

## Recognition of same sex spouses

By Guy Lemay and Catherine Maheu

On June 16, 1999, the National Assembly enacted Bill no. 32 entitled: “*An Act to Amend Various Legislative Provisions Concerning De Facto Spouses*”.

The Bill amends twenty-eight (28) acts and eleven (11) regulations that contain a definition of “de facto spouses”, to allow de facto unions to be recognised without regard to the sex of the persons concerned. (A list of these acts and regulations can be found herewith.)

As a result of the new Bill, the benefits previously granted under these acts and regulations to de facto spouses of opposite sex, are now given to de facto spouses of the same sex. Here are only a few examples of such benefits now granted to de facto same sex spouses:

1. death benefits payable to spouses under the Act respecting industrial accidents and occupational diseases;
2. leave for family events provided by the *Act respecting Labour Standards*;
3. the coverage provided under the terms of a drug insurance program;



4. death benefits payable to the surviving spouse under the *Act respecting supplemental pension plan*;

Employers have ninety (90) days from the date of the coming into force of the Act to comply (i.e. until September 14, 1999).

Additionally, it is foreseeable that the Act will have other important repercussions in labour relations. Indeed, both administrative and judicial tribunals will undoubtedly be called upon, in the near future, to examine the definition of “de facto spouses” contained in the collective agreements and group insurance policies to which the employer is a party. Odds are that the enactment of Bill 32 will shed new light on the debate.

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