

Definition of “Spouse” for Pension Plan Purposes

A Pension Plan member’s “spouse” enjoys certain rights under applicable pension legislation. The person, if any, who qualifies as a member’s “spouse” for Pension Plan purposes varies by province of employment. **Each member is responsible for ensuring that the Administrator¹ is promptly notified of any change to their spousal status for the purpose of the Pension Plan.** To do this, each member must understand who qualifies as his/her “spouse” for the purpose of the Pension Plan. At any given time, no more than one person can qualify as a member’s “spouse” for the purpose of the Pension Plan.

Depending on the province, a change in your spousal status for the purpose of the Pension Plan can occur in a number of circumstances, including if you (1) get married; (2) have lived in a “marriage-like” relationship with another person of the same or opposite sex for a certain period of time (a “common law relationship”); (3) have a child with a common law partner through birth or adoption; (4) live separate and apart from the person to whom you are married (your “spouse by marriage”) or your common law partner for a certain period of time; (5) where permitted in certain jurisdictions, register a domestic partnership with the proper governmental authority; or (6) transfer from employment in one province to employment in another.

If you are married and are *not* living separate and apart from your spouse, your spouse for the purpose of the Pension Plan is the person of the same sex or opposite sex to whom you are married. Depending on the province in which you are employed, special rules apply if, for example (1) you are married but are living separate and apart from your spouse by marriage; (2) you are living in a common law relationship with a person of the same or opposite sex; or (3) you are married but are living separate and apart from your spouse by marriage and you are living in a common law relationship with a person of the same or opposite sex.

In the chart below we have summarized the rules, as of the date of publication, regarding who qualifies as a member’s “spouse” for the purpose of the Pension Plan based on province of employment. The chart assumes that the qualifying person has not waived his/her rights as a “spouse” under the Pension Plan in the prescribed form and manner. **Note:** If applicable, the person who is your spouse for the purpose of health and welfare benefits is not necessarily your spouse for the purpose of the Pension Plan.

Your own personal situation may be complicated. You should consider consulting your legal advisor if there is any doubt as to whether you have a “spouse” for the purpose of the Pension Plan or who that person is. Please advise the Administrator¹ if any such complication exists as to your spousal status, or if pursuant to a domestic contract, decree, court order or judgment relating to a division of matrimonial property, a former spouse is entitled to an interest in your accrued benefits under the Pension Plan. While every effort has been made to ensure its accuracy, the information set out in this insert is not legal advice and should *not* be relied upon as such.

¹To notify the Administrator that your marital status has changed, call the United Church Benefits Centre at 1-866-859-5025.

Province or Territory of Employment	Spouse
British Columbia	<ul style="list-style-type: none"> ● The person who is married to the member (Includes a spouse by marriage who has lived separate and apart from the member for two (2) years or less. After two (2) years of continuous separation, a spouse by marriage no longer qualifies) ● If there is no qualifying spouse by marriage, the person who has lived in a marriage-like relationship with the member for a period of at least two (2) years
Alberta	<ul style="list-style-type: none"> ● The person who is married to the member (Includes a spouse by marriage who has lived separate and apart from the member for three (3) years or less. After three (3) years of continuous separation, a spouse by marriage no longer qualifies) ● If there is no qualifying spouse by marriage, the person who has lived in a marriage-like relationship with the member for a period of at least three (3) years ● The three (3) year cohabitation requirement does not apply if there is a child of the marriage-like relationship by birth or adoption. In that case, the member and the other person need only be living in a marriage-like relationship “of some permanence.”
Saskatchewan	<ul style="list-style-type: none"> ● The person who is married to the member ● If the member is not married, the person who has lived with the member as his/her spouse continuously for a period of at least one (1) year
Manitoba	<ul style="list-style-type: none"> ● The person who is married to the member ● The person who is registered as being in a common law relationship with the member under <i>The Vital Statistics Act</i> (Manitoba) ● The person, not being married to the member, who has cohabited with the member in a conjugal relationship for a period of at least three (3) years if either of them is married to another person, or at least one (1) year if neither of them is married to another person
Ontario and Bermuda	<ul style="list-style-type: none"> ● The person who is married to the member ● The person who is not married to the member but who has been living with the member in a conjugal relationship continuously for a period of not less than three (3) years ● The three (3) year cohabitation requirement does not apply if the member and the party to the conjugal relationship are the natural or adoptive parents of a child as defined in the <i>Family Law Act</i> (Ontario). In that case, the member and the other person need only be living in a conjugal relationship “of some permanence” ● A person is disqualified from being the “spouse” of a member if he/she is living separate and apart from the member
Quebec	<ul style="list-style-type: none"> ● The person who is married to the member or in a civil union with the member ● If the member is not married or in a civil union, the person who is neither married to, nor in a civil union with, the member and has been living with the member in a conjugal relationship for a period of at least three (3) years ● The three (3) year cohabitation requirement does not apply if any one of the following three requirements is met: <ul style="list-style-type: none"> (1) at least one (1) child is born, or is to be born, of the relationship; (2) the member and the person have jointly adopted at least one (1) child while living together in a conjugal relationship; <i>or</i> (3) one of them has adopted at least one (1) child who is the child of the other, while living together in a conjugal relationship ● The birth or adoption of a child prior to the period of conjugal relationship can qualify a person as a member’s “spouse” ● A person is disqualified from being the member’s “spouse” if he/she and the member are legally separated from bed and board <i>unless</i> (1) the person is the member’s successor; or (2) the member named the person in a notice to the Administrator to that effect in accordance with the <i>Supplemental Pension Plans Act</i> (Quebec)

