

**NOTICE OF AUTHORIZATION OF A CLASS ACTION  
CONCERNING THE INDEXATION OF CERTAIN PENSIONS  
OF THE PENSION PLAN OF MANAGEMENT PERSONNEL**

On May 13, 2022, the Court of Appeal authorized a class action against the Government of Québec.

The class action concerns certain provisions of *An Act to foster the financial health and sustainability of the Pension Plan of Management Personnel and to amend various legislative provisions*, SQ 2017, c. 7 (Bill 126), adopted by the National Assembly on May 11, 2017. These provisions are referred to in this notice as the “**Contested Provisions**”.

The Contested Provisions suspend for 6 years the indexation of certain pensions of the Pension Plan of Management Personnel (the “**PPMP**”). This measure is referred to in this notice as the “**6-Year Suspension**”. After this suspension period, the Contested Provisions also reduce the indexation of these pensions by one-half for the part attributable to service prior to July 1, 1982. This measure is referred to in this notice as the “**Pre-1982 Deindexation**”.

The class action is brought on behalf of all persons in the class described below:

“All persons **(a)** who are entitled to a pension under the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 (the “**APPMP**”), including pension amounts added under sections 104 and 105 of the *APPMP*, if any, and **(b)** who are, as the case may be, **(i)** an employee who ceased to be a member of the PPMP before July 1, 2019, **(ii)** an employee referred to in the first paragraph of section 9 of the *APPMP* who ceased to hold pensionable employment under the PPMP before July 1, 2019; **(iii)** an employee whose pension is a deferred pension and who retired before July 1, 2019; or **(iv)** the spouse of an employee referred to in (i), (ii) or (iii).”

(hereinafter, the “**Class**”)

All members of the Class are subject to the 6-Year Suspension. The latter applies to their pensions for the years 2018 through 2023 or the years 2021 through 2026, as applicable. The Class includes a subclass consisting of all members of the Class whose pension includes a portion attributable to service prior to July 1, 1982. Only members of this subclass are subject to the Pre-1982 Deindexation.

The status of representative of the members of the Class has been attributed to Mr. René Allard.

<b>WHO IS A MEMBER OF THE CLASS?</b>
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You are a member of the Class if :

- You receive a pension from the PPMP as a retired person and:
  - you have retired or ceased to hold pensionable employment under the PPMP before July 1, 2019; or

- your pension was a deferred pension that took effect before July 1, 2019;

OR

- You receive a pension from the PPMP as the surviving spouse of a retired person who met the above conditions.

**In case of doubt, consult the documents “*Votre rente 2021*”, “*Votre rente 2022*” or “*Votre rente 2023*” that have been sent to you by Retraite Québec in connection with the PPMP. If these documents indicate that the indexation of your pension is suspended for the period beginning January 1, 2018 and ending December 31, 2023, or for the period beginning January 1, 2021 and ending December 31, 2026, you are a member of the Class.**

**Please note that Retraite Québec cannot help you determine whether you are a member of the Class. It is therefore pointless to contact Retraite Québec about this.**

#### **WHAT IS THE PURPOSE OF THE CLASS ACTION?**

The representative alleges that the Contested Provisions are unconstitutional and without effect. He requests that the pensions be indexed as they would have been if the Contested Provisions had not been adopted. The class action also seeks the reimbursement of the pension amounts already lost due to the Contested Provisions, as well as other compensatory and punitive damages.

The Government of Québec, represented by the Attorney General of Québec, disputes the merits of these allegations and claims. To decide the matter, a trial will be held in the judicial district of Montreal.

The main questions submitted to the Superior Court are the following:

- (a) Do the Contested Provisions infringe the right to bargain collectively protected by the Class members’ freedom of association, in violation of paragraph 2(d) of the *Canadian Charter of Rights and Freedoms* (the “**Canadian Charter**”) and of section 3 of the *Charter of human rights and freedoms* (the “**Québec Charter**”), and are they consequently unconstitutional and without effect?
- (b) Do the Contested Provisions infringe the equality rights of Class members by discriminating against them on the basis of age, in violation of paragraph 15(1) of the *Canadian Charter*, and are they consequently unconstitutional and without effect?
- (c) Do the Contested Provisions infringe the equality rights of Class members by discriminating against them on the basis of their retiree status, in violation of paragraph 15(1) of the *Canadian Charter*, and are they consequently unconstitutional and without effect?
- (d) Do the Contested Provisions infringe the Class members’ right to

conditions of employment determined without any discrimination, in violation of section 16 of the *Québec Charter*, and are they consequently without effect?

(e) Do the Contested Provisions infringe the Class members' right to fair and reasonable conditions of employment, in violation of section 46 of the *Québec Charter*?

(f) Do the Contested Provisions have the effect of nullifying or impairing the Class members' right to full and equal recognition and exercise of the rights referred to in paragraphs (a), (d) and (e) above, in violation of section 10 of the *Québec Charter*, and are they consequently without effect?

(g) Do the Contested Provisions result from conduct that is clearly wrong, from bad faith and/or from an abuse of power on the part of the government?

(h) Are the Class members entitled to an award of compensatory damages for the losses associated with the past effects of the 6-Year Suspension and of the Pre-1982 Deindexation at the time of the judgment to be rendered on the merits of the class action?

(i) Are the Class members entitled to an award of compensatory damages for the stress and inconvenience caused by the uncertainty arising from the prospect of future reductions in their pensions?

(j) What is the total amount of the compensatory damages owed to the Class members?

(k) Did the government unlawfully and intentionally interfere with the rights guaranteed to the Class members by sections 3, 10, 16 and 46 of the *Québec Charter*?

