

UNEDITED

# *The Liquor Board Superannuation Act*

*being*

Chapter 9 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

## **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 9

### An Act respecting the Superannuation of Members and Employees of the Liquor Board

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Liquor Board Superannuation Act*.

R.S.S. 1953, c.9, s.1.

#### INTERPRETATION

##### Interpretation

2 In this Act:

##### “child”

1 “**child**” includes a step-child and an adopted child;

##### “commission”

2 “**commission**” mean The Liquor Board Superannuation Commission mentioned in section 3;

##### “employee”

3 “**employee**” means a person permanently employed by the Liquor Board and required, during the hours or period of his active employment, to devote his constant attention to the duties of his position, and the conditions of whose employment preclude his engaging in any other substantially gainful service or occupation;

##### “minister”

4 “**minister**” means the member of the Executive Council to whom is assigned for the time being the administration of this Act;

##### “salary”

5 “**salary**” means the regular salary or wages of an employee but does not include payments for overtime or any other extra allowance or pay or any honorarium or gratuity;

##### “widow” and “wife”

6 “**widow**” and “**wife**” include a widower where in the opinion of the commission he was dependent on the superannuate or employee at the time of her death but not otherwise.

1944 (2nd. Sess.) c.5, s.2; 1952, c.11, s.2; R.S.S.  
1953, c.9, s.2.

#### ADMINISTRATION

##### Superannuation commission

3(1) This Act shall be administered by a commission to be known as The Liquor Board Superannuation Commission, which shall consist of three members to be appointed by the Lieutenant Governor in Council, one of whom shall be nominated as chairman. One at least of such members shall be an employee and representative of the employees of the Liquor Board.

(2) The necessary salaries and expenses of the administration of this Act shall be a charge upon and be paid out of the revenues of the Liquor Board.

1944 (2nd. Sess.) c.5, s.3; R.S.S. 1953, c.9, s.3.

## RETIREMENT

### Compulsory retirement

4(1) Subject to the other of this every shall retire from the service of the Liquor Board upon attaining the age of sixty-five years.

(2) An employee who has attained the age of years and has served at least fifteen years continuously may be retired at his and shall on retirement be entitled to the superannuation allowance provided for in section 15.

(3) When the Liquor Board 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 two years, upon such terms as to remuneration as may be deemed expedient.

(4) The superannuation allowance payable to such employee shall be calculated "When he attains the age of years and an extension of his service under subsection (3) shall not affect the amount of such allowance or of any allowance payable to his widow or children.

(5) Where an employee has prior to the first day of April, 1952, been granted an extension or any of service thereto shall be taken into account in calculating any allowance payable to him or to his widow or children, but no of service pursuant to an extension granted on or after the said date shall affect the amount of any allowance or alter the maximum yearly allowance applicable to such employee.

1944 (2nd. Sess.) c.5, s.4; 1951, c.5, s.2; 1952, c.11, s.3; R.S.S. 1953, c.9, s.4.

### Retirement at option of Liquor Board

5 An employee who has served continuously for thirty-five years or more after the thirty-first day of December, 1944, who in the opinion of the Liquor Board is not physically or otherwise qualified for the requirements of his or her employment and who, if a male, has attained the age of sixty years or, if a female, the age of fifty-five years, may be retired at the option of the Liquor Board and shall on retirement be entitled to a superannuation allowance as hereinafter provided.

1944 (2nd Sess.) c.5, s.5; R.S.S. 1953, c.9, s.5.

### Retirement at option of Lieutenant Governor in Council

6 An employee who in the opinion of the Liquor Board is not physically or otherwise qualified for the requirements of his or her employment and who, if a male has attained the age of sixty years, or, if a female, the age of fifty-five years, may be retired at the option of the Lieutenant Governor in Council, upon the recommendation of the Liquor Board, and shall on retirement be entitled to a superannuation allowance under this Act.

1944 (2nd. Sess.) c.5, s.6; R.S.S. 1953, c.9, s.6.

