

The Power Corporation Superannuation Act

being

Chapter P-20 of the *Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1983, c.29; 1984-85-86, c.16; 1988-89, c.42 and 44; 1990-91, c.C-8.1; 1992, c.P-6.001; 2000, c.60; 2013, c.W-17.11; 2019, c.25; and 2020, c.3.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-20

An Act respecting the Superannuation of Employees of Saskatchewan Power Corporation

SHORT TITLE

Short title

- 1** This Act may be cited as *The Power Corporation Superannuation Act*.

INTERPRETATION

Interpretation

- 2** In this Act:

- (a) **“board”** means The Power Corporation Superannuation Board mentioned in section 3;
- (b) **“commission”** means The Saskatchewan Power Commission as existing prior to the first day of February, 1949;
- (c) **“corporation”** means Saskatchewan Power Corporation;
- (d) **“employee”** means a person regularly employed on a full time basis by the corporation or by any company the majority of the issued shares of which are owned by the corporation and includes an employee whose work is of a seasonal nature unless excluded by order of the board whether of general or individual application;
- (e) **“minister”** means the member of the Executive Council from time to time in charge of the corporation.

R.S.S. 1978, c.P-20, s.2.

ADMINISTRATION

Superannuation board

- 3(1)** This Act shall continue to be administered by The Power Corporation Superannuation Board.
- (2)** The board consists of seven persons appointed by the Lieutenant Governor in Council, one of whom is to be designated as chairperson.
- (2.1)** Of the persons appointed as members of the board, at least two must be employees or representatives of the employees and at least one must be a representative of the superannuates.
- (3)** The expenses of administration of this Act shall be a charge upon and paid out of the revenues of the corporation.

R.S.S. 1978, c.P-20, s.3; 2000, c.60, s.2.

RETIREMENT

Compulsory retirement

4 Subject to the other provisions of this Act, every employee shall retire from the service of the corporation at the end of the last day of the month in which he attains the age of sixty-five years.

R.S.S. 1978, c.P-20, s.4.

Optional retirement between ages sixty and sixty-five

5 An employee who has attained the age of sixty years and has served at least fifteen years continuously after the thirty-first day of March, 1944, may be retired at his option and shall on retirement be entitled to the superannuation allowance provided for in section 17.

R.S.S. 1978, c.P-20, s.5.

Optional retirement

6 An employee who:

- (a) has attained the age of sixty years; and
- (b) has served at least twenty years continuously;

may be retired at his option and shall on retirement be entitled to a superannuation allowance.

R.S.S. 1978, c.P-20, s.6.

Same

7 An employee who:

- (a) was an employee on the thirty-first day of March, 1952; and
- (b) has served continuously for thirty-five years or more exclusive of war service reckoned under section 27, 28 or 29;

may be retired at his option before he attains the age of sixty years and upon retirement is entitled to a superannuation allowance.

R.S.S. 1978, c.P-20, s.7.

Retirement at option of corporation

8 An employee who, in the opinion of the corporation, is not physically or otherwise qualified for the requirements of his employment may be retired at the option of the corporation, and shall on retirement be entitled to a proportionately reduced superannuation allowance, if he has served for a total of fifteen years after the thirty-first day of March, 1944, with the corporation, or partly with the commission and partly with the corporation. In such case, the reduction in amount of allowance shall be such as may be determined by the board, and the provision of section 16 regarding minimum allowances shall not apply.

R.S.S. 1978, c.P-20, s.8.

Retention after age of retirement

9 When the corporation decides that it is in its interest to retain the services of an employee who has attained the age of retirement, it may continue with his consent to employ him for a further period not exceeding five years but not beyond the age of seventy years, upon such terms as to remuneration as may be deemed expedient. In such cases the superannuation allowance to which the employee so retained becomes entitled on retirement shall, subject to the provisions of section 16, be based upon the total number of his years of continuous service after the thirty-first day of March, 1944, and the amount of his average yearly salary during the six consecutive years of highest salary.

R.S.S. 1978, c.P-20, s.9.

Notice to employees due for retirement

10 Where an employee is to be retired under section 4, the board shall give him notice to that effect not less than six months prior to the date fixed for his retirement. Further notice need not be given when an employee is retained under section 9.

R.S.S. 1978, c.P-20, s.10.