(l) Are the Class members entitled to an award of punitive damages?

(m) What is the total amount of the punitive damages owed to the Class members?

The conclusions sought by the representative René Allard are the following:

**GRANT** the originating application for a class action;

**DECLARE** that the second paragraph of section 92, sections 108.1, 108.2, 116.1, 116.2, the second paragraphs of sections 156 and 157, and section 211.3 of the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 are unconstitutional and without effect, and have been since they came into force;

**DECLARE** that section 196.30 of the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 must be applied as if the "amendments made by the Act to foster the financial health and

*sustainability of the Pension Plan of Management Personnel and to amend various legislative provisions (2017, chapter 7)” did not include the second paragraph of section 92, sections 108.1, 108.2, 116.1, 116.2, the second paragraphs of sections 156 and 157, and section 211.3 of the Act respecting the Pension Plan of Management Personnel, CQLR c. R-12.1;*

**DECLARE** that the benefits paid to the Class members pursuant to the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 must, from the date of the judgment, be of the same amount as they would have been on the same date if the second paragraph of section 92, sections 108.1, 108.2, 116.1, 116.2, the second paragraphs of sections 156 and 157, and section 211.3 of the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 had never been adopted;

**CONDEMN** the Government of Québec to reimburse to each Class member the difference between the benefits that have been paid up to the date of the judgment and the benefits that would have been paid up to that date if the second paragraph of section 92, sections 108.1, 108.2, 116.1, 116.2, the second paragraphs of sections 156 and 157, and section 211.3 of the *Act respecting the Pension Plan of Management Personnel*, CQLR c. R-12.1 had never been adopted, in addition to interest at the legal rate and to the additional indemnity under section 1619 of the *Civil Code of Quebec*, CQLR c. CCQ-1991, from the date of service of the application for authorization of a class action;

**CONDEMN** the Government of Québec to pay \$ 500 (sum to be adjusted) to each Class member as compensatory damages for the stress and inconvenience caused by the uncertainty arising from the prospect of future reductions in their pensions, in addition to interest at the legal rate and to the additional indemnity under section 1619 of the *Civil Code of Quebec*, CQLR c. CCQ-1991, from the date of service of the application for authorization of a class action;

**CONDEMN** the Government of Québec to pay \$ 1,000 (sum to be adjusted) to each Class member as punitive damages, in addition to interest at the legal rate and to the additional indemnity under section 1619 of the *Civil Code of Quebec*, CQLR c. CCQ-1991, from the date of service of the application for authorization of a class action;

**ORDER** the collective recovery of the compensatory and punitive damages to be paid to the Class members by the Government of Québec;

**THE WHOLE** with legal costs.

**A new notice to the Class members will be issued at the time of the final judgment on the class action.**

## WHAT ARE YOUR RIGHTS?

**You do not need to take any steps to participate in the class action. If you meet the conditions set out in the "*Who is a member of the Class?*" section above, you are automatically included in the Class.**

A Class member has the right to opt out of the Class in accordance with the procedure specified in the section "*How to opt out of the class action?*" below. Any Class member who will not have opted out **no later than November 28, 2024, at 4h30 PM**, shall be bound by any judgment to be rendered on the class action.

Any Class member who has filed judicial proceedings having the same subject matter as the class action will also be deemed to have opted out of the Class if he or she does not discontinue the proceedings before the expiration of the time for opting out.

A Class member may apply to the Superior Court to intervene in the class action. The Superior Court will allow the intervention if it is of the opinion that it will be helpful to the Class. Please note that a Class member who intervenes may be required to undergo an examination at the request of the Government of Québec's attorneys.

No Class member, other than the representative René Allard or an intervenor, may be required to pay legal costs arising from the class action if it were to be dismissed.

## HOW TO OPT OUT OF THE CLASS ACTION?

A Class member may opt out by providing a written notice to the Clerk of the Superior Court **no later than November 28, 2024, at 4h30 PM**, at the following address:

**Office of the Superior Court of Québec**  
Montréal Courthouse  
1, Notre-Dame Street East  
Montréal (Québec) H2Y 1B6

Your notice must state that you wish to opt out from the class action filed by René Allard against the Attorney General of Québec, as well as the docket number, #500-06-001065-206.

Whether or not you opt out of the Class, your pension may be affected if the Superior Court rules that the Contested Provisions are unconstitutional and without effect. Subject to the foregoing, if you opt out of the Class, you will not be paid damages if the class action is granted or indemnities if an out-of-court settlement is reached.

## TO LEARN MORE ABOUT THE CLASS ACTION

For any information about the class action, you can contact the attorneys of the representative René Allard and of the Class members:

M<sup>e</sup> Jean-Philippe Groleau  
M<sup>e</sup> Guillaume Charlebois  
Davies Ward Phillips & Vineberg LLP

1501 McGill College Avenue, 26<sup>th</sup> floor  
Montréal (Québec) H3A 3N9  
Telephone : 514-841-6400  
Fax : 514-841-6499  
Email: [ppmpretirees@dwpv.com](mailto:ppmpretirees@dwpv.com)

You can also consult the Class Actions Registry where all proceedings and judgments on the class action are published, or the website of "*Les retraités du RRPE*", created by associations of retirees that support the class action:

<https://www.registredesactionscollectives.quebec/en/Consulter/ApercuDemande?NoDossier=500-06-001065-206>

<https://retraitesdurrpe.com/>

**Please note that Retraite Québec cannot provide you with information regarding the class action. It is therefore pointless to contact Retraite Québec about this.**

**THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.**