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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

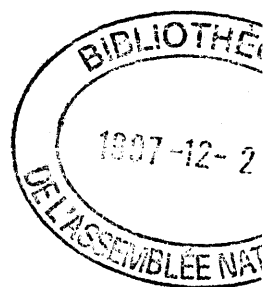
Bill 186

**An Act respecting income support,  
employment assistance and social  
solidarity**

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**Introduction**

**Introduced by  
Madam Louise Harel  
Minister of Employment and Solidarity**



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## EXPLANATORY NOTES

*This Act provides for measures, programs and services in the areas of manpower and employment to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.*

*To those ends, the Minister of Employment and Solidarity may grant financial assistance and offer information, vocational guidance and placement services. The Minister may also propose that a person engage in certain activities as part of an "Individualized Integration, Training and Employment Plan".*

*Three financial assistance programs are established. The Employment-Assistance Program is designed to grant last resort financial assistance to persons who are capable of and available for work, encourage them to undertake or pursue a job entry or re-entry process and support them during that process. A further purpose of the program is to grant last resort financial assistance to persons with a limited capacity for employment which prevents them from undertaking such a process. The Social Welfare Program is designed to grant last resort financial assistance to persons who, owing to age or disability and because they so choose, do not undertake a job entry or re-entry process. The Parental Wage Assistance Program is designed to provide a financial supplement to low-income families in which at least one parent is employed.*

*In order to receive a benefit under a last resort financial assistance program, an individual other than an individual whose capacity for employment is limited must be available for employment make appropriate efforts to find employment and follow any direction from the Minister in that regard. A person may not, without serious cause, refuse or leave an employment.*

*An information and complaint bureau is set up within the employment and solidarity department for the primary purpose of informing persons concerned of their rights and obligations and enhancing the quality of the services provided under the Act. In addition, a review service established within the department will, on application, review the decisions made by the Minister.*

*Finally, the bill contains various provisions regarding such matters as the recovery of sums owed to the Minister, inspections and investigations.*

**LEGISLATION REPLACED BY THIS BILL:**

- Act respecting income security (R.S.Q., chapter S-3.1.1).

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Legal Aid Act (R.S.Q., chapter A-14);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);

- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting assistance and compensation for victims of crime (1993, chapter 54);
- Act respecting prescription drug insurance (1996, chapter 32);
- Pay Equity Act (1996, chapter 43);
- Act respecting administrative justice (1996, chapter 54);
- Act respecting family benefits (1997, chapter 57);
- Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63).

# **Bill 186**

## **AN ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **TITLE I**

#### **EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES**

**1.** This Title provides for measures, programs and services in the areas of manpower and employment to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.

These employment-assistance measures, programs and services focus on the components of an active labour market policy: job preparation, entry and retention as well as job stabilization and job creation.

**2.** To that end, the Minister of Employment and Solidarity may

(1) offer reception, referral, assessment and coaching services;

(2) collect labour market and placement information, primarily for the purpose of providing information on employment opportunities to help workers find employment and help employers find suitable workers;

(3) compile information concerning employment for workers and workers seeking employment and, to the extent the Minister considers necessary, make the information available to the persons concerned;

(4) provide funding for courses, training programs or professional services;

(5) issue vouchers to be exchanged for services.

**3.** Employment-assistance measures, programs and services may be established in particular to

(1) support organizations that provide employment-assistance services;

(2) assist employers, employee or employer associations, community organizations and regional or local communities in developing and

implementing strategies for dealing with labour force adjustments and meeting manpower requirements;

(3) facilitate improved labour market efficiency and minimize the impact of labour market restructuring;

(4) promote the development of new labour market policy instruments and management tools;

(5) support research and innovation in order to identify better ways of helping persons obtain or keep employment.

**4.** Within the scope of employment-assistance measures, programs and services, the Minister may offer persons financial assistance in particular to

(1) help them obtain skills for employment, ranging from basic to specific skills;

(2) encourage them to accept employment through incentives such as earning supplements;

(3) assist them, through expense reimbursement or income support, in their efforts to enter, re-enter or remain on the labour market;

(4) provide them with employment opportunities through which they can gain work experience to improve their employment prospects;

(5) encourage employers to hire them.

