c 85 The Teachers' Superannuation Amendment Act, 1975

Ontario
CHAPTER 85

An Act to amend
The Teachers' Superannuation Act

Assented to July 18th, 1975

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

1. (1) Clause e of subsection 1 of section 1 of The Teachers' Superannuation Act, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, is further amended by striking out "under contract" in the first line.

(2) Subclause viii of clause e of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(viii) as a full time employee by a board or in the Ministry.

2. Section 10 of the said Act is repealed and the following substituted therefor:

10. The period from the 1st day of November, 1974 to the 31st day of December, 1975 shall be deemed to be a fiscal year of the Commission and thereafter the period from the 1st day of January to the 31st day of December constitutes the fiscal year of the Commission.

3. Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

(3) In this section, "salary" means salary in accordance with the terms and conditions under which the person is employed, and includes a cost of living or other similar benefits but does not include any additional remuneration for extra services.
4. Section 21 of the said Act is amended by adding thereto the following subsection:

(7) Where a person is employed and contributes to the Superannuation Adjustment Fund under The Superannuation Adjustment Benefits Act, 1975, the contribution shall be deducted by the board or other authority employing the person from each payment of his salary.

5. Section 22 of the said Act, as amended by the Statutes of Ontario, 1971, (2nd Session), chapter 9, section 10, is further amended by adding thereto the following subsection:

(3) The person required to make payment to the Fund under subsection 1 or 2 shall be deemed to be the employer of the contributor to the Fund for the purpose of the contributions to be made by the employer under The Superannuation Adjustment Benefits Act, 1975.

6. (1) Subsection 1 of section 28 of the said Act is amended by adding "and" at the end of clause a, by striking out "and" at the end of clause b and by striking out clause c.

(2) Subsection 3 of the said section 28 is amended by inserting after "month" in the second line "following the month".

(3) Subsection 6 of the said section 28 is amended by adding "and" at the end of clause a, by striking out "and" at the end of clause b and by striking out clause c.

7. (1) Subsection 1 of section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is repealed and the following substituted therefor:

(1) Where a person who has credit in the Fund for ten or more years dies or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or
(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years, as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years, as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 2 of the said section 32 is amended by striking out "retirement" in the third line and inserting in lieu thereof "last day of employment".

(3) Subsection 3 of the said section 32 is repealed and the following substituted therefor:
On death or divorce of spouse of dependant, dependant entitled to dependant's allowance

8. Subsections 1 and 2 of section 34a of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 19, are repealed and the following substituted therefor:

(1) Where the Minister, a board, the Ontario Teachers' Federation, an affiliate as defined in The School Boards and Teachers Collective Negotiations Act, 1975 or any other authority approved by the Commission enters into an agreement with an insurer within the meaning of The Insurance Act to provide an income to any person who contributes to the Fund in the event of a long term disability, the agreement shall be submitted to the Commission for approval.

(2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person who contributes to the Fund for each month in respect of which the person receives a payment under the agreement where the contribution by the insurer is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be 6 per cent of the annual rate of salary paid to the contributor immediately before the cessation of his employment.

9. Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

(1) The Commission may at any time require a person who is receiving a disability allowance under section 29 or 30 to furnish evidence, in such form as it directs, of his mental or physical condition.

10. Subsections 2 and 3 of section 50 of the said Act are repealed and the following substituted therefor:

(2) Notwithstanding subsection 1, a person who has taken a refund of his contributions to the Fund under section 49 in lieu of an annual superannuation allowance under section 28 and subsequently is employed for twenty or more days in a school year and desires to be reinstated in the Fund in
respect of his former period of employment may be so reinstated by paying into the Fund an amount equal to the total of the refund, including the interest, if any, paid to him at the time of the refund, together with interest on such amount from the date of the refund until the completion of the repayment at the rate paid on Ontario Government stock or Province of Ontario debentures that are received by the Fund in the fiscal year of the Province of Ontario in which the refund was made except that, where such rate is less than that specified in section 11, the rate shall be that specified in section 11, and any disability or superannuation allowance or other payment out of the Fund to which he may become entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount of the refund that is not repaid.

(3) No person who has withdrawn his contributions from the Fund and is subsequently employed and elects to be reinstated in the Fund under subsection 1 or 2 is eligible for a disability allowance under section 29 or 30 until he has been employed for two school years after his return to employment.

11. Section 54 of the said Act is amended by striking out “other than a widower under section 32” in the second line.

12. Section 55 of the said Act is repealed and the following substituted therefor:

55. Where,

(a) the payments made under section 32;

(b) the amount of the allowance and any payments made under section 32; or

(c) the payments made under section 34,

with interest at 3 per cent per year compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the Fund at 3 per cent per year compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

13.—(1) Clauses b and d of paragraph 15 of section 59 of the said Act are repealed and the following substituted therefor:

(b) because of pregnancy or the adoption of a child;
(d) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(2) Clauses *b* and *c* of paragraph 16 of the said section 59 are repealed and the following substituted therefor:

* (b) because of pregnancy or the adoption of a child;

* (c) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(3) Paragraph 23 of the said section 59 is amended by striking out "during a period that is declared by the regulations to be a period during which there is urgent need for their services" in the third, fourth and fifth lines.

14. This Act comes into force on the day it receives Royal Assent.

15. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1975*.