**Retirement at option of employee**

7 An employee who has attained the age of sixty years and has served continuously for thirty-five years or more, where such service does not include service reckoned under section 30 or 31 may be retired at his option and shall on retirement be entitled to the superannuation allowance hereinafter provided:

Provided that a person who was an employee on the thirty-first day of March, 1952, may be retired under this section before he attains the age of sixty years but in such case his yearly allowance shall not exceed \$2,000.

1951, c.5, s.3; 1952, c.11, s.4; R.S.S. 1953, c.9, s.7.

**CONTRIBUTIONS****Contributions by employees**

8(1) Subject to section 34, every employee shall, by employees reservation from his salary, contribute to the Liquor Board Superannuation Fund five per cent, six per cent, or seven per cent of his salary, according to his age at the commencement of the period of his employment which will be taken into account in computing any allowance or payment under this Act, as follows:

Age at Commencement of Employment	Contribution Percentage.
Under 30 years .....	5%
30 years and under 40 years .....	6%
40 years and over.....	7%

Provided that no further contributions shall be made by an employee who has made contributions for a period of thirty-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 Liquor Board.

(3) The age for determining the percentage for the contribution to be made by an employee who elects, under subsection (6) of section 27, to have prior temporary service reckoned for the purposes of this Act shall not be changed by such election and shall continue to be his age at the time he became permanently employed.

(4) The age for determining the percentage for the contribution to be made by an employee to whom section 30 or 31 applies shall be his age at the time he became an employee and not his age at the commencement of the period of service reckoned as such under section 30 or 31.

(5) The Liquor Board shall deduct the amount of contributions monthly.

(6) Where an employee has been granted leave of absence without pay, other than leave of absence to enlist in the Armed Forces, or is on a lay-off list for a period not exceeding two years the sums which would have been deducted had his salary been paid during the period of absence or lay-off shall be deducted from payments of salary made after his return to active employment and during such absence or lay-off he shall be deemed to be an employee for the purposes of this Act at the salary he was receiving at the time such absence or lay-off commenced. If an allowance becomes payable under this Act before the expiration of the period of absence or lay-off such sums shall be deducted from the allowance in such manner as the board may determine.

(7) 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 any disagreement or dispute as to the salary of such an employee the decision of the commission shall be final.

(8) Notwithstanding anything contained in this Act, an employee who has served continuously for thirty-five years, but who has not attained the age of sixty years and whose superannuation allowance, if retired at the expiry of the said thirty-five years, would be less than the maximum allowance payable under this Act, may continue to contribute to the superannuation fund in the manner mentioned in subsection (1) in which case the superannuation allowance payable on retirement shall be based upon the number of years of service at that time and any fraction of a year, but subject to the maximum allowance provided for in section 14.

(9) A person appointed to the permanent staff on or after the first day of April, 1952, shall be deemed to have been a permanent employee during the period of his probationary employment and shall be required to make contributions in accordance with this Act in respect of such probationary service.

1944 (2nd. Sess.) c.5, s.7; 1951, c.5, s.4; 1952, c.11, s.5; 1953, c.5, s.2; R.S.S. 1953, c.9, s.8.

#### **Absence during war of 1939-1945**

9(1) No contribution shall be payable with respect to or 1939-1945 or during the period of absence on active service of an employee who enlisted in any of His Majesty's forces or the forces of His Majesty's allies during the war of 1939-1945.

(2) For the purpose of computing the respective periods of service of the employees mentioned in subsection (1) such employees shall be deemed to have been in the employ of the Liquor Board during their respective periods of absence on active service and such absence shall not be deemed a discontinuance of service.

1944 (2nd. Sess.) c.5, s.8; R.S.S. 1953, c.9, s.9.

#### **Absence while serving in certain forces of Her Majesty**

10(1) 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 of service and such employee shall be deemed to have been in the employ of the Government during the period of his absence.

(2) No contribution shall be payable by such employee in respect of the period of such absence if he has served in a theatre of war during any part of such period.

1952, c.11, s.6; R.S.S. 1953, c.9, s.10.

**Salary for purposes of Act during absence on war service**

**11** For the purposes of this Act the salary of an employee during a period of absence coming within section 9 war service or 10 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.