**5.** After assessing a person's circumstances, the Minister may offer personalized information, vocational counselling and placement services to help the person obtain employment.

The Minister may also propose that the person engage in certain activities as part of an "Individualized Integration, Training and Employment Plan". These may include job preparation activities, such as basic or specific training, job entry or retention activities or job creation activities.

**6.** The Minister may, in respect of certain activities engaged in by a person as part of an Individualized Plan, enter into an agreement in writing with the person and, where applicable, with the person for whom the work is performed. The agreement may include conditions of employment and require the person for whom the work is performed to consult, prior to the beginning of the work, with the association of employees legally recognized to represent the members of the bargaining unit concerned.

Except in the cases and to the extent determined by regulation, the provisions of the Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q.,

chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) apply to an activity engaged in as part of an Individualized Plan.

**7.** To avail themselves of an employment-assistance measure, program or service, persons must apply to the Minister and provide the Minister with any document or information required by the Minister.

They must also inform the Minister of any change in their circumstances that may affect their eligibility or continued eligibility in respect of the measure, program or service, or the amount of the financial assistance granted.

**8.** The Minister shall lend assistance to persons who so request so as to facilitate their understanding of and access to employment-assistance measures, programs and services.

**9.** At least 10 days before reducing or ceasing to pay an amount granted under this Title on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

**10.** The powers of the Minister under this Title shall be exercised in agreement with the provisions of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63), particularly as concerns the functions and powers of the Commission des partenaires du marché du travail and of the regional councils of labour market partners.

As provided in that Act, the provincial, regional and local implementation and management of the manpower and employment measures and programs under the responsibility of the Minister and the provision of public employment services are entrusted to Emploi-Québec.

## **TITLE II**

### **FINANCIAL ASSISTANCE PROGRAMS**

#### **CHAPTER I**

##### **EMPLOYMENT-ASSISTANCE PROGRAM**

#### **DIVISION I**

##### **ESTABLISHMENT**

**11.** An Employment-Assistance Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who are capable of and available for work, encourage them to undertake or pursue a job entry or re-entry process and support them during that process.

A further purpose of the program is to grant last resort financial assistance to persons with a limited capacity for employment which prevents them from undertaking such processes.

## **DIVISION II**

### **ELIGIBILITY**

**12.** Independent adults or families that establish that, according to the rules provided in Division IV of this chapter, their resources fall short of the amount of the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

**13.** The following persons are not eligible under the program :

- (1) adults not resident in Québec ;
- (2) adults not legally authorized to remain in Canada, other than Geneva Convention refugees recognized by the competent Canadian authorities, except in the cases and subject to the conditions determined by regulation and in respect of such benefits and allowances as may be determined by regulation ;
- (3) adults attending, within the meaning of the regulations and otherwise than as part of an Individualized Integration, Training and Employment Plan proposed by the Minister under section 5, an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level and families that include such an adult ;
- (4) adults who are members of a religious community which has the means to provide for its members ;
- (5) independent adults who are minors ;
- (6) adults incarcerated in a penitentiary or detained in a house of detention or any other prison, or required to reside in a half-way house, except in the cases determined by regulation.

In addition, adults or families that possess liquid assets in excess of the maximum amount determined by regulation are not eligible under the program. Such adults or families are ineligible from the date of application to the last day of the month.

**14.** The Minister may grant a benefit to an independent adult or a family that is not eligible under the program for any reason other than the reason set out in paragraph 3 of section 13, or not entitled to that benefit although eligible under the program, if in the Minister's opinion, the adult or the members of the family would, without that benefit, be in circumstances that could endanger their health or safety or lead to complete destitution.



**15.** The Minister may, in the cases and subject to the conditions determined by regulation, grant a benefit to an independent adult or a family that is no longer eligible under the program.

