

Superannuation

we must also recognize their entitlement to past benefits denied by the present legislation.

It is disappointing that the Bill does not provide retroactive payment of benefits. It is also disappointing that the Bill does not address the other issues of concern to federal superannuates.

Another recommendation of the parliamentary committee on equality rights was to repeal the provisions of federal superannuation plans disentitling surviving spouses to benefits when the marriage took place after the contributor's retirement or, in the case of the Royal Canadian Mounted Police and the Canadian Forces Superannuation Acts, after the contributor reached 60 years of age. Again, these provisions are clearly contrary to the Charter, I would suggest. Where survivor benefits are provided, they should be available regardless of the date of marriage.

Bill C-24 does nothing to adjust the rate of survivor benefits. Amendments to the Pension Benefits Standards Act, which took effect in January 1987, require the provisions of survivor benefits equal to at least 60 per cent of the contributor's retirement benefit. While the Canada Pension Plan was amended to reflect this requirement, federal superannuation plans provided a survivor benefit equal to only 50 per cent of the contributor's retirement pension. It is time that the Government brought federal superannuation plans in line with the Pensions Benefits Act.

Further, this legislation does not address the plight of common law spouses. Some superannuation plans allow Treasury Board full discretion in awarding a survivor benefit to a common law spouse. This means that a survivor benefit may be denied to a common law spouse of a contributor, even where there is no other person claiming to be the spouse.

As required by the PBSA, superannuation legislation must be amended to recognize common law relationships. Both common law and legal marriage must be fully recognized as giving rise to spousal pension rights, such as the splitting of pension credits and entitlement to survivor benefits.

The splitting of pension credits is another important issue which must be addressed. Ex-service wives are especially disadvantaged by the present discriminatory provisions of the Canadian Forces superannuation plan.

Ex-service wives often find themselves in situations of dire poverty even if their ex-spouses agree to full diversion of pension credits. Unlike the PBSA, there are no provisions currently in the Canadian Forces Superannuation Act to enable a splitting of pension credits to take place upon marriage breakdown.

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The wives of Royal Canadian Mounted Police personnel may also find themselves without a survival benefit upon the death of their spouse because the original legislation did not provide for survivor benefits.

While a separate fund was established to allow members of the RCMP to contribute to the provisions of the survivor benefits, there is no mechanism to provide survivor benefits to the survivors of RCMP members who either did not pay into the fund or who withdrew their contributions to the fund.

While the Pension Benefits Standards Act covers workers in federally regulated industries throughout Canada, the largest federal employer in the country, the federal Government, is yet exempt from its provisions. The PBSA deals with important pension issues, including portability, vesting, locking in, pension splitting upon divorce, and early retirement. Treasury Board has responsibility to address these issues in any superannuation legislation it introduces.

The PBSA requires that both full-time workers have access to pension plans after two years of employment, and part-time workers with earnings above \$9,000 per year. The right of workers to participate in a pension plan is an important right which must be fully protected. However, all workers should be entitled to participate in a pension plan regardless of their annual level of earnings.

The PBSA requires that benefits be vested after two years participation in a pension plan. Government has a responsibility to ensure that employers honour their pension obligations by vesting pension benefits. The vesting provisions of the PBSA are important ones which must be thoroughly applied to public service pensions.

Bill C-33, which died on the Order Paper in the last session of Parliament, was to address some of these issues by establishing a joint pension management board. However, Bill C-33 empowered Treasury Board to override the decision of the board. It also included the