

## **DEFINITIONS OF SPOUSE AND LEGISLATIVE INFORMATION**

If you die before retirement, a benefit equal to the total value of your accrued pension will be paid out:

- To your eligible spouse, according to the applicable definitions, unless they have waived their rights.
- To the designated beneficiaries, if you have no spouse.

### **DEFINITION OF SPOUSE**

#### **Legislation applicable to the definition of spouse**

Plan members' rights are subject to the provisions of the provincial legislation in effect in their province of employment. The specific provisions are set out in the [Pension Plan Regulation](#).

The definition of spouse is presented below for each province.

- [Quebec](#)
- [Alberta](#)
- [British Columbia](#)
- [Manitoba](#)
- [New Brunswick](#)
- [Nova Scotia](#)
- [Ontario](#)
- [Saskatchewan](#)
- [Newfoundland and Labrador](#)

#### **Waiver of death benefits before retirement**

Your spouse may waive their right to receive the benefits payable by the DGPP in the event of your death before retirement, by signing the [Spousal Waiver of Death Benefits Prior to Retirement](#) form, as provided for by the law. The spouse may revoke this waiver at any time, but before the plan member's death or before the date when their pension payments begin.

This waiver applies only to the benefits payable during active participation in the DGPP. If your spouse also wishes to waive their right to receive the benefits payable at retirement, you must sign a new form must be signed when you retire.

## LEGISLATIVE INFORMATION

**Even if your spouse has prior right to the death benefit under the law, it's important to keep your beneficiary designation up-to-date.**

- If the beneficiary designation isn't clear, the death benefit amount may be paid to the wrong person, and this may result in legal proceedings. Make sure to clearly designate your beneficiaries to save your heirs the hassle.
- If there are no named beneficiaries, the value of your accumulated benefits in the DGPP will be paid to your estate.

**What does the beneficiary designation status mean?**

### **Revocable**

- Can be changed without the consent of the beneficiary or beneficiaries.

### **Irrevocable**

- Cannot be changed without the consent of the beneficiary or beneficiaries, but can be changed if the beneficiary or beneficiaries die.
- The irrevocable designation of a minor (as defined by province) cannot be changed until the minor reaches the age of majority. Please note that if a beneficiary is a minor in a province outside of Quebec, there must be an appointed trustee.

### **For Quebec:**

- The designation as beneficiary of a legal spouse to whom the plan member is legally married or in a civil union is irrevocable, unless otherwise stipulated.
- The designation of any other person as beneficiary is revocable, unless otherwise stipulated.
- Revocation is automatic in the event of death or divorce.

### **For all other provinces**

- The beneficiary designation is revocable unless otherwise stipulated.
- Revocation is automatic in the event of death, but not in the event of divorce.

For more information, visit the [Beneficiaries](#) page on the DGPP website, or contact DGPP Member Services at 1-866-434-3166. They're available Monday to Friday, from 8 a.m. to 5 p.m.

## DEFINITION OF SPOUSE BY PROVINCE

### Alberta

The spouse is the person who, at the relevant time<sup>(1)</sup>:

- a) Is married to the member and has not lived separate and apart from the member for three or more consecutive years; or
- b) If there is no person described in (a) above, has been living with the member in a conjugal relationship:
  - i. for a continuous period of at least three years; or
  - ii. of some permanence, if there is a child of the relationship by birth or adoption.

(1) This is the date the pension begins to be paid to the member (retirement date) or the day of the member's death, whichever comes first.

### British Columbia

The spouse means, in relation to another person:

- a) a person who at the relevant time<sup>(1)</sup> is married to that other person, and who, if living separate and apart from other person at the relevant time<sup>(1)</sup>, did not live separate and apart from that other person longer than 2 years period immediately preceding the relevant time<sup>(1)</sup>, or
- b) if paragraph a) does not apply, a person who is living with that other person in a marriage-like relationship for a period of at least 2 years immediately preceding the relevant time<sup>(1)</sup>.

(1) This is the date the pension begins to be paid to the member (retirement date) or the day of the member's death, whichever comes first.

### Manitoba

The spouse means, in relation to another person:

- a) a person who at the relevant time<sup>(1)</sup> is married to that other person, and who, if living separate and apart from other person at the relevant time<sup>(1)</sup>, did not live separate and apart from that other person longer than 2 years period immediately preceding the relevant time<sup>(1)</sup>, or
- b) if paragraph a) does not apply, a person who is living with that other person in a marriage-like relationship for a period of at least 2 years immediately preceding the relevant time<sup>(1)</sup>.