**16.** The Minister shall include a statement of the benefits granted under section 14 and the reasons for which they were granted in the annual report the Minister is required to produce under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

Notwithstanding subparagraph 4 of the first paragraph of section 57 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the names and addresses of recipients of such a benefit are not public information.

### **DIVISION III**

#### **DEFINITIONS**

**17.** The word "spouses" means

- (1) persons who are married to each other and who cohabit;
- (2) persons who cohabit and who are the mother and father of a child;
- (3) persons of full age who live together as husband and wife and who, at any one time, cohabited for a period of not less than one year.

Such persons remain spouses or, for the purposes of subparagraph 3 of the first paragraph, are presumed to have continued to cohabit despite the temporary absence of one of them.

**18.** Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent upon on one of such persons for their subsistence:

- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor the father or mother of a child who is their dependant.

However, except in the cases and subject to the conditions determined by regulation, children of full age who do not attend an educational institution and who are neither the spouse of another person nor the father or mother of a child who is their dependant are presumed to be dependent children so long as they are not granted a benefit. The obligations set out in Division V of this chapter apply to such dependent children.

**19.** An adult is a person other than a dependent child.

**20.** A family is composed of

- (1) an adult and the adult's dependent children;
- (2) spouses and their dependent children or the dependent children of either spouse; or
- (3) spouses, if they have no dependent children.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation, and an adult who, pursuant to paragraph 1, 2, 4 or 6 of section 13, is not eligible under the program shall not be considered a member of a family.

#### **DIVISION IV**

##### **ESTABLISHMENT AND PAYMENT OF BENEFIT**

**21.** The benefit payable to an independent adult or a family eligible under the program is established on the basis of the basic benefit applicable to that adult or family, according to the amount, in the cases and under the conditions determined by regulation.

**22.** A temporary limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family

(1) produces a medical report establishing that, due to the adult's physical or mental condition, the adult will be unable, for a period of at least one month, to engage in any activity that may be proposed under the second paragraph of section 5;

(2) is at least twenty weeks pregnant or has given birth less than five weeks previously, and applies for the allowance; the application must be filed together with a medical report; the medical report may be replaced by a written report attesting the pregnancy signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1), indicating the adult's name and date of birth, the number of weeks of pregnancy and the expected date of delivery, or the actual date of delivery;

(3) provides childcare to a dependent child of the adult in the cases and subject to the conditions determined by regulation or to such a child who does not attend school by reason of a physical or mental handicap;

(4) is 55 years of age or over and applies for the allowance;

(5) shares a dwelling unit with a person whose autonomy is significantly reduced by reason of a physical or mental condition which requires constant care on the part of the adult;

(6) is responsible for a family-type resource recognized under the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(7) is responsible for a foster home under a service contract with the Minister of Public Security and must act as such with respect to a person required to live there.

A temporary limited capacity for employment allowance shall also be added to the basic benefit in the case of an independent adult placed in a foster home or a victim of violence who takes refuge in a shelter, in the latter case for a maximum of three consecutive months from the date of admission. The same applies subject to the conditions determined by regulation in the other cases determined by regulation.

**23.** A permanent or indefinite limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that the adult's physical or mental condition is significantly and in all likelihood permanently or indefinitely deficient or impaired and that, for that reason and in view of the adult's socio-professional profile, the adult has a severely limited capacity for employment and is consequently unable to provide for himself or herself or for his or her family.

**24.** The Minister may, subject to the conditions determined by the Minister, add a participant's allowance to the basic benefit, in the amount prescribed by regulation, where the independent adult, an adult member of the family or a dependent child referred to in the second paragraph of section 18 engages in an activity as part of an Individualized Integration, Training and Employment Plan.

**25.** A person may not receive a temporary limited capacity for employment allowance concurrently with a permanent or indefinite limited capacity for employment allowance or concurrently with a participant's allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where two members of the family meet the conditions set out in section 22, 23 or 24.