1952, c.11, s.6; R.S.S. 1953, c.9, s.11.

## SUPERANNUATION ALLOWANCE

**Employees entitled to allowance**

**12** Subject to the provisions of 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 served at least fifteen years continuously, after the thirty-first day of December, 1944, retires from the service of the Liquor Board;
- (b) every employee who, having served at least fifteen years continuously, after the thirty-first day of December, 1944, retires on account of ill health or physical or mental incapacity, and who is declared by the commission to be entitled to superannuation; provided that in the case of an employee to whom section 9 or 31 applies, the period of continuous service required under this clause shall be ten years, exclusive of service reckoned under section 9 or 31, instead of fifteen years.

1944 (2nd. Sess.) c.5, s.9; 1945, c.6, s.2; 1951, c.5, s.5; R.S.S. 1953, c.9, s.12.

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

**13(1)** The commission may review from time to time the case of an employee superannuated on account of ill health or physical or mental incapacity, and, where such employee recovers, the Liquor Board 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, the commission 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 reemployed his allowance shall be suspended during the period of his re-employment, and the time during which such reemployment continues shall be counted in determining the superannuation allowance to which he is entitled on his final retirement.

1944 (2nd. Sess.) c.5, s.10; R.S.S. 1953, c.9, s.13.

## AMOUNTS OF ALLOWANCES

**Computation of allowance**

**14(1)** The superannuation allowance payable hereunder, except as provided for in section 15, shall be calculated upon the average yearly salary of the employee during the ten 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 December, 1944, and any fraction of a year, but not more than thirty-five years shall be reckoned nor shall the yearly allowance exceed in any case, except as provided in subsection (2), the sum of \$2,000, nor shall such allowance be less than \$360.

(2) In respect of employees to whom subsection (1) applies and who retire or die on or after the first day of April, 1952, the maximum yearly allowance shall be as follows:

In respect of an employee who retires or dies: On or after April 1, 1952, and before April 1, 1953.....	\$2,200
On or after April 1, 1953, and before April 1, 1954.....	\$2,400
On or after April 1, 1954, and before April 1, 1955.....	\$2,600
On or after April 1, 1955, and before April 1, 1956.....	\$2,800
On or after April 1, 1956.....	\$3,000.

1944 (2nd. Sess.) c.5, s.11; 1951, c.5, s.6; 1952, c.11, s.7; R.S.S. 1953, c.9, s.14.

**Allowance on retirement between ages sixty and sixty-five**

**15(1)** Subject to subsection (2), an employee who, having served at least fifteen years continuously and having attained the age of sixty years, retires from the service under subsection (2) of section 4 shall receive a yearly allowance calculated in the manner provided in section 14 and reduced in accordance with the regulations.

(2) If the amount of the allowance for an employee who retires under subsection (2) of section 4, calculated in the manner provided in section 14 and reduced in accordance with the regulations, exceeds the maximum yearly allowance applicable to him under subsection (2) of section 14 the and reduced in accordance with the regulations, exceed the maximum yearly allowance application to him under subsection (2) of section 14 the yearly allowance shall be the said maximum yearly allowance.

1951, c.5, s.7; 1952, c.11, s.8; R.S.S. 1953, c.9, s.15.

**Payment to certain employees retiring on account of ill health**

**16** An employee, other than an employee to whom section 9 or 31 applies, served at least ten but less than fifteen years continuously, retires from the service or the Liquor Board on account of ill health or physical or mental incapacity shall be in a lump sum his total contributions with accrued interest together with an amount equal to the said contributions and interest.

1951, c.5, s.7; 1952, c.11, s.9; R.S.S. 1953, c.9, s.16.



**Employees with less than fifteen years' service**

17(1) A person who is an employee of the Liquor Board on the first day of January, 1945, and who retires on account of having reached the age of retirement before he has been fifteen years in the employ of the Liquor Board after the thirty-first day of December, 1944, and who has been so employed for a period of at least five years immediately preceding his retirement, shall be paid in a lump sum an amount equal to one-tenth of the annual salary which he was receiving immediately before retirement multiplied by the number of years he has been continuously in the employ of the board after the said date, but subject to subsection (2), such amount shall in no case exceed \$3,000, and such lump sum shall be subject to a deduction equal to four per cent thereof.

