolidated Revenue Fund of all or any part of any such minimum allowance or of any amount to be paid to increase allowances under this or a predecessor Act to the amount of a prescribed minimum allowance.

**16.—(1) This Act, except sections 1, 2, 3, 4, 5, 10, 11 and 13, comes into force on the day it receives Royal Assent.** Commence-  
ment

**(2) Subsections 1 (1) and (2) and sections 5, 10 and 11 shall be deemed to have come into force on the 1st day of September, 1984.** Idem

**(3) Subsections 1 (3), (4) and (5) and section 2 shall be deemed to have come into force on the 1st day of January, 1986.** Idem

Idem

(4) Sections 3, 4 and 13 come into force on the 1st day of September, 1986 and apply in respect of school years, as defined in the *Teachers' Superannuation Act, 1983*, commencing on or after that date.

1983, c. 84

Short title

17. The short title of this Act is the *Teachers' Superannuation Amendment Act, 1986*.