**26.** The benefit granted to an independent adult or to a family is established, for each month, on the basis of the circumstances of the adult or family on the last day of the preceding month. The benefit shall be equal to the deficit in resources in relation to needs calculated by

(1) determining the amount of the applicable basic benefit and adding to it the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits;

(2) subtracting from the amount of the dependent children adjustments determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57);

(3) subtracting from the amount obtained under subparagraphs 1 and 2 the following amounts, except insofar as they are excluded by regulation :

(a) the amount determined in respect of lodging according to the method and to the extent prescribed by regulation ;

(b) the income from work and from property earned, in the preceding month, by the independent adult or by members of the family, and any earnings or other benefits of any kind received by them, except those subtracted pursuant to subparagraph 2;

(c) the benefits not yet received or the amounts used to determine the benefits not yet received, in respect of the period prescribed by regulation, to which the independent adult or adult members of the family are entitled because of an interruption of work, under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23);

(d) where the independent adult or adult members of the family lost an employment because of a work stoppage attributable to a labour dispute and, for that reason, could not or did not qualify for unemployment benefits, any work income that could otherwise have been earned by them in the preceding month, until such time as they could qualify for benefits under the Employment Insurance Act ;

(e) the liquid assets, within the meaning of the regulations, of the independent adult or members of the family as they stand on the last day of the preceding month ;

(f) the amount obtained by applying the percentage prescribed by regulation to the value, determined according to the method prescribed by regulation, of the property owned by the independent adult or members of the family on the last day of the preceding month, excluding any property which cannot be alienated due to a legal impediment beyond their control ;

(g) where, in the cases and subject to the conditions determined by regulation, the independent adult or family shares a dwelling unit with another person, the amount determined according to the method prescribed by regulation ;

(h) the amount determined as parental contribution, according to the method prescribed by regulation, for the three years following the first of the following dates :

i. the date on which the adult who is deemed to receive parental contribution received a first benefit under a last resort financial assistance program;

ii. the date on which the adult would have been declared eligible but for the net incomes of his or her father and mother taken in account in determining the contribution.

Subparagraphs *g* and *h* of subparagraph 3 of the first paragraph do not apply to an independent adult who or to a family one of the adult members of which meets the conditions set out in section 23.

The calculation method provided for in subparagraph *h* of subparagraph 3 of the first paragraph shall be established by considering the net incomes of the father and mother of the adult and by taking in account the provisions concerning the calculation method of the parental contribution established under the regulatory provisions adopted pursuant to the Act respecting financial assistance for students (R.S.Q., chapter A-13.3).

Where a benefit is granted, the amount of the benefit cannot be less than the amount prescribed by regulation if the independent adult or the family is entitled to a participant's allowance.

**27.** An adult is deemed to receive parental contribution except if

(1) the adult has provided for his or her own needs and resided elsewhere than at the place of residence of his or her father or mother for at least two years, excluding any period during which the adult attended an educational institution on a full-time basis;

(2) the adult has, for at least two years, held remunerated full-time employment or received, for such employment, benefits under the Employment Insurance Act;

(3) the adult is or was married;

(4) the adult has been living with another person as husband or wife and has, at one time, cohabited with that person for a period of not less than one year;

(5) the adult has or has had a dependent child;

(6) the person holds a bachelor's degree from a university;

(7) the person is at least twenty weeks' pregnant, and the person's condition has been attested by a medical report; the medical report may be replaced by a written report attesting the pregnancy, signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects and indicating the name and date of birth of the adult, the number of weeks of pregnancy and the expected date of delivery.

However, an adult who establishes that his or her father and mother are untraceable or that they have refused to contribute to his or her needs is not deemed to be receiving parental contribution.

**28.** A benefit shall be granted from the month following the month of the application. However, a benefit may be granted for the month in which the application is made and shall, in that case, be established according to the method prescribed by regulation, which may take into account such factors as the liquid assets of the adult or family as they stand on the date of the application.

**29.** A benefit shall be paid on a monthly basis subject to the conditions determined by regulation.

The benefit shall be paid to the spouses jointly or, at their request, to one of them.