(2) Where the contributions of the employee to the fund plus accrued interest thereon exceed \$3,000, he shall be paid a lump sum equal to the amount of his contributions plus accrued interest thereon.

(3) The lump sum payable under this section shall be calculated when the employee attains the age of sixty-five years and an extension of his service under subsection (3) of section 4 shall not affect the amount of such lump sum and such lump sum shall be paid to him on his retirement even though his years of service may then exceed fifteen.

1944 (2nd. Sess.) c.5, s.12; 1945, c.6, s.3; 1952, c.11, s.10; 1953, c.5, s.3; R.S.S. 1953, c.9, s.17.

**Commission decides eligibility**

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

1944 (2nd. Sess.) c.5, s.13; R.S.S. 1953, c.9, s.18.

**PAYMENTS TO FAMILY****Payments on death of superannuate**

19(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. 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 such child until it attains that age in lieu of the sum to which it was entitled before the death or remarriage of the mother. 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 such child until it attains that age.

(2) 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 commission may direct, a sum equal to the remainder of such amount.

1944 (2nd Sess.) c.5, s.14; 1945, c.6, s.4; R.S.S. 1953, c.9, s.19.

**Payments on death of employee**

**20(1)** If an employee dies after having served for at least fifteen years continuously after the thirty-first day of December, 1944, and leaving a widow or a widow and child or children, one-half of the allowance to which he would have been entitled under section 14 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. 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 such child until it attains that age in lieu of the sum to which it was entitled before the death or remarriage of the mother. 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 such child until it attains that age.

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

1944 (2nd Sess.) c.5, s.15; 1945, c.6, s.5; R.S.S.  
1953, c.9, s.20.

**Death before fifteen years' service**

**21** Where an employee dies before he has served for fifteen years after the thirty-first day of December, 1944, there shall be granted 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, or if neither widow nor any such children to his personal representative or to such of his next of kin, as the commission may direct, a lump sum not exceeding his total contributions with accrued interest.

1944 (2nd.Sess.) c.5, s.16; 1945, c.6, s.6; R.S.S.  
1953, c.9, s.21.

**Cases in which widows and children get no allowance**

**22(1)** Subject to the provisions of subsection (2), no allowance shall be granted to the widow or child of a superannuate or employee:

- (a) if such widow or child is in the opinion of the commission unworthy of it; or
- (b) if the deceased married after superannuation; or
- (c) if the deceased married after the thirty-first day of December, 1944, being at the date of marriage over fifty-five years 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) No allowance shall be granted to the adopted child of a superannuate or employee if such child:

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

1944 (2nd.Sess.) c.5, s.17; 1945, c.6, s.7; R.S.S.  
1953, c.9, s.22.

#### **Reduction of widow's allowance**

**23** 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 commission may prescribe.

1944 (2nd.Sess.) c.5, s.18; R.S.S. 1953, c.9, s.23.

#### **Suspension or discontinuance of allowance**

**24(1)** The allowance to a widow or child may be suspended or discontinued if in the opinion of the commission such widow or child becomes unworthy of it.

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

1944 (2nd Sess.) c.5, s.19; 1952, c.11, s.11; R.S.S.  
1953, c.9, s.24.

#### **Payments to legal guardian of child**

**25** Allowances and other sums payable to a child shall be paid to the person constituted or appointed guardian of the child by or pursuant to *The Infants Act* or, there is no such guardian, to such person as the commission in its discretion may determine, having regard to the welfare of the child.

19H (2nd.Sess.) c.5, s.20; R.S.S. 1953, c.9, s.25.

### **ELECTION TO VARY ALLOWANCE**

#### **Election to vary allowance before and after seventy years of age**

**26(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 seventy 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 seventy years, taking into account the old age pension of \$40 per month 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, the allowance payable to his widow shall be one-half of the amount or amounts of the allowance which would have been payable to her husband under subsection (1), whether as increased before his attainment of the age of years, or as decreased after his attainment of the said age.

