RETRAITE QUÉBEC
Québec Pension Plan

Partition of Employment Earnings

Learn more about your rights and obligations.

Québec

Partition of Employment Earnings Recorded under the Québec Pension Plan

The Québec Pension Plan provides for retirement, disability and survivors' benefits if a worker made sufficient contributions to the Plan. Benefit amounts are calculated based on pensionable employment earnings.

How are employment earnings recorded under the Québec Pension Plan partitioned?

When a couple's conjugal relationship ends, the employment earnings recorded under the names of both former spouses for the purposes of the Québec Pension Plan 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 benefits once the former spouses become entitled to them. The new earnings can give entitlement to a retirement pension, disability benefits or survivors' benefits, and can also affect the amount of any benefits already being paid. If one of the former spouses is already receiving a benefit when partition is carried out, the benefit amount could increase or decrease.

Note that…

If you received employment earnings in Canada, outside Québec, they are recorded under the **Canada Pension Plan**. Partition of employment earnings recorded under the Canada Pension Plan is calculated the same way as for the Québec Pension Plan.

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 Québec Pension Plan for the period of their marriage or civil union are automatically 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 filed, 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 been in a conjugal relationship for at least three 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 married spouses who renounced partition of family patrimony also renounced partition of employment earnings recorded under the Québec Pension Plan?

No. Once family patrimony came into effect in July 1989, married spouses who decided to renounce the partition of family patrimony before 1 January 1991 did not automatically renounce the partition of employment earnings recorded under the Québec Pension Plan. To do so, partition had to be specifically mentioned in the notarized joint declaration or in the judgment of divorce, legal separation, annulment of marriage or in the 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, it cannot be cancelled because one of the former spouses remarries, enters into a new civil union or dies, or because the former spouses resume living together.

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 are increased as a result of partition can decide to renounce it. The time limit for doing so is 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 application can be received.

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.

Our decision may be reviewed

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

You can also ask us to review our decision concerning partition. However, you must file your application for review within 90 days of the date of the decision. You can obtain the Application for Review of a Decision form on our website or by calling us. All the documents required to study your application for review must be provided. We will inform you of our new decision in writing.

Visit our website **for information about pensionable employment earnings** under the Québec Pension Plan.

Partition of other pension plans (supplemental pension plans, public-sector pension plans, etc.) and other types of savings

Supplemental pension plans

Even if a judgment or notarized joint declaration, or an agreement between former de facto spouses, provides for partition under a supplemental pension plan (also called a "pension fund" or private pension plan), **partition is not carried out automatically**. The plan member or the former spouse must file an application **with the pension plan administrator**.

In the case of plans that are subject to the *Supplemental Pension Plans Act* (plans in the private, municipal or university sectors) and under Québec jurisdiction, the plan member or former spouse must file an application for a statement of benefits or for partition with **the plan administrator**. The application forms (RCR135 to RCR140) are available on Retraite Québec's website.

Public-sector pension plans

In the case of former spouses who were married in a civil union or de facto spouses who were members of a public-sector pension plan, such as the RREGOP or the PPMP, any benefits accrued under a public-sector plan **are not automatically partitioned**. The individual who is or was a member of the public-sector pension plan or the individual's former spouse must file an Application for a Statement of Benefits – De Facto Spouses (form RSP-387A) or an Application for a Statement of Benefits – Married or Civilly United Spouses (form RSP-388A) with Retraite Québec. The forms are available on our website. Depending on the couple's situation at the time they stopped living together, various provisions and terms may apply to the partition of benefits accrued under the plan. Please consult the brochure *In the Event of the Breakdown of Your Union* for more information.

Other savings

A judgment or notarized joint declaration, or an agreement between former de facto spouses, may provide for the partition of:

- registered retirement savings plans (RRSPs);
- locked-in retirement accounts (LIRAs);
- registered retirement income funds (RRIFs);
- life income funds (LIFs);
- voluntary retirement savings plans (VRSPs).

Partition is not carried out automatically in these cases. The holder or the holder's former spouse must **ask the financial institution** institution that administers the plan or funds to carry out partition.

How to reach us

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This publication is also available in alternate formats by calling **1 800 463-5185**.

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