**30.** A benefit paid under this chapter is unassignable and unseizable.

**31.** If the recipient of a benefit is the lessee of a dwelling and is in default with respect to payment of the agreed rent, the Minister shall, on receipt of an order of the Régie du logement and in accordance with the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), pay part of the benefit directly to the lessor, according to the amount and subject to the conditions determined by regulation. Such payment is deemed made to the recipient, except where it should not have been made to the lessor.

**32.** Where an independent adult or the adult members of a family, due to particular circumstances or in view of their past conduct in the administration of property, are unable to administer the benefit granted to them, the Minister may, subject to the conditions determined by regulation, pay the benefit to a person or organization designated by the Minister.

The person or organization shall administer the benefit according to the standards prescribed by regulation and report to the Minister on the form supplied by the Minister.

## **DIVISION V**

### **RECIPROCAL RIGHTS AND OBLIGATIONS**

**33.** A person wishing to take advantage of the program must apply to the Minister and provide the Minister with any document or information necessary to ascertain the person's eligibility or the eligibility of the person's family under the program, and to determine the amount of the benefit.

**34.** A person required to produce a medical report must produce the medical report on the form supplied by the Minister.

Moreover, where the Minister considers it appropriate, a person must undergo another medical examination, carried out by the physician designated by the Minister, to verify whether the person's capacity for employment is permanently or indefinitely limited or whether the person is unable, owing to the person's physical or mental condition, to engage in an activity, as provided in subparagraph 1 of the first paragraph of section 22. An unfavourable decision of the Minister must be accompanied by the report of the physician so designated by the Minister.

**35.** The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in drafting an application for a benefit.

**36.** The Minister shall examine applications and make a decision promptly.

**37.** The Minister shall inform a person to whom a benefit is granted under this Act, as comprehensively as possible and according to the circumstances declared by the person, concerning

(1) rights and obligations under this Act;

(2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec, the unified housing allowance program administered by the Société d'habitation du Québec and the special health insurance services offered by the Régie de l'assurance-maladie du Québec to persons eligible under a last resort financial assistance program, and the manner of gaining access thereto.

**38.** A recipient must

(1) advise the Minister promptly of any change in the recipient's circumstances or the circumstances of the recipient's family which may affect the benefit granted;

(2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Notwithstanding the first paragraph, a recipient is not required to declare the amount of a family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits, unless so required by the Minister.

**39.** At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

**40.** An independent adult or the members of a family must exercise their rights or avail themselves of other statutory benefits where the exercise of such rights or the receipt of such benefits would affect their eligibility or reduce the amount of the benefit granted to them under the program.

In the case of an adult who is not deemed to receive parental contribution under the second paragraph of section 27, the Minister is subrogated by operation of law in the rights of the adult to have support payments fixed or varied, unless the adult has elected to exercise his or her remedy for support. The Minister may also exercise the rights of any other creditor of support to have support payments fixed or varied if the Minister is of the opinion that the creditor's circumstances place the exercise of such rights in jeopardy.

**41.** Where the recipient of a benefit, or a member of the recipient's family, is the creditor of support, the recipient must inform the Minister, in the manner prescribed by regulation, of any judicial proceeding in respect of the obligation of support at least five days before the date of presentation of the application relating to such proceeding.

The recipient must, however, inform the Minister of the content of an agreement in respect of the obligation of support at least ten days before its presentation to the court.

An agreement between the parties concerning the fixing or variation of support payments has no effect against the Minister unless it has been homologated or confirmed by the court.

In any proceeding for the fixation or variation of support payments, the court may, of its own motion, implead the Minister, or the Minister may *ex officio* and without notice intervene at any time and take part in the proof and hearing. However, no application relating to an obligation of support may be heard unless the Minister has been duly informed of the application.

**42.** An independent adult or members of a family must not, in the two years preceding an application for or the payment of a benefit, have waived their rights, disposed of property or of liquid assets without just cause or squandered them so as to become or render their family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

**43.** An adult other than an adult whose capacity for employment is limited within the meaning of section 22 or 23 must be available for employment.