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

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

1953, c.5, s.4; R.S.S. 1953, c.9, s.26.

### SERVICE PRIOR TO COMMENCEMENT OF ACT

#### Service prior to January 1, 1945

27(1) Notwithstanding anything contained in this Act, any person who was an employee on the first day of January, 1945, may have his service prior to that date reckoned for the purposes of this Act if:

- (a) his service after the thirty-first day of December, 1944, is continuous with his previous service;
  - (b) before the first day of April, 1945, he made a written request to the commission that his service prior to the first day of January, 1945, be reckoned for the said purpose; and
  - (c) he makes a contribution to the fund of four per cent of the salary received by him in respect of his service prior to the first day of January, 1945, and subsequent to the thirtieth day of April, 1927, with interest thereon at the rate of three per cent per annum from the former date to the date of payment.
- (2) The contribution referred to in clause (c) of subsection (1) may be made by instalments payable in such amounts and at such times as the commission may direct.
- (3) If a superannuation allowance or other yearly allowance becomes payable before such contribution and interest thereon have been fully paid, the unpaid balance shall be deducted from such allowance, and the deduction may be made in instalments of such amounts and at such times as the commission may direct. This subsection shall not apply where the superannuation allowance payable does not exceed \$600 per annum.
- (4) Where an employee has availed himself of the benefit conferred by this section, the provisions of this Act, except section 22 and this section, in which the expression "after the thirty-first day of December, 1944" appears shall, with respect to such employee, be read as if the date of the commencement of his continuous service prior to the thirty-first day of December, 1944, were substituted for the last mentioned date.
- (5) Notwithstanding anything contained in this Act an employee shall be deemed to have been continuously employed though his service was discontinued either by resignation or dismissal in all or any of the years 1929 to 1935, both inclusive, but such continuous employment shall include only the periods during which he was actually employed and with respect to which the employee elected to make contributions under this section.

(6) An employee who became a permanent employee after the first day of January, 1945, and who prior to that date while a temporary employee enlisted in any of the forces mentioned in section 9 and did not elect to have such temporary service reckoned under subsection (1) may have it so reckoned if before the first day of April, 1954, he makes a written request to the commission that such service be so reckoned and authorizes the commission to deduct from his salary the amount which would have been payable had he been appointed permanently at the date of the commencement of his temporary employment together with interest thereon from the date of his permanent appointment at the rate of three per cent per annum, compounded annually, and subsections (2) to (4) shall apply *mutatis mutandis*.

1944 (2nd.Sess.) c.5, s.21; 1945, c.6, s.8; 1951, c.5, s.8; 1953, c.5, s.5; R.S.S. 1953, c.9, s.27.

## REFUNDS

### Refund of deduction

**28** When an employee retires voluntarily or is dismissed, or his office is abolished and he is no longer employed, the sums which have been deducted from his salary shall be forthwith refunded to him with accrued interest. This section does not apply in respect of an employee whose name is on a lay-off list.

1944 (2nd.Sess.) c.5, s.22; 1952, c.11, s.12; R.S.S. 1953, c.9, s.28.

### No right to demand refund

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

1944 (2nd.Sess.) c.5, s.23; R.S.S. 1953, c.9, s.29.

## MISCELLANEOUS

### War service 1914-1918 deemed employment with board

**30(1)** Every person 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; and
- (c) became an employee prior to the first day of May, 1925;
- (d) was an employee on that date and has been continuously in the employ of the Liquor Board since that date;

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

(2) The periods covered by such war service and subsequent continuous employment with the Liquor Board shall be deemed to have been continuous service with the board for the purposes of this Act.

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

1945, c.6, s.9; R.S.S. 1953, c.9, s.30.

**War service 1939-1945 deemed employment with board**

**31(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 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 Liquor Board for a continuous period of at least one year; and
- (e) has been an employee of the board 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 board during such war service.

