

Partition of Employment Earnings

recorded under the Québec Pension Plan



Partition of Employment Earnings Recorded Under the Québec Pension Plan

The Québec Pension Plan provides for retirement, disability and survivors' benefits where workers have sufficiently contributed to the Plan. Benefit amounts are calculated based on the employment earnings recorded under the Plan.

How are the earnings recorded under the Plan partitioned?

When there is a breakdown in a couple's union, the employment earnings recorded under the Québec Pension Plan under the names of both former spouses are added together and divided equally for each year subject to partition. The partitioned employment earnings are not paid to the former spouses. Rather, the earnings will be used to calculate the amount of their pensions once the former spouses become entitled to them. The new earnings can give entitlement to a retirement pension, a disability pension or survivors' benefits and can also affect the amount of any pensions already being paid. If one of the former spouses is already receiving a pension when partition is carried out, the pension amount could increase or decrease.

Who is subject to partition?

Married spouses or spouses in a civil union

When the former spouses have obtained a judgment or a notarized joint declaration of dissolution of civil union, the earnings recorded under the Plan for the period of their marriage or civil union are partitioned, unless the former spouses specifically renounced partition in the judgment or notarized joint declaration.

If they lived together as de facto (common law) spouses before their marriage or civil union, partition of the former spouses' earnings can also be carried out for that period. In order for the de facto union to be considered, a joint application must be made, unless the judgment or notarized joint declaration already provides for partition for that period. The former spouses have three years from the date on which the judgment or notarized joint declaration takes effect to file an application.

De facto spouses

Partition of employment earnings can be carried out for the years of the former de facto spouses' union. To be entitled to partition, they must meet the following conditions:

- ▶ Before filing an application for partition, they must have been separated for at least 12 months.
- ▶ They must have lived in a conjugal relationship for at least 3 years, or for at least one year if they had or adopted a child.
- ▶ At the time of separation, the former spouses must not have been married to, or in a civil union with, another person.
- ▶ They must file a joint application within four years of the separation.

Have spouses who renounced partition of family patrimony also renounced partition of employment earnings recorded under the Québec Pension Plan?

No. Spouses who renounced partition of family patrimony before 1 January 1991 have not, as a result of that renunciation, renounced partition of employment earnings recorded under the Québec Pension Plan. In order to renounce partition of employment earnings, former spouses must specifically renounce it in the notarized joint declaration or in the judgment granting a divorce, legal separation, civil annulment of marriage or a dissolution or annulment of civil union.

What happens if the former spouses remarry, die or resume living together?

Normally, once partition has been carried out, neither remarriage, a new civil union, death, nor living together again can cancel partition. The employment earnings that were partitioned for a given period cannot be changed.

Important! If the judgment provides for partition under a supplemental pension plan (also called a “pension fund” or private pension plan), partition will not be carried out automatically as in the case of the Québec Pension Plan. The plan member or the former spouse must file an application with the administrator of the pension plan. The administrator’s contact information can be found on the statement that is periodically sent to plan members or by contacting the employer. The administrator’s address can also be found in the Régie’s online service: Pension Plans Supervised by the Régie (www.rrq.gouv.qc.ca).

Can partition be cancelled?

Married spouses or spouses in a civil union

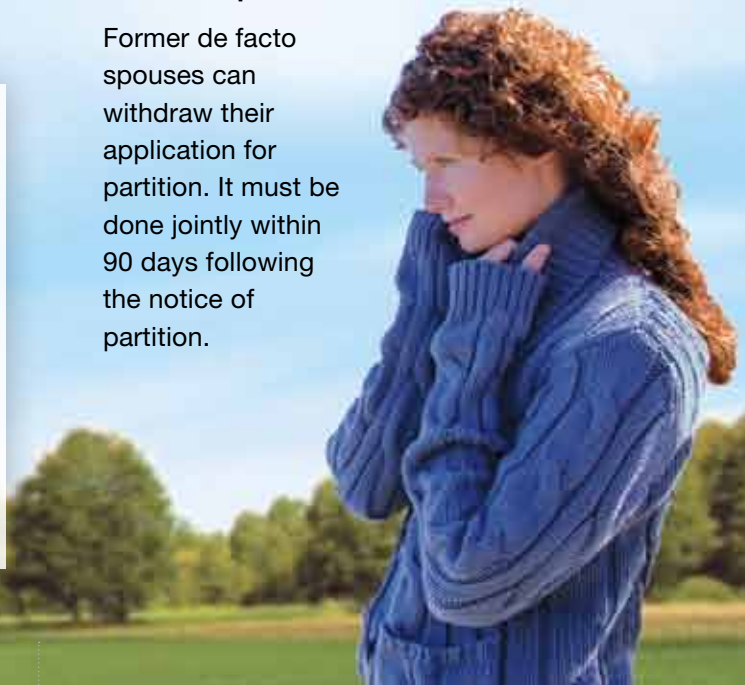
In general, once partition has been carried out, the employment earnings that were partitioned for a given period cannot be changed.

However, the former spouse whose earnings recorded under the Québec Pension Plan or Canada Pension Plan were increased as a result of partition can decide to renounce it. To do so, he or she has one year following the effective date of the judgment or notarized joint declaration. The renunciation must be made by means of a notarial deed registered in Québec.

In addition, it is possible to file an application with the Superior Court asking it to rule on any question relating to partition of family patrimony, including partition of earnings recorded under the Québec Pension Plan. The Court will decide whether the circumstances justify filing such an application.

De facto spouses

Former de facto spouses can withdraw their application for partition. It must be done jointly within 90 days following the notice of partition.



Visit our Web site to find out which pensionable employment earnings are eligible under the Québec Pension Plan.



A decision rendered by the Régie may be reviewed

If you would like to provide new or additional information, call us.

You can also ask the Régie to review its decision concerning partition. However, you must file your application for review within 90 days of the date of the decision sent by the Régie. You can obtain the Application for Review of a Decision form on our Web site or by calling the Régie. You must provide any documents in support of your application for review.

If the Régie has not rendered a decision within 90 days after receiving your application for review (or 180 days if the Régie had to ask for additional information), you can lodge an appeal with the Administrative Tribunal of Québec without waiting for the Régie's review decision.

You will receive the Régie's new decision

Following your application for review, the Régie will inform you in writing of its new decision. If you do not agree with this decision, you have 60 days to appeal against it before the Administrative Tribunal of Québec.

It's all online

The information in this document is also available on our Web site. There you can find up-to-date information and amounts.

Use our online services:

- ▶ Statement of Participation in the Québec Pension Plan;
- ▶ CompuPension a tool for simulating retirement income;
- ▶ SimuIR, a simplified retirement income simulator tool;
- ▶ Application for a Retirement Pension;
- ▶ Application for Survivors' Benefits;
- ▶ Forms and publications.

*Sign up for our Liaison RRQ e-notification service... **It's free!***



How to reach us



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