SALARY**Certain salary deemed to be received**

11(1) Notwithstanding anything in this Act, where the salary authorized to be paid to an employee for services rendered:

- (a) during any period after the thirty-first day of March, 1957, and before the first day of May, 1969, exceeds salary at the rate of \$10,000 a year, the employee shall for all purposes of this Act be deemed to have been in receipt of a salary at the rate of \$10,000 a year during that period;
- (b) during any period after the thirtieth day of April, 1969, and before the first day of May, 1970, exceeds salary at the rate of \$11,500 a year, the employee shall for all purposes of this Act be deemed to have been in receipt of a salary at the rate of \$11,500 a year during that period;
- (c) during any period after the thirtieth day of April, 1970, and before the first day of May, 1972, exceeds salary at the rate of \$16,000 a year, the employee shall for all purposes of this Act be deemed to have been in receipt of salary at the rate of \$16,000 a year during that period;
- (d) during any period after the thirtieth day of April, 1972, and before the first day of May, 1973, exceeds salary at the rate of \$18,000 a year, the employee shall for all purposes of this Act be deemed to have been in receipt of salary at the rate of \$18,000 a year during that period.

(2) Notwithstanding anything in this or any other Act, the salary of an employee for services rendered by him during any period commencing on or after the first day of May, 1973, shall, for all purposes of this Act, be the salary actually received by the employee.

R.S.S. 1978, c.P-20, s.11.

CONTRIBUTIONS

Contributions by employees; computation of service of certain employees

12(1) No further contributions shall be made by an employee who:

- (a) has made contributions for a period of thirty-five years; or
 - (b) with the exception of an employee employed by the corporation under section 9, has contributed to the end of the last day of the month in which he attains the age of sixty-five years.
- (2) If a person who heretofore ceased or hereafter ceases to be an employee has again become or again becomes an employee the percentage for his contribution shall be determined by his age when he last entered or re-enters continuous employment with the corporation.
- (3) For the purpose of determining the contribution percentage payable by an employee who is permitted to make contributions to the fund in respect of the period of his temporary employment under subsection (15), the age to be considered shall be his age at the time when he became eligible to be transferred to the permanent staff, and that age shall continue to be regarded as his age for determining the contribution percentage payable by him.
- (4) Notwithstanding anything in this Act, the age for determining the contribution percentage payable by an employee who becomes entitled to the benefits of section 27, 28 or 29 shall be his age at the time he became or becomes a permanent employee and not his age at the commencement of the period of service reckoned as service with the commission or the corporation under section 27, 28 or 29.
- (5) The corporation shall deduct the amount of contributions from the employee's salary payments.
- (6) Where an employee has been granted leave of absence without pay, the sums that would have been deducted had his salary been paid during the period of absence shall be deducted from payments of salary made after his return to active employment.
- (7) Where an employee is temporarily laid off through lack of work, he shall not thereby be deprived of the benefits of this Act, and those benefits shall continue to apply to him, unless the board, by an order of general or individual application, directs that the Act shall cease to apply to him. Where the Act applies to an employee laid off through lack of work, the periods of his active employment shall be added together and shall constitute the period of employment for the purposes of this Act.
- (8) Where an employee has been absent from work as the result of an accident arising out of and in the course of his employment and has received compensation under *The Workers' Compensation Act, 2013*, and where such employee has paid as contributions to the fund the sums that would have been deducted from the amount that he would have received as salary if he had not been absent on account of the accident, the amount that he would have so received as salary shall be reckoned for the purposes of this Act.

(9) For the purpose of determining salaries for deduction of contributions from the wages of employees paid on a daily or hourly basis, the daily or hourly wage shall be multiplied by the regular number of days or hours worked per month and shall not include any extra or overtime employment. In the event of a disagreement or dispute as to the salary of such an employee the decision of the board shall be final.

(10) When in addition to a cash salary an employee enjoys living or residential allowances or other emoluments, perquisites or privileges incidental to his office, the board shall determine the value of those allowances or other emoluments, perquisites or privileges according to the value placed thereon in the annual statement, if any, made to the federal or provincial income tax authority, or if such annual statement is not required to be made, then according to the value placed thereon in a manner to be determined by the board.

(11) Notwithstanding anything in this Act, no contributions shall be payable with respect to or during his period of absence on active service, or hospitalization following thereon, by an employee who served in any of His Majesty's forces or the forces of His Majesty's allies, during the war of 1939-1945, or during the period of absence of such employee while taking a vocational or educational course under any government rehabilitation plan.

(12) For the purpose of computing the respective periods of service of the employees mentioned in subsection (11), those employees shall be deemed to have been in the employ of the corporation during their respective periods of absence on active service, or of hospitalization following thereon, or while taking vocational or educational course under any government rehabilitation plan, and such absence shall not be deemed a discontinuance or interruption of service. For the said purpose, the salaries of employees during such periods of absence shall be deemed to have been the same as those paid to them respectively at the time of their enlistment, or on their return to active employment, whichever are the greater.

