

## Definition of Spouse for Pension Plan Purposes

A pension plan member's *spouse* enjoys certain rights under pension legislation. Who qualifies as a member's spouse for pension plan purposes varies by province of employment. **Each member is responsible for ensuring that the Administrator<sup>1</sup> is promptly notified of any change to their spousal status.** Only one person can qualify as a member's spouse.

Depending on the province, a change in your spousal status 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.

The chart below summarizes the rules, as of the date of publication, based on province/territory of employment. The chart assumes that the qualifying person has not waived their rights as a spouse under the pension plan in the prescribed form and manner.

Note: 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. Consider consulting your legal adviser 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 Administrator<sup>1</sup> if any such complication exists as to your spousal status, or if according 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 document is not legal advice and should not be relied upon as such.**

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

<b>Province or Territory of Employment</b>	<b>Spouse</b>
British Columbia	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you and has not been living separate and apart from you for a continuous period longer than two years on the date of determination; or</li> <li>(ii) has been living with you in a marriage-like relationship for a period of at least two years immediately preceding the date of determination.</li> </ul>
Alberta	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you and who, if living separate and apart from you, had not been living separate and apart from you for a continuous period longer than three years; or</li> <li>(ii) if paragraph (i) does not apply, the person who, immediately preceding the date of determination, had lived with you in a marriage-like relationship <ul style="list-style-type: none"> <li>(A) for a continuous period of at least three years; or</li> <li>(B) of some permanence, if there is a child of the relationship by birth or adoption.</li> </ul> </li> </ul>
Saskatchewan	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> <li>(ii) if you are not married, is living with you as a spouse on the date of determination and who had been living together continuously with you as their spouse for at least one year prior to the date of determination.</li> </ul>
Manitoba	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> <li>(ii) is registered as being in a common-law relationship with you under <i>The Vital Statistics Act</i> (Manitoba); or</li> <li>(iii) not being married to you, is living with you in a conjugal relationship and who on the date of determination had lived with you in that relationship for a period of: <ul style="list-style-type: none"> <li>(A) at least three years if either of you is married; or</li> <li>(B) at least one year, if neither of you are married.</li> </ul> </li> </ul>
Ontario or Bermuda	<p>The person who is not living separate and apart from you and meets one of the following eligibility requirements:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> </ul>

	<p>(ii) is not married to you but has been living with you in a conjugal relationship,</p> <p>(A) continuously for a period of not less than three years; or</p> <p>(B) of some permanence, if you are the parents of a child as set out in section 4 of the <i>Children’s Law Reform Act</i> (Ontario).</p>
Quebec	<p>The person who:</p> <p>(i) is married to you or in a civil union with you; or</p> <p>(ii) if paragraph (i) does not apply, is living in a conjugal relationship with you, who is neither married nor in a civil union, and on the date of determination had been living with you in that relationship for a period of</p> <p>(A) at least three years; or</p> <p>(B) for a period of not less than one year if</p> <p>(1) at least one child is born, or to be born, of your union;</p> <p>(2) you have jointly adopted at least one child while living together in a conjugal relationship; or</p> <p>(3) one of you has adopted at least one child who is the child of the other, while living together in a conjugal relationship,</p> <p>and, for greater clarity, the birth or adoption of a child prior to the period of conjugal relationship existing on the date of determination may qualify a person as your spouse.</p> <p>Notwithstanding subparagraph (i) above, a person who is legally separated from bed and board on the date of determination will not qualify as your spouse unless the person is your successor or was named in a notice sent by you to the Administrator in accordance with applicable pension laws.</p>
New Brunswick	<p>The person who:</p> <p>(i) is married to you; or</p> <p>(ii) is married to you by a marriage that is voidable and has not been voided by a declaration of nullity; or</p> <p>(iii) has gone through a form of marriage with you in good faith that is void and has lived with you within the one-year period immediately preceding the date of determination; or</p> <p>(iv) is not married to you but is living with you in a conjugal relationship and on the date of determination had lived with you in that relationship continuously for at least two years.</p> <p>Notwithstanding the above, if a person described under paragraph (i), (ii), or (iii) (“married spouse”) and a person described under</p>

	<p>paragraph (iv) both claim a right or benefit under the plan, the married spouse is entitled to the right or benefit, if they are otherwise eligible, unless there is a valid domestic contract between you and the married spouse, or a decree, order, or judgment of a competent tribunal that bars the married spouse's claim.</p>
Nova Scotia	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> <li>(ii) is married to you by a marriage that is voidable and has not been annulled by a declaration of nullity; or</li> <li>(iii) in good faith, has gone through a form of marriage with you that is void and who is living with you or, if they have ceased to live with you, had lived with you within the 12-month period immediately preceding the date of determination; or</li> <li>(iv) has, together with you, filed a valid domestic partner declaration under the <i>Vital Statistics Act</i> (Nova Scotia); or</li> <li>(v) is living with you in a conjugal relationship and on the date of determination had lived with you in that relationship for a period of at least three years if either person is married, or one year if neither person is married.</li> </ul>
Newfoundland and Labrador	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> <li>(ii) is married to you by a marriage that is voidable and has not been voided by a declaration of nullity; or</li> <li>(iii) has gone through a form of marriage with you, in good faith, that is void and who is living with you or, if they have ceased to live with you, has lived with you within the year immediately preceding the date of determination; or</li> <li>(iv) if you have a spouse as described in paragraph (i), (ii), or (iii), the person who is not your spouse within the meaning of paragraph (i), (ii), or (iii) and who has lived continuously with you in a conjugal relationship for not less than three years, and is living with you or has lived with you within the preceding year; or</li> <li>(v) if you do not have a spouse as described in paragraph (i), (ii), or (iii), the person who has lived continuously with you in a conjugal relationship for not less than one year, and is living or has lived with you within the preceding year.</li> </ul>
Prince Edward Island	<p>The person who:</p> <ul style="list-style-type: none"> <li>(i) is married to you; or</li> </ul>

	<p>(ii) has entered into a marriage with you that is voidable or void; or</p> <p>(iii) is not married to you but has lived in a conjugal relationship with you continuously for a period of at least three years; or</p> <p>(iv) is not married to you but is living with you in a conjugal relationship, and together you are the natural or adoptive parents of a child as defined in the <i>Family Law Act</i> (Prince Edward Island).</p>
Nunavut, the Yukon Territory or the Northwest Territories	<p>The person who:</p> <p>(i) is married to you or is party to a void marriage with you; or</p> <p>(ii) is living with you in a conjugal relationship for a period of at least one year at the date of determination.</p> <p>Notwithstanding the above, if there is a person described under paragraph (i) from whom you are separated and a person described under paragraph (ii) with whom you are living, “spouse” means the person described under paragraph (ii).</p>