

How Pension Laws Define “Spouse”



✘ Here's how pension laws define “spouse” with respect to general industry private pension plans only. (The definition may vary under public service plans or industry-specific plans.)

FEDERAL: “Spouse” is a person who: (a) Has been living with the plan member in a conjugal relationship for at least one year; or, (b) If no such person exists, is married to the plan member or is party to a void marriage with the plan member (Pension Benefits Division Act, Section 2).

ALBERTA: “Spouse” is a person of the opposite sex who: (a) Is married to the plan member and has not been living apart from the plan member for more than 3 consecutive years; or, (b) If no such person exists, has been living with the plan member in a conjugal relationship (i) for the last 3 years, or (ii) of some permanence, if there is a child of the relationship by birth or adoption (Employment Pension Plans Act, Section 1(1)).

BRITISH COLUMBIA: “Spouse” is a person who: (a) Is married to the plan member and has not been living separate and apart from the plan member for the preceding 2 years; or (b) Is not married to the plan member but has been living with the plan member as husband and wife for the preceding 2 years; or (c) Is the same gender as, and has been living with, the plan member in a marriage-like relationship for the preceding 2 years (Pension Benefits Standards Act, Section 1).

MANITOBA: “Spouse” is the person who: (a) Is married to the plan member; or (b) If not married, has been living with the plan member in a conjugal relationship for (i) the previous 3 years if either of the parties is married, or (ii) the previous year if neither party is married (Pension Benefits Act, Section 1(1)).

NEW BRUNSWICK: “Spouse” is a person who: (a) Is married to the plan member; (b) Is married to the plan member by a marriage that is voidable and has not been annulled; (c) Has gone through a form of marriage in good faith that is void and has lived with the plan member within the last 12 months; (d) Without being married to the plan member, has cohabited with the plan member in a conjugal relationship continuously for at least the 2 previous years, provided that either party has been substantially dependent on the other for support; or (e) Without being married to the plan member, has lived with the plan member in a relationship of some permanence during the last year, if both parties are the natural parents of a child together (Pension Benefits Act, Section 1(1)).

NEWFOUNDLAND/LABRADOR: "Spouse" is the person who: (a) While not the member's spouse, has lived with the member in a conjugal relationship continuing for (i) 3 years if the member has a spouse, or (ii) one year if the member does not have a spouse; (b) If there is no cohabitating partner, is married to the plan member; (c) Is married to the plan member by a marriage that is voidable and has not been annulled; or (d) Has gone through a form of marriage in good faith that is void and has lived with the plan member within the last 12 months (Pension Benefits Act, Section 2).

NORTHWEST TERRITORIES/NUNAVUT: Follow the federal definition of "spouse" described above.

NOVA SCOTIA: "Spouse" is the person who: (a) Is married to the plan member; (b) Is married to the plan member by a voidable marriage that has not been annulled; (c) Has, in good faith, gone through a form of marriage with the plan member that is void and is living with the plan member or, if they no longer live together, have lived together within the last 12 months; or (d) Has lived with the plan member as husband and wife for the previous two years, provided that neither party is married to another person (Pension Benefits Act, Section 2).

ONTARIO: "Spouse" is the person who: (a) Is married and living with the plan member; or (b) Is not married to but has been living with the plan member (i) in a conjugal relationship continuously for at least 3 years, or (ii) in a conjugal relationship of some permanence if they are both natural or adoptive parents of a child (Pension Benefits Act, Section 1(1)).

PRINCE EDWARD ISLAND: "Spouse" is the person who: (a) Is married to the plan member; (b) Is married to the plan member by a voidable marriage that has not been annulled; (c) Has, in good faith, gone through a form of marriage with the plan member that is void and is living with the plan member or, if they no longer live together, have lived together within the last 12 months; or (d) Has lived with the plan member as husband and wife for the previous 3 years, provided that neither party is married to another person (Pension Benefits Act, Section 2).

QUÉBEC: "Spouse" is the person who: (a) Is married to or in a civil union with the plan member; (b) Is not married to the plan member but has been living in a conjugal relationship with the plan member for (i) not less than 3 years, or (ii) not less than one year if at least one child is or is to be born of the union or both parties have jointly adopted a child or either party has adopted at least one child of the other; however a spouse who is legally separated from bed and board loses his or her entitlement to a death benefit (Supplemental Pension Plans Act, Section 85).

SASKATCHEWAN: "Spouse" is the person who: (a) Is married to the plan member; or (b) Is not married to the plan member but has lived with the plan member as a spouse for at least one year (Pension Benefits Act, Section 2).

YUKON: Follows the federal definition of "spouse" described above.