(13) If an employee is absent while serving in Her Majesty's special forces as defined in the *Veterans Benefit Act* (Canada), or in Her Majesty's regular forces for a period not exceeding three years following such service, or in Her Majesty's active forces specially recruited for service in Korea, such absence shall not be deemed a discontinuance or interruption of service, and the employee shall be deemed to have been in the employ of the corporation during the period of his absence, or during hospitalization following thereon, or while taking a vocational or educational course under any government rehabilitation plan. For the purpose of this subsection and subsection (14) the salary of an employee during such period of absence shall be deemed to have been the same as that paid to him at the time of his enlistment or on his return to active employment, whichever is the greater.

(14) If an employee to whom subsection (13) applies serves in a theatre of operations, as designated pursuant to the *Veterans Benefit Act* (Canada), during any part of the said period of absence, he shall not be required to make any contributions during or with respect to the said period of absence, or any part thereof, notwithstanding anything in this Act; but such contributions shall be payable by every other employee to whom subsection (13) applies.

(15) An employee who is transferred from the temporary to the permanent staff may, on his request, within six months after the transfer, be permitted to make contributions to the fund in respect of the period of his temporary employment on such terms as the board deems proper.

(16) Notwithstanding anything in this Act, but subject to subsection (17), a person who ceased or ceases to be an employee of the commission or the corporation and who again became an employee of the commission or the corporation or after the thirty-first day of July, 1951, becomes an employee of the corporation, after an interval not exceeding six years, may have the period or periods of his previous service in the employment of the commission or the corporation, in respect of which he has made contributions to the superannuation fund, taken into account in computing any allowance or payment to be made to him or his dependants under this Act.

(17) If an employee to whom subsection (16) applies received a refund of contributions to the superannuation fund, with interest, at the time of his leaving the service, he shall not be entitled to the benefit of subsection (16) unless he repays the amount of the contributions and interest so refunded, or unless an arrangement satisfactory to the board is made for such repayment.

(18) Repayments under subsection (17) may be made by instalments in such amounts and at such times as the board may direct and, if made by instalments, the employee shall pay interest thereon from the date on which he again became or hereafter becomes an employee of the commission or the corporation.

R.S.S. 1978, c.P-20, s.12; 2013, c.W-17.11, s.195.

SUPERANNUATION ALLOWANCES

Employees entitled to allowance

13 Subject to this Act and the regulations, a yearly superannuation allowance shall be granted to:

- (a) every employee who, having attained the age of retirement and having made contributions under section 12, retires from the service of the corporation;
- (b) every employee:
 - (i) to whom subsection (12) of section 12 or section 27 or 28 does not apply, who, having served at least fifteen years continuously;
 - (ii) to whom subsection (12) of section 12 or section 27 or 28 applies, who, having served at least ten years continuously, exclusive of war service reckoned under those provisions;

with the corporation or partly with the commission and partly with the corporation, retires on account of ill health or physical or mental incapacity or who in the opinion of the corporation is not physically or otherwise qualified for the requirements of his employment and who is declared by the corporation to be entitled to superannuation.

R.S.S. 1978, c.P-20, s.13.

Power to review cases of persons superannuated on account of ill health

14(1) The board may review from time to time the case of an employee superannuated on account of ill health or physical or mental incapacity, and, where the employee recovers, the corporation may offer him further employment.

(2) When an employee, who has been superannuated on account of ill health or physical or mental incapacity, is offered upon recovery but does not accept re-employment at a salary of an amount not less than two-thirds of the amount of the salary applicable to the position held by him immediately prior to his superannuation, the board may discontinue his allowance but in that case he shall be paid a sum equal to the amount of his contributions with accrued interest less the total sums paid to him on account of his superannuation allowance.

(3) When an employee who has been superannuated on account of ill health or physical or mental incapacity is re-employed his allowance shall be suspended during the period of his re-employment, and the time during which the re-employment continues shall be counted in determining the superannuation allowance to which he is entitled on his final retirement.

R.S.S. 1978, c.P-20, s.14.

DEFERRED SUPERANNUATION ALLOWANCE**Employees entitled to deferred superannuation allowance**

15(1) Subject to this Act and the regulations, an employee who, having attained the age of thirty years and having served at least ten years continuously, separates from the service of the corporation may, at his option, to be exercised within one year from the date of the separation, be granted a deferred yearly superannuation allowance.

(2) A deferred yearly superannuation allowance granted pursuant to this section shall:

- (a) be calculated on the total number of years of continuous service of the employee on the day of his separation, in the manner provided in section 16;
- (b) become payable to the employee commencing on the day on which he attains the age of sixty-five years.

(3) A person to whom a deferred superannuation allowance has been granted may, at any time before he has received a payment on account thereof, request a return of his contributions, and upon receipt by the board of such a request the board shall cancel the deferred superannuation allowance and thereupon all contributions paid by that person shall be refunded to him together with accrued interest calculated up to the date of the request.

