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c 102 The Ontario Municipal Employees Retirement System Amendment Act, 1972

Ontario

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CHAPTER 102

An Act to amend The Ontario Municipal Employees Retirement System Act

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

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

1. Section 1 of The Ontario Municipal Employees Retirement System Act, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1. In this Act,

(a) "approved pension plan" means a pension plan that has been established by a municipality or local board under any general or special Act;

(b) "benefit" means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;

(c) "Board" means the Ontario Municipal Employees Retirement Board;

(d) "councillor" means a person who is a member of a council of a municipality;

(e) "earnings", in the case of an employee who is a member, means the salary or wages paid to him by an employer including the value of any perquisites received from an employer and, in the case of a councillor who is a member, means any moneys paid to him for his services as a councillor under The Municipal Act or under any Act establishing a metropolitan, regional or district municipality;
(f) "employee" means any person who is employed by an employer, but does not include any person who contributes to a pension plan under The Teachers' Superannuation Act or The Public Service Superannuation Act;

(g) "employer" means a municipality or local board, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act;

(h) "Fund" means the Ontario Municipal Employees Retirement Fund;

(i) "local board" means a local board as defined in The Municipal Affairs Act, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board;

(j) "member" means a person who has become a member of the System;

(k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(l) "municipality" includes a metropolitan, regional and district municipality;

(m) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;

(n) "prior service" means the service of an employee or councillor before the date upon which this Act and the regulations become applicable to the employer;

(o) "regulations" means the regulations made under this Act;

(p) "service" means service rendered to an employer by an employee or councillor, as the case may be, for which earnings are received;
(q) "supplementary benefit" means a benefit in addition to the benefit to which a member or the widow, widower, child, beneficiary or estate of the member is entitled by reason of his membership in the System;

(r) "System" means the Ontario Municipal Employees Retirement System;

(s) "widow" or "widower" includes a woman or a man who,

(i) establishes to the satisfaction of the Board that she or he had, for a period of not less than seven years immediately prior to the death of a member with whom she or he had been residing and with whom by law, she or he was prohibited from marrying by reason of a previous marriage either of the member or of herself or himself to another person, been maintained and publicly represented by the member as her husband or his wife, or

(ii) establishes to the satisfaction of the Board that she or he had, for a number of years immediately prior to the death of a member with whom she or he had been residing, been maintained and publicly represented by the member as her husband or his wife, and that at the time of the death of the member, neither she or he nor the member was married to any other person.

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

1a. For the purposes of this Act, a woman or a man who has established to the satisfaction of the Board that she or he is a widow or widower under sub-clause i or ii of clause s of section 1 shall, if the Board so directs, be deemed to have become married to the member at such time as she or he commenced being represented by him or her as his wife or husband and a woman or man who could establish that she or he is a widow or widower under
subclause i or ii of clause s of section 1 but for her or his marriage to a member after such time as she or he commenced being represented by him or her as his wife or her husband shall, if the Board so directs, be deemed to have become married to the member at the time when, in fact, she or he commenced being so represented.

3. Subsection 1 of section 4 of the said Act is amended by inserting after "widows" in the third line "widowers".

4.—(1) Clause f of section 13 of the said Act is amended by inserting after "employees" in the second line "and councillors".

(2) Subclause iii of clause h of the said section 13 is repealed and the following substituted therefor:

(iii) a pension to the widow, widower or children.

3. (3) The said section 13 is amended by adding thereto the following clause:

(ka) prescribing the terms and conditions upon which pensions and increases in pensions for retired employees, their widows, widowers and children may be provided.

(4) Clause m of the said section 13 is amended by striking out "employees" in the third line and inserting in lieu thereof "members".

(5) The said section 13 is further amended by adding thereto the following clause:

(ma) prescribing the terms and conditions upon which members may accumulate pension benefits while absent from duty.

5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out "employee" in the third line and inserting in lieu thereof "member".

(2) The said section 14 is amended by adding thereto the following subsection:

Participation in System

(1a) Participation in the System by a municipality may be in respect of both councillors and employees or in respect of either of them.
6. This Act comes into force on the day it receives Royal Assent.

7. This Act may be cited as The Ontario Municipal Employees Retirement System Amendment Act, 1972.