Province or Territory of Employment	Spouse
New Brunswick	<ul style="list-style-type: none"> ● The person who is married to the member (including by way of a marriage that is voidable but has not been voided by a declaration of nullity) ● The person who has gone through a form of marriage with the member in good faith that is void, and who has cohabited with the member within the preceding one (1) year period ● The person who is not married to the member but who has been living with the member in a conjugal relationship continuously for a period of at least two (2) years ● If a member has both a spouse by marriage (including by way of a voidable or void marriage) and a common law partner, the spouse by marriage is deemed to be the member's spouse for the purpose of the Pension Plan <i>unless</i> there is a valid domestic contract between the member and the spouse by marriage or a decree, order, or judgment of a competent tribunal, that bars the spouse by marriage's claim
Nova Scotia	<ul style="list-style-type: none"> ● The person who is married to the member (including by way of a marriage that is voidable and has not been annulled by a declaration of nullity) ● The person who has gone through a form of marriage with the member in good faith that is void, and who has cohabited with the member within the preceding one (1) year period ● The person who has, together with the member, filed a valid domestic partner declaration under the <i>Vital Statistics Act</i> (Nova Scotia) ● The person who has been living with the member in a conjugal relationship for a period of at least two (2) years, neither of them being a spouse to any other person
Prince Edward Island	<ul style="list-style-type: none"> ● The person who is married to the member (including by way of a marriage that is voidable or void) ● The person who is not married to the member but has cohabited in a conjugal relationship with the member continuously for a period of at least three (3) years ● The three (3) year cohabitation requirement does not apply if the member and the party to the conjugal relationship are the natural or adoptive parents of a child as defined in the <i>Family Law Act</i> (Prince Edward Island)
Newfoundland and Labrador	<ul style="list-style-type: none"> ● The person who is married to the member (including by way of a marriage that is voidable and has not been voided by a declaration of nullity) ● The person who has gone through a form of marriage with the member in good faith that is void, and who is cohabiting with the member (or, if they have ceased to cohabit, has cohabited with the member within the previous one (1) year period) ● If a member has a spouse by marriage (including by a marriage that is voidable or void), the person who is not that spouse by marriage but who has cohabited continuously with the member in a conjugal relationship for not less than three (3) years ● If a member does <i>not</i> have a spouse by marriage (including by a marriage that is voidable or void), the person who has cohabited continuously with the member in a conjugal relationship for not less than one (1) year ● Where a member has both a spouse by marriage (including by way of a marriage that is voidable or void) and a common law partner, his/her spouse shall be deemed to be the common law partner
Northwest Territories, Nunavut, and Yukon Territory	<ul style="list-style-type: none"> ● The person who is married to the member or is party to a void marriage with the member ● The person who has cohabited with the member in a conjugal relationship for a period of at least one (1) year ● Where a member has both a spouse by marriage (including by way of a marriage that is void) and a common law partner, his/her spouse shall be deemed to be the common law partner