(4) When a person to whom a deferred yearly superannuation allowance has been granted under subsection (1), whether before or after the coming into force of this subsection, dies, sections 21, 22, 23, 24, 25 and 26 apply *mutatis mutandis* with respect to that allowance.

R.S.S. 1978, c.P-20, s.15.

AMOUNTS OF ALLOWANCES

Computation of allowance

16(1) The superannuation allowance payable hereunder, except as provided for in section 17, shall be calculated upon the average yearly salary of the employee during the six consecutive years of highest salary and shall be one-fiftieth part of such salary multiplied by the total number of his years of continuous employment after the thirty-first day of March, 1944, and any fraction of a year.

(2) No more than thirty-five years of service shall be included for the purpose of a calculation under subsection (1).

(3) No yearly allowance payable under this section shall be less than \$360.

R.S.S. 1978, c.P-20, s.16.

Allowance on retirement between ages sixty and sixty-five

17 An employee who, having served at least fifteen years continuously after the thirty-first day of March, 1944, and having attained the age of sixty years, retires from the service under section 5 shall receive a yearly allowance calculated in the manner provided in section 16 and reduced in accordance with the regulations.

R.S.S. 1978, c.P-20, s.17.

Payment to certain employees retiring on account of ill health

18 An employee, other than an employee to whom subsection (12) of section 12 or section 27, 28 or 29 applies, who, having served at least ten but less than fifteen years continuously, after the thirty-first day of March, 1944, retires from the service of the corporation on account of ill health or physical or mental incapacity shall be paid in a lump sum his total contributions with accrued interest together with an amount equal to the said contributions and interest.

R.S.S. 1978, c.P-20, s.18.

Employee injured in performance of duties

19 If an employee, while in the performance of his duties, becomes disabled and no suitable employment can be found for him in the service of the corporation, the board may, notwithstanding that the employee has served for less than fifteen years with the corporation, or with the commission and the corporation, and in case no payment or allowance is made by the Workers' Compensation Board, in respect of his disablement, authorize the refund of the employee's contributions with interest together with the payment of a gratuity equivalent in value to one-third of the entire unused sick leave that the employee has to his credit at the date of disablement.

R.S.S. 1978, c.P-20, s.19; 2013, c.W-17.11, s.195.

Board decides eligibility

20 No allowance shall be granted to an employee unless the board considers that he is eligible within the meaning of this Act.

R.S.S. 1978, c.P-20, s.20.

PAYMENTS TO FAMILY

Payments on death of superannuate

21(1) If a superannuate dies leaving a widow or a widow and child or children, one-half of the allowance to which he was entitled shall be paid to his widow for life or until her remarriage and there shall be paid to each child under the age of eighteen years, if any, until it attains that age a sum equal to ten per cent of the allowance, the total amount payable to the children not to exceed one-quarter of the allowance and to be divided equally among them.

(2) If the superannuate's wife has predeceased him or if she, having survived him, dies or remarries, her one-half allowance shall be divided into equal shares among those of his children, if any, who have not attained the age of eighteen years and the respective share of each child shall be paid to the child until it attains that age in lieu of the sum to which it was entitled before the death or remarriage of the mother.

(3) If the superannuate, being a widow, dies, one-half of her allowance shall be divided into equal shares among those of her children, if any, who have not attained the age of eighteen years as of the date of death of the mother and the respective share of each child shall be paid to the child until it attains that age.

(4) When a superannuate dies before receiving an amount equal to one year's allowance and leaving neither widow nor children, there shall be paid to his personal representative or nominee, or to a member of his family, as the board may direct, a sum equal to the remainder of that amount.

R.S.S. 1978, c.P-20, s.21.

Payments on death of employee

22(1) If an employee dies after having served for at least ten years continuously after the thirty-first day of March, 1944, and leaving a widow and child or children, one-half of the allowance to which he would have been entitled under section 16 had he been superannuated at the date of his death, calculated on the basis of his actual period of continuous service at the said date, shall be paid to his widow for life or until her remarriage and there shall be paid to each child under the age of eighteen years, if any, until it attains that age, a sum equal to ten per cent of the allowance, the total amount payable to the children not to exceed one-quarter of the allowance and to be divided equally among them.

(2) If the employee's wife has predeceased him or if she, having survived him dies or remarries, her one-half allowance shall be divided into equal shares among those of his children, if any, who have not attained the age of eighteen years and the respective share of each child shall be paid to the child until it attains that age in lieu of the sum to which it was entitled before the death or remarriage of the mother.

(3) If an employee, being a widow, dies, one-half of her allowance shall be divided into equal shares among those of her children, if any, who have not attained the age of eighteen years as of the date of death of the mother and the respective share of each child shall be paid to the child until it attains that age.