The adult must make such efforts as are appropriate in the adult's circumstances to find suitable employment and follow any direction from the Minister in that regard.



**44.** To obtain proof that an adult is available for employment, the Minister may require the adult to register for employment at an employment agency and to report to the agency at such reasonable times as the Minister or agency directs.

**45.** The obligations imposed by section 43 do not apply to an adult

- (1) attending a course or training program recognized by the Minister; or
- (2) engaging in an activity as part of an Individualized Integration, Training and Employment Plan.

**46.** An adult is deemed not to have made appropriate efforts to find employment if the adult

(1) has not applied for a suitable employment that is vacant after becoming aware that it is vacant or becoming vacant, or has failed to accept the employment after being offered the employment;

(2) has not carried out a written direction given by the Minister with a view to assisting the adult in finding employment, if the direction was reasonable having regard both to the adult's circumstances and the usual means of obtaining employment;

(3) has not attended an interview that the Minister has directed the adult to attend to enable the Minister to provide information and instruction to help the adult find employment.

**47.** Employment is not suitable employment if

(1) it arises in consequence of a stoppage of work attributable to a labour dispute;

(2) it does not meet the minimum working conditions set out in the Act respecting labour standards;

(3) the earnings are insufficient in relation to the expenses entailed, particularly childcare and transportation expenses;

(4) the working conditions are difficult and unreasonable and constitute a danger to health or safety;

(5) it involves considerably more demanding duties or a considerably greater number of working hours than might be expected in that type of employment; or

(6) the working conditions are likely to undermine the adult's integrity.

**48.** An adult must not, without serious cause, refuse or leave a suitable employment or lose suitable employment through the adult's own fault, permanently or temporarily, so as to become or render the adult's family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

**49.** Dismissal due to marked carelessness in regard to the employment or misconduct constitutes a loss of employment through the employee's own fault.

**50.** Serious cause for leaving an employment or taking leave from an employment exists if the adult had no reasonable alternative to leaving or taking leave, having regard to all the circumstances, including any of the following:

- (1) sexual or other harassment;
- (2) obligation to accompany a spouse or dependent child to another residence;
- (3) discrimination prohibited under the Charter of human rights and freedoms (R.S.Q., chapter C-12);
- (4) working conditions that constitute a danger to health or safety;
- (5) obligation to care for a child or a member of the immediate family;
- (6) excessive overtime work or refusal to pay for overtime work;
- (7) significant changes in work duties;
- (8) antagonism with a supervisor, if the adult is not primarily responsible for the antagonism;
- (9) practices of an employer that are contrary to public order;
- (10) discrimination with regard to employment because of membership in an association, organization or union of workers;
- (11) undue pressure by the employer on the adult to leave the employment.

**51.** An adult may not, without serious cause, refuse to resume an employment which the adult may resume pursuant to the working conditions that apply to the adult.

However, the independent adult or the adult's family remains eligible for the benefit to which they would have been entitled if the adult had not left the employment.

**52.** Where there is a failure to fulfil any of the obligations imposed by sections 33, 34, 38, 40 to 44, 48 or 51, the Minister may refuse to grant an application or reduce, suspend or cease to pay a benefit, according to the conditions determined by regulation.

In the other cases determined by regulation, the Minister shall impose the measure prescribed by regulation.

**53.** An independent adult under 25 years of age or an adult under that age who is a member of a family without dependent children, must, if the adult's capacity for employment is not limited within the meaning of section 22 or 23, attend an interview at the Minister's request to enable the Minister to evaluate the adult's circumstances and determine a suitable activity to be engaged in as part of an Individualized Integration, Training and Employment Plan.

The adult must complete all activities under the Individualized Plan within the allotted time.

**54.** Where there is failure, without good cause, to fulfil an obligation set out in section 53, the Minister may reduce the benefit granted to an independent adult or to a family, by the amount and according to the conditions determined by regulation.