(2) The periods covered by such war service, and subsequent continuous employment under the board shall be deemed to be continuous service under the board for the purposes of this Act.

(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 any employee is given credit for war service pursuant to this section, he or she shall submit to the commission evidence satisfactory to it that he or she is entitled to the benefit conferred by this section.

1951, c.5, s.9; R.S.S. 1953, c.9, s.31.

**Certain previous employment with board to be computed**

**32(1)** Notwithstanding anything hereinbefore contained and subject to the provisions of the following subsections, if a person who at any time ceased to be an employee has again become or again becomes an employee, the period or periods of his previous employment with the Liquor Board shall be taken into account in computing any allowance or payment to be made to him or his widow or children or any other person under this Act.

(2) If an employee on leaving the employment of the Liquor Board received a retiring gratuity or honorarium from the board or a refund of contributions pursuant to section 28, such employee shall not be entitled to the benefit of subsection (1) until he repays the contributions so refunded, with interest thereon at three per cent per annum from the date on which he again became or becomes an employee, and also repays any gratuity or honorarium so received by him.

(3) If an employee had made no contributions under this Act prior to the date on which he ceased to be an employee, he shall not be entitled to the benefit of subsection (1) until he has made contributions in accordance with this Act in respect of his previous service after the thirtieth day of April, 1927.

(4) Repayments under subsection (2) and payments under subsection (3) may be made by instalments in such amounts and at such times as the commission may direct.

(5) Subsection (1) does not apply to an employee whose previous service did not cover a continuous period of one year or more.

(6) A person who heretofore ceased or hereafter ceases to be an employee and who, after the thirty-first day of July, 1951, again becomes an employee shall be entitled to the benefit of subsection (1) only if:

- (a) the interval between the date of termination of his previous service and the date on which he again becomes an employee is less than six years; and
- (b) he had, prior to the date on which he left the service, made contributions under this Act in respect of a period of at least one year; and in such case subsection (5) shall not apply.

(7) If a person who heretofore ceased or hereafter ceases to be an employee again becomes an employee after the thirty-first day of July, 1951, and within six years after the date of termination of his previous service, the repayment of contributions required by subsection (2) shall not include any contributions made by him in respect of the period of his probationary service if at the time of his appointment to the permanent staff he elected to take and received a refund of such contributions, and in such case the period of his probationary service shall not be taken into account in computing any allowance or payment to be made to him or his widow or children or any other person under this Act.

(8) Notwithstanding anything contained in this Act an employee shall be deemed to have been continuously employed though his service was discontinued for a period not exceeding two years due to the closing of a store established under *The Liquor Act* or due to his services being no longer required but such continuous employment shall include only the periods during which he was actually employed and with respect to which he has made or makes the payments required by subsections (2) and (3).

1945, c.6, s.9; 1951, c.5, s.10; 1953, c.5, s.6;  
R.S.S. 1953, c.9, s.32.



**Certain employment deemed employment with board**

**33(1)** Notwithstanding anything hereinbefore contained and subject to the provisions of the following subsections, any person who has heretofore been or is hereafter employed in a department, branch or bureau or by a board, commission or any other body under the Government of Saskatchewan shall, if he has become or becomes an employee within the meaning of this Act, be deemed to have been such an employee during the period of his employment with such department, branch, bureau, board, commission or other body.

(2) If such person, on leaving such department, branch, bureau, board, commission or other body, received or receives a retiring gratuity or honorarium from the Government, he shall not be entitled to the benefit of subsection (1) until he repays such gratuity or honorarium.

(3) Such person shall not be entitled to the benefit of subsection (1) until he has made contributions in accordance with this Act in respect of his service with such department, branch, bureau, board, commission or other body after the thirtieth day of April, 1927.

(4) Repayments under subsection (2) and payments under subsection (3) may be made by instalments in such amounts and at such times as the commission may direct.

(5) Subsection (1) does not apply to a person whose service with such department, branch, bureau, board, commission or other body did not cover a continuous period of three years or more.