(4) When an employee dies after having served for at least ten years continuously after the thirty-first day of March, 1944, and leaving neither widow nor children, there shall be paid to his personal representative or to a member of his family, as the board may direct, a lump sum not exceeding the contributions made by him during his lifetime with accrued interest.

R.S.S. 1978, c.P-20, s.22.

Cases in which widows and children get no allowance

23(1) Subject to subsection (2), no allowance shall be granted to the widow or child of a superannuate or employee:

- (a) if the widow or child is in the opinion of the board unworthy of it; or
- (b) if the deceased married after superannuation; or
- (c) if the deceased married after the thirty-first day of March, 1944, being at the date of marriage over sixty year of age:

Provided that a breach of the conditions as to marriage shall not prejudice the right of a child of an earlier marriage to an allowance.

(2) Notwithstanding subsection (1), if an employee married after the thirty-first day of March, 1944, or hereafter marries, being at the date of marriage over fifty-five years of age and under sixty years of age, the allowance payable to the widow or a child under section 21 or 22 shall be reduced by such amount as the board may by regulation prescribe, provided that nothing in this subsection shall affect the amount of the allowance to a child of an earlier marriage.

(3) No allowance shall be granted to the adopted child of a superannuate or employee if the child:

- (a) was adopted after the superannuation of his adoptive father; or
- (b) was adopted after the thirty-first day of March, 1944, his adoptive father being at the time over fifty-five years of age.

R.S.S. 1978, c.P-20, s.23.

Reduction of widow's allowance

24 If an employee marries and if his age exceeds that of his wife by twenty years or upwards, the allowance to his wife shall be reduced to such an amount as the board may prescribe.

R.S.S. 1978, c.P-20, s.24.

Suspension of discontinuance of allowance

25(1) The allowance to a widow or child may be suspended or discontinued if in the opinion of the board the widow or child becomes unworthy of it.

(2) The allowance to a widower may be suspended or discontinued if in the opinion of the board the widower is not dependent on the allowance.

R.S.S. 1978, c.P-20, s.25.

Payments to child

26(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children's Law Act, 2020* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children's Law Act, 2020*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the board may determine, having regard to the best interests of the child.

2020, c 3, s.8.

SERVICE IN WAR OF 1939-1945**War service 1939-1945 deemed service with the commission**

27(1) Every person male or female, who:

(a) served during the war of 1939-1945 in His Majesty's active forces, the active forces of the Auxiliary Services, the Merchant Marine of Canada or the active forces of any of His Majesty's allies;

(b) at the time of enlistment resided in Saskatchewan;

(c) became an employee of the commission or the corporation within twelve months after the date:

(i) of his or her honourable discharge from His Majesty's forces or the forces of any of His Majesty's allies; or

(ii) of his or her discharge from hospitalization rendered necessary as a result of such war service and following immediately after his or her honourable discharge from His Majesty's forces or the forces of any of His Majesty's allies; or

(iii) of his or her completion of education or vocational training provided by the Government of Canada on account of such war service;

(d) remains in the employ of the corporation for a continuous period of at least one year; and

(e) has been an employee of the corporation or of the commission and the corporation continuously to the date of his or her retirement;

shall, for the purposes of this Act, be deemed to have been in the employ of the commission during such war service.

(2) The periods covered by such war service, and subsequent continuous employment with the corporation, or partly with the commission and partly with the corporation, shall be deemed to be continuous service for the purposes of this Act.

c P-20**POWER CORPORATION SUPERANNUATION**

- (3) No employee to whom this section applies shall be required to make any contribution in respect of his or her period of war service.
- (4) Before an employee is given credit for war service pursuant to this section, he or she shall submit to the board evidence satisfactory to it that he or she is entitled to the benefit conferred by this section.
- (5) For the purposes of this Act, the salary of an employee during the period of his or her war service shall be deemed to have been the same as that paid to him or her at the commencement of his or her active employment with the commission or the corporation.

R.S.S. 1978, c.P-20, s.27.

War service 1939-1945 may be counted

28(1) Every person who:

- (a) served during the war of 1939-1945 in:
- (i) His Majesty's active forces;
 - (ii) the active forces of the Auxiliary Services;
 - (iii) the Merchant Marine of Canada; or
 - (iv) the active forces of any of Her Majesty's allies' and
- (b) at the time of enlistment resided in Canada;

may by notice in writing to the board elect to have his period of war service or any part thereof counted as service for the purposes of this Act.

(2) A notice under subsection (1) shall be given to the board:

- (a) within one year after the person becomes a permanent employee; or
- (b) on or before the first day of May, 1970;

whichever is the later.