(1) This is the date the pension begins to be paid to the member (retirement date) or the day of the member's death, whichever comes first.

## **New Brunswick**

The spouse is the person who, at the relevant time<sup>(1)</sup>:

- a) is married to the member; or
- b) is married to the member by a marriage that is voidable and has not been annulled by a declaration of nullity; or
- c) in good faith, has gone through a form of marriage with the member that is void and who has cohabited with the member within the preceding year; or
- d) is not married to the member, but has cohabited with him or her in a conjugal relationship continuously for a period of at least 2 years, immediately before the relevant time<sup>(1)</sup>.

(1) This is the moment when the pension begins to be paid to the member (retirement date) or the day of the member's death, whichever comes first.

## **Nova Scotia**

The spouse is either of two people who, at the relevant time<sup>(1)</sup>:

- a) Are married together or bound by the ties of a voidable marriage that has not been annulled; or
- b) Are, in good faith, parties together to a void marriage and, if they are no longer living together, have lived together in a conjugal relationship within the twelve months immediately preceding the date of entitlement; or
- c) Are domestic partners within the meaning of Section 52 of the Vital Statistics Act; or
- d) Are not married together and have been cohabiting in a conjugal relationship with each other, and have done so continuously for at least:
  - i. if either of them is married, a period of not less than three years; or
  - ii. if neither of them is married, a period of not less than one year.

However, a person living separate and apart from the member at the relevant time (see <sup>(1)</sup> below), with no reasonable prospect of the returning of cohabitation, cannot be considered a spouse if this person is not entitled to receive an amount in respect of the pension by court order or in accordance with the terms of a written agreement for the division of a pension, if such court order has been issued or such accordance has been entered prior to the date that payment of the first instalment of the pension is due.

(1) This is the date that the first pension payment is due to the member (retirement date) or the date of the member's death, whichever comes first.

## Ontario

The spouse is the person who, at the relevant time<sup>(1)</sup> :

- a) Is married to you and is living with you; or should a) not be applicable;
- b) Is not married to you and has been living with you in a conjugal relationship:
  - i. continuously for a period of not less than three years; or
  - ii. in a relationship of some permanence, if you are the parents of a child as set out in section 4 of the *Children's Law Reform Act*.

(1) This is the date that the first pension payment is due to the member (retirement date) or the date of the member's death, whichever comes first.

## Quebec

The spouse is either of two people who, at the relevant time:

- a) Are married to each other; or
- b) Are in a civil union; or
- c) Are not married or in a civil union, but considered to be the de facto spouse if they have been living in a conjugal relationship for at least three years, or at least one year if they are the birth or adoptive parent of at least one child.
- d) If there isn't anyone who meets any of the above definitions, the spouse is the person designated in writing by the plan member to the Desjardins Group Retirement Committee who meets any of the following 2 conditions:
  - i. The person is married to the plan member but is legally separated from the plan member (legal separation occurred after August 31, 1990);
  - ii. The person has been living in a conjugal relationship with the plan member for at least one year.

Notwithstanding the above, effective January 1, 2001, the spouse is the person designated in writing by the plan member to the Desjardins Group Pension Committee and who has been living in a conjugal relationship with the plan member for at least one year.

## Saskatchewan

The spouse is the person who, at the relevant time<sup>(1)</sup>:

- a) is married to the member; or
- b) if the member is not married, has been continuously cohabiting with the member as his spouse for at least 1 year before the relevant time<sup>(1)</sup> and who was still cohabiting with the member at the relevant time<sup>(1)</sup>.

(1) This is the date the pension begins to be paid to the member (retirement date) or the day of the member's death, whichever comes first.

## **Newfoundland and Labrador**

The spouse is the person who, at the relevant time<sup>(1)</sup>:

- a) is married to the member; or
- b) is married to the member by a marriage that is voidable and has been not annulled by declaration of nullity; or
- c) in a good faith, has gone through a form of marriage with the member that is void and who is cohabiting or has cohabited with the member within the preceding year.

The cohabiting partner is the person who is cohabiting or has cohabited with the member within the preceding year and has cohabited continuously with the member in a conjugal relationship for:

- a) in relation to a member who has a spouse, at least 3 years, provided the person is not spouse of the member; or
- b) in relation to a member who does not have a spouse, at least 1 year.

- (1) This is the date the pension benefit begins to be paid to the member (retirement date) or the date of the member's death, whichever comes first.