(6) A person mentioned in subsection (1) who, after the thirty-first day of July, 1951, becomes an employee within the meaning of this Act shall be entitled to the benefit of subsection (1) only if the interval between the date of termination of his service with such department, branch, bureau, board, commission or other body and the date on which he becomes such employee is less than six years.

(7) With respect to a person mentioned in subsection (1) who, after the thirty-first day of July, 1951, becomes an employee within the meaning of this Act, subsection (5) shall be read and construed as if the words "one year" were substituted for the words "three years".

(8) Subsections (5) and (7) do not apply and shall be deemed never to have applied with respect to a person whose employment in a department, branch or bureau or by a board, commission or other body mentioned in subsection (1) was continuous with employment within the meaning of this Act:

Provided that this subsection does not affect any allowance granted under this Act before the first day of April, 1952.

1945, c.6, s.9; 1951, c.5, s.11; 1952, c.11, s.13;  
R.S.S. 1953, c.9, s.33.

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

**34** No person who enters continuous employment with the Liquor Board 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 annuation shall such person make contributions under the provisions of section 8.

1951, c.5, s.12; R.S.S. 1953, c.9, s.34.



**Contribution by and payment to persons not eligible for superannuation**

**35(1)** Every employee referred to in section 34 and every other employee who is ineligible for superannuation and who was not an employee on the first day of January, 1945, shall, by reservation from his salary, contribute five per cent of his salary to the superannuation fund.

(2) The Liquor Board shall deduct the amount of contributions monthly, and all contributions 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 Liquor Board 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 commission may direct.

(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 which 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 such age and interest on such 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 commission may direct.

(6) Interest shall be calculated at the rate of two per cent per annum, compounded annually.

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

1951, c.5, s.12; 1952, c.11, s.14; 1953, c.5, s.7;  
R.S.S. 1953, c.9, s.35.

**Deposit of contributions in bank**

**36** All contributions shall be deposited in a chartered bank or banks to the credit of an account to be known as the Liquor Board Superannuation Fund.

1944 (2nd.Sess.) c.5, s.24; R.S.S. 1953, c.9, s.36.

**Allowances, etc., a charge on superannuation fund**

**37** 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 such purposes, any deficiencies shall be met by payments from the revenues of the Liquor Board and shall be a charge thereon.

1944 (2nd Sess.) c.5, s.25; R.S.S. 1953, c.9, s.37.

**Reserve fund**

**38** The Liquor Board may at any time, with the consent of the Treasury Board, set up and provide, in such manner as it sees fit, by reserve or otherwise, such funds as may be necessary to meet the allowance payable or to become payable under the provisions of this Act.

1944 (2nd. Sess.) c.5, s.26; R.S.S. 1953, c.9, s.28.

**Payments made on resolution of commission**

**39(1)** The payment of any benefit under this Act shall be made upon a resolution of the commission directing the issue of a cheque on the Liquor Board 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 commission.

1944 (2nd. Sess.) c.5, s.27; R.S.S. 1953, c.9, s.39.

**Investments**

**40** The commission may from time to time, with the permission of the minister, invest any part of the moneys standing to the credit of the superannuation fund in any stock, debentures or securities of the Government of Canada or of any province of Canada, or any debentures or securities the payment of which is guaranteed by the Government of Canada or any province of Canada, and may sell such securities and reinvest the proceeds thereof in authorized securities or deposit the proceeds to the credit of the said fund.

1944 (2nd. Sess.) c.5, s.28; R.S.S. 1953, c.9, s.40.

**Allowance paid in monthly instalments**

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

1944 (2nd. Sess.) c.5, s.29; R.S.S. 1953, c.9, s.41.

**Election to receive certain payments in annual instalments**

**42** An employee or any other person entitled to receive a lump sum payment or a refund in equal annual instalments not exceeding five in number; provided that no interest shall be payable on the amount of the deferred instalments and that, notwithstanding such election, the employee or such person may apply for and shall be entitled to receive the balance of the instalments at any time

1951, c.5, s.13; R.S.S. 1953, c.9, s.42.

**Audit**

**43** The Provincial Auditor shall conduct a continuous audit of the superannuation fund.

1944 (2nd. Sess.), c.5, s.30; R.S.S. 1953, c.9, s.43.