(3) Where an employee elects in respect of a period of war service under this section:

- (a) the employee shall, for the purposes of this Act, be deemed to have been in receipt of salary during the period of war service at a rate equal to the rate of salary payable to him immediately after he became an employee;
- (b) the employee is entitled to include the period of war service as service under this Act if he pays to the board a percentage of the total salary deemed pursuant to clause (a) to have been paid to him during such period of war service, without interest, that percentage to be double the percentage that he is, according to his age, required to contribute in respect of service immediately after he became an employee.

R.S.S. 1978, c.P-20, s.28.

SERVICE IN WAR OF 1914-1918

War service 1914-1918 deemed service with the corporation

29(1) Every person, male or female, who:

- (a) served during the war of 1914-1918 in His Majesty's forces or the forces of any of His Majesty's allies;
- (b) at the time of enlistment resided in Saskatchewan;
- (c) became a full-time employee, prior to the first day of May, 1925, of the owner of an electrical generating plant or an electrical transmission and distribution system, or both, that has been acquired by the commission or the corporation;
- (d) was an employee of the said owner on that date, and has been continuously in the employ of the said owner and of the commission or the corporation, or both, since that date;

shall, for the purposes of this Act, be deemed to have been in the employ of the corporation during such war service.

(2) The periods covered by such war service and subsequent continuous employment with the commission or the corporation, or both, shall be deemed to have been continuous service with the corporation for the purposes of this Act.

(3) For the purposes of this section the conclusion of the said war shall be deemed to have taken place on the twenty-eight day of June, 1919, or in the case of a person who was at that date in hospital under treatment, on the date of his or her discharge from hospital.

(4) No employee to whom this section applies shall be required to make any contributions in respect of his or her period of war service.

(5) For the purposes of this Act, the salary of an employee during the period of such war service shall be deemed to have been the same as that paid to him or her at the commencement of his or her active employment with the owner of the said electrical generating plant or electrical transmission and distribution system, or both.

R.S.S. 1978, c.P-20, s.29.

Special provisions respecting certain contributions

30 Contributions made by an employee pursuant to subsection (17) of section 12 shall not be deemed to be contributions within the meaning of section 18 or 48, but shall be paid with accrued interest;

- (a) in the case of section 18, to him; or
- (b) in the case of section 48, to him or to the person to whom a lump sum or the amount of his contributions is payable, as the case may be.

R.S.S. 1978, c.P-20, s.30.

REFUNDS

Refund of contributions

31(1) When an employee retires voluntarily or is dismissed, or his office is abolished and he is no longer employed, the contributions to the superannuation fund which have been deducted from his salary, or paid by him otherwise than by deductions from salary, shall be forthwith refunded to him with accrued interest. This subsection does not apply in respect of an employee who has elected to take a deferred allowance under section 15.

(2) If an employee resigns to enter the employ of the Liquor and Gaming Authority, Saskatchewan Telecommunications or The Workers' Compensation Board or of the Government in the public service, all contributions to the superannuation fund that have been deducted from his salary or paid by him otherwise than by deductions from salary, and standing to his credit in the superannuation fund, together with the accrued interest, shall thereupon be transferred to the Liquor Board Superannuation Fund, the Saskatchewan Telecommunications Superannuation Fund, The Workmen's Compensation Board Superannuation Fund or the general revenue fund, as the case may require, to his credit, and on such resignation this Act shall not apply to him.

R.S.S. 1978, c.P-20, s.31; 1993, c.45, s.54; 2019, c25, s.42.

No right to demand refund

32 Except as herein expressly provided nothing in this Act shall be construed to confer upon any person a right to demand or enforce the repayment of his contributions for the payment of interest.

R.S.S. 1978, c.P-20, s.32.

MISCELLANEOUS

Deposit of contributions in bank

33 All contributions shall be deposited in a chartered bank or banks to the credit of an account to be known as the Power Corporation Superannuation Fund.

R.S.S. 1978, c.P-20, s.33.

Allowances, etc., a charge on superannuation fund

34 All superannuation allowances, lump sum payments and refunds, together with any accruals of interest thereon, shall be a charge on the superannuation fund and shall be paid therefrom; provided that, if there are insufficient moneys in the fund for those purposes, any deficiencies shall be met by payments from the revenues of the corporation and shall be a charge thereon.

R.S.S. 1978, c.P-20, s.34.

Reserve fund

35 The corporation may at any time, in its discretion, set up and provide, in such manner as it sees fit, by reserve or otherwise, such funds as may be necessary to meet the allowances payable or to become payable under this Act.

R.S.S. 1978, c.P-20, s.35.

Payments made on resolution of board

36(1) The payment of any benefit under this Act shall be made upon a resolution of the board directing the issue of a cheque on the Power Corporation Superannuation Fund for the amount named in the requisition. Such direction shall be final and conclusive.

(2) Cheques on the fund shall be signed by such person or persons as may be designated by the board.