**Interest**

**44** In respect of any period after the thirty-first day of July, 1951, interest shall be calculated at the rate of two per cent per annum, compounded annually.

1951, c.5, s.14; R.S.S. 1953, c.9, s.44.

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

**45** 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 money of the Liquor Board or is indebted to or liable to pay moneys to the Provincial Treasurer or any Crown corporation or other Government agency, the commission 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 Provincial Treasurer, Crown corporation or other Government agency, and any amount so retained shall be paid by the commission to the Liquor Board, Provincial Treasurer, Crown corporation or Government agency, as the case may require.

1951, c.5, s.15; R.S.S. 1953, c.9, s.45.

**Medical certificate**

**46** 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 such employee shall be established by certificate of a duly qualified medical practitioner nominated by the commission.

1944 (2nd.Sess.) c.5, s.33; R.S.S. 1953, c.9, s.46.

**Allowances, etc., unattachable and unassignable**

**47** Any payments to be made under the provisions of this Act shall not be subject to garnishment or attachment or seizure or any legal process, and shall be unassignable.

1944 (2nd.Sess.) c.5, s.34; R.S.S. 1953, c.9, s.47.

**Allowances, etc., unattachable and unassignable**

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

1944 (2nd.Sess.) c.5, s.35; R.S.S. 1953, c.9, s.48.

**Medical certificate**

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

1944 (2nd.Sess.) c.5, s.36; R.S.S. 1953, c.9, s.49.

**Regulations**

**50** The commission 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.

1944 (2nd.Sess.) c.5, s.37; R.S.S. 1953, c.9, s.50.

**Application to members of Liquor Board**

**51** The provisions of this Act also apply to persons who from time to time are members of the Liquor Board.

1944 (2nd.Sess.) c.5, s.38; R.S.S. 1953, c.9, s.51.

**Non-application to certain persons**

**52** This Act does not apply to a person to whom *The Public Service Superannuation Act* applies.

1944 (2nd.Sess.) c.5, s.39; R.S.S. 1953, c.9, s.52.

**Annual report**

**53(1)** The commission shall, each year, transmit to the minister a report showing:

- (a) the names of all members of the Liquor Board and 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 receipts and disbursements and balance for the last calendar year.

(2) The minister shall lay the commission's the report before the Legislative Assembly during the first fifteen days of the then next ensuing session or within fifteen days after its receipt if the Legislature is then sitting.

1944 (2nd. Sess.) c.5, s.16; R.S.S. 1953, c.9, s.53.

**Conditions affecting certain allowances**

**54(1)** Where any person in receipt of a superannuation allowance under this Act becomes entitled to receive other moneys from the Government or the Liquor Board by monthly or other periodical payments, then the superannuation allowance shall be suspended from the date from which such other periodical payments commence.

(2) Where in the opinion of the Liquor Board, for the purpose of facilitating the efficient operation of its business, it is advisable to employ any person who is in receipt of a superannuation allowance under this Act, subsection (1) shall not apply if such person is so employed only for a period or for periods in the aggregate not exceeding two months in any year.

1944 (2nd. Sess.) c.5, s.41; 1951, c.5, s.16; R.S.S. 1953, c.9, s.54.

***Workmen's Compensation (Accident Fund) Act***

**55(1)** Where an employee is entitled to an allowance under this Act and also to a sum of money as compensation under the provisions of *The Workmen's Compensation (Accident Fund) Act* payable in a lump sum or by instalments, the allowance payable under this Act may be reduced by such an amount as the commission may be regulations prescribe but not exceeding the amount of such compensation.

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(2) Where the widow or child of an employee is entitled to an allowance under this Act and also to compensation under the provisions of *The Workmen's Compensation (Accident Fund) Act* with respect to the death of the employee payable in a lump sum or by instalments, the allowance payable under this Act may be reduced by such an amount as the commission may by regulation prescribe but not exceeding the amount of such compensation.

1944 (2nd. Sess.) c.5, s.42; R.S.S. 1953, c.9, s.55.

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