R.S.S. 1978, c.P-20, s.36.

Investments

37(1) Subject to the approval of the Minister of Finance, the board may, from time to time, invest any part of the moneys standing to the credit of the superannuation fund in securities which are authorized for investment of moneys pursuant to *The Pension Benefits Act, 1992*.

(1.1) The minister may impose any terms and conditions that he considers appropriate on an approval pursuant to subsection (1).

(2) The board may dispose of any securities in which any part of the superannuation fund has been invested under subsection (1) in such manner and on such terms as the board deems expedient.

R.S.S. 1978, c.P-20, s.37; 1983, c.29, s.29; 1988-89, c.42, s.78; 1988-89, c.44, s.8; 1992, c.P-6.001, s.75.

Election to vary allowance before and after sixty-five years of age

38(1) An employee or other person who is entitled to receive a superannuation or other allowance under this Act, by periodic payments during his lifetime or, in the case of a widow, until her remarriage, may in writing elect to receive payment of the allowance in such manner that:

(a) the amount thereof will be increased until he attains the age of sixty-five years and decreased after he attains that age; and

(b) the amounts to be received by such employee or other person will, as nearly as possible, be equal monthly amounts before and after the attainment of the age of sixty-five years, taking into account the old age pension payable under the *Old Age Security Act (Canada)* along with the allowance payable under this Act.

(2) If an employee who has made an election under subsection (1) dies and is survived by a widow entitled to an allowance, the allowance payable to his widow shall be one-half of the amount or amounts of the allowance which would have

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been payable to her husband under subsection (1), whether as increased before his attainment of the age of sixty-five years, or as decreased after his attainment of the said age, provided that where subsection (2) of section 23 or section 24, or both, apply, the allowance provided for in this subsection shall be reduced by such amount as the board may by regulation prescribe.

(3) Sums payable in respect of children under this Act shall not be affected by anything in this section.

(4) The amounts of the equalized monthly payments shall be determined in accordance with the regulations.

R.S.S. 1978, c.P-20, s.38.

Allowance paid in monthly instalments

39 The superannuation allowance payable to a retired employee or to his widow or children shall be payable in monthly instalments.

R.S.S. 1978, c.P-20, s.39.

Audit

40 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

(a) annually; and

(b) at any other time that the Lieutenant Governor in Council may require; audit the accounts and financial statements of the superannuation fund.

1986-87-88, c.27, s.7.

Retention of moneys owing to cover moneys in default, indebtedness, etc.

41 Where money is payable to or in respect of an employee retired, dismissed or deceased or whose employment was otherwise terminated, who has made default in accounting for moneys of the corporation or is indebted to or liable to pay moneys to the Minister of Finance or any Crown corporation or other Government agency, the board may retain the amount payable or as much thereof as is necessary for repayment of the moneys in default and for payment of any indebtedness of the employee to, and of any moneys the employee is liable to pay to, the Minister of Finance, Crown corporation or other Government agency, and any amount so retained shall be paid by the board to the corporation, Minister of Finance, Crown corporation or Government agency, as the case may require.

R.S.S. 1978, c.P-20, s.41.

Medical certificate

42 Where an employee is retired on account of ill health or physical or mental incapacity or is re-employed, the physical or mental condition of the employee shall be established by a report made by a duly qualified medical practitioner selected by the employee and such duly qualified medical practitioner or practitioners as are nominated by the board for the purpose.

R.S.S. 1978, c.P-20, s.42.

Allowances, etc., unattachable and unassignable

43 Any payments to be made under this Act shall not be subject to garnishment or attachment or seizure or any legal process, and shall be unassignable.

R.S.S. 1978, c.P-20, s.43.

Transfer of certain amounts to other plans

44(1) Notwithstanding section 43:

- (a) an employee who separated from the service for any reason;
- (b) a superannuate including a widow or child;

may elect in writing to have any amount payable to him under this Act transferred to a pension fund or retirement savings plan registered as such for purposes of the *Income Tax Act* (Canada).

(2) Where the board receives an election made under subsection (1) it shall arrange to pay any amount or amounts to which the employee or superannuate is entitled to the fund or plan in accordance with the election.

(3) An employee or superannuate may at any time cancel an election made under subsection (1) and upon receipt of such direction the board shall pay to the employee or superannuate any amounts that thereafter become payable to him under this Act.

R.S.S. 1978, c.P-20, s.44.

Application of Act

45 Where a question arises as to the application of this Act to any employee, it shall be determined by the board.

R.S.S. 1978, c.P-20, s.45.

Non-application of Act

46 An employee who, if a male, is over the age of fifty-five years, or who, if a female, is over the age of fifty years, and who has not made any contribution under this Act, may advise the board in writing that he or she does not wish to make such contribution, and in such case the provisions of this Act governing contributions and superannuation allowances shall not apply to such employee.

R.S.S. 1978, c.P-20, s.46.

Certain persons over forty-five years on entering service not eligible for superannuation

47 No person who enters continuous employment with the corporation after the thirty-first day of July, 1951, and who is over the age of forty-five years when he enters such employment shall be eligible for superannuation nor shall such person make contributions under section 12.

R.S.S. 1978, c.P-20, s.47.

Contribution by and payment to persons not eligible for superannuation

48(1) Subject to subsection (7), every employee under the age of sixty-five years who under section 46 or 47 is ineligible for superannuation shall, until he attains that age but not thereafter, by reservation from his salary, contribute five per cent of his salary to the superannuation fund.

(2) The corporation shall deduct the amount of contributions by such employees and shall in respect of such employees pay to the superannuation fund equivalent amounts out of the corporation's moneys. Such equivalent amounts shall not be paid after such employees have attained the age of sixty-five years. All contributions and payments under this section shall be kept in a separate account to be called the Employees' Savings Account.

(3) Every employee to whom subsection (1) applies who, having attained the age of sixty-five years, retires from the service of the corporation or who retires on account of ill health or physical or mental incapacity shall be paid in a lump sum his total contributions with accrued interest together with an amount equal to the said contributions and interest.

(4) Subject to subsection (5), where the service of an employee to whom subsection (1) applies is terminated otherwise than by retirement at the age of sixty-five years or retirement on account of ill health or physical or mental incapacity his total contributions shall be forthwith refunded to him with accrued interest; and where the service of such employee was terminated by his death before he attained the age of sixty-five years his contributions with accrued interest shall be paid to his personal representative or nominee, or to a member of his family, as the board may direct, except where the employee leaves a widow or children who have not attained the age of eighteen years in which case his contributions with accrued interest together with an amount equal to the said contributions and interest shall be paid to his widow, if any, or if no widow, to those of his children, if any, who have not attained the age of eighteen years, as the board may direct. When an employee's contributions are refunded or paid in accordance with this subsection to an employee whose service is terminated otherwise than by retirement at the age of sixty-five years or retirement on account of ill health or physical or mental incapacity or to an employee whose service was terminated by his death before he attained the age of sixty-five years and who leaves neither a widow nor children who have not attained the age of 18 years, the board shall repay to the corporation the amount of its payments in respect of that employee, with interest.

(5) Where the service of an employee to whom subsection (1) applies is terminated by his death or retirement after he attains the age of sixty-five years, the lump sum that would have been payable under subsection (3) had he retired on attaining the age of sixty-five years, together with the contributions made by him after he attained that age but prior to March 26, 1959, and interest on those contributions, shall be paid to him or, in case of his death, to his personal representative or nominee or to a member of his family, as the board may direct.

(6) No payment shall be made under this section to an employee or any other person unless the board reports that the employee or other person is entitled thereto.

(7) An employee to whom this section applies may advise the board in writing that he does not wish to make contributions, or does not wish to continue making contributions, under this section and thereupon this section shall not apply to such employee and his contributions, if any, together with accrued interest shall be refunded to him. An election made under this subsection shall be irrevocable.

Power of dismissal not impaired

49 Nothing contained in this Act impairs or affects the right of the corporation to remove or dismiss an employee.

R.S.S. 1978, c.P-20, s.49.

Payment by instalments to board

50 Notwithstanding anything in this or any other Act, any amount payable to the board may be paid in instalments in such amounts and at such times as the board may direct together with interest at the rate of six per cent per annum compounded annually on that portion of the amount that remains unpaid from time to time.

R.S.S. 1978, c.P-20, s.50.

Regulations

51 The board may with the approval of the Lieutenant Governor in Council make regulations not inconsistent with this Act for the purpose of carrying out the provisions of this Act according to their true intent and such regulations shall have the same force and effect as if incorporated herein.

R.S.S. 1978, c.P-20, s.51.

Annual report

52 The board shall, each year, transmit to the minister a report showing:

- (a) the names of all employees who have retired or who have died during the last calendar year;
- (b) the offices held by them or the nature of their employment respectively;
- (c) the amount of salary payable to each at the time of retirement or death;
- (d) the age of each at retirement or death;
- (e) the cause of retirement in the case of anyone retiring before attaining the age of retirement;
- (f) the amount of superannuation or other allowance granted in each case;
- (g) its revenues and expenditures and balance sheet for the last calendar year together with the auditor's certificate thereon;
- (h) with respect to any investments made under section 37, a statement of all securities in which moneys of the superannuation fund have been invested, a statement of such securities that have been so acquired during the last calendar year and a statement of all dispositions of such securities during that period.

R.S.S. 1978, c.P-20, s.52.