**55.** Decisions made by the Minister pursuant to section 52 or 54 must be issued in writing, include reasons and be communicated to the person concerned.

## **CHAPTER II**

### **SOCIAL WELFARE PROGRAM**

#### **DIVISION I**

##### **ESTABLISHMENT**

**56.** A Social Welfare Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who, owing to age or disability and because they so choose, do not undertake a job entry or re-entry process.

#### **DIVISION II**

##### **ELIGIBILITY**

**57.** Independent adults or families that establish that, according to the rules provided in Division IV of Chapter I, their resources fall short of the amount of the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

**58.** A senior's allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family is 55 years of age or over.

**59.** A disability allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that owing to a disability, defined by regulation, the person is unable, in all likelihood permanently or indefinitely, to provide for himself or herself or for his or her family.

**60.** An adult eligible under the program may elect to receive the benefit under the Employment-Assistance Program or under the Social Welfare Program.

A family shall receive the benefit under the Social Welfare Program if an adult member of the family has so elected.

**61.** An adult may not receive concurrently a senior's allowance and a disability allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where the two adult members of a family meet the conditions set out in section 22, 23, 58 or 59 or where an adult who has not elected to receive the benefit under the Social Welfare Program meets the conditions set out in section 24.

**62.** The provisions of this Act relating to the Employment-Assistance Program, adapted as required, apply to the Social Welfare Program.

For the purposes of the Social Welfare Program, a senior's allowance is deemed to be a temporary limited capacity for employment allowance and a disability allowance is deemed to be a permanent or indefinite limited capacity for employment allowance.

**63.** The Minister may, by way of an agreement, delegate the administration of the Social Welfare Program to an organization, subject to the conditions stipulated in the agreement.

### **CHAPTER III**

#### **PARENTAL WAGE ASSISTANCE PROGRAM**

##### **DIVISION I**

##### **ESTABLISHMENT**

**64.** A Parental Wage Assistance Program is hereby established. The purpose of the program is to provide a financial supplement to low-income families with at least one dependent child and at least one employed adult.

## **DIVISION II**

### **ELIGIBILITY**

**65.** An adult who has at least one month of eligibility in a year and applies for a benefit under the program not later than 10 January of the following year is eligible under the program for the year.

A month of eligibility is a month during which the adult meets the following conditions:

- (1) be resident in Québec;
- (2) be legally authorized to remain in Canada or a Geneva Convention refugee recognized by the competent Canadian authorities;
- (3) not own property, valued according to the method prescribed by regulation, and liquid assets, within the meaning of the regulations, the value of which, combined with the value of the property and liquid assets of the adult's spouse and dependent children, exceeds the amount prescribed by regulation;
- (4) perform remunerated work or receive benefits under section 22 or 23 of the Employment Insurance Act or the maternity or parental leave allowance paid by the Minister; such benefits or allowances constitute work income for the purposes of this chapter;
- (5) earn, together with the earnings of the adult's spouse, wages, salary or other remuneration, including gratuities, from an office or employment, an amount referred to in subparagraph 4 or income from a business calculated in accordance with the regulation, the total amount which, excluding any amount that may be deducted in computing taxable income pursuant to paragraph e of section 725 of the Taxation Act (R.S.Q., chapter I-3), is greater than the amount determined by regulation.

In addition, the adult must, in the first month of eligibility in the year, be a member of a family that includes at least one dependent child.

In any subsequent month of that year, the adult is deemed to meet the condition set out in subparagraph 4 of the second paragraph if the condition is met by the person's spouse.

## **DIVISION III**

### **DEFINITIONS**

**66.** Persons who are spouses within the meaning of section 17 at any time during a year are considered spouses for the year. Where an adult has more than one spouse in a year,

- (1) the adult is deemed to have only one spouse in the year;
- (2) the person who is the adult's spouse on the last day of the year or, if the adult has no spouse on the last day of the year, the last person to have been the adult's spouse in the year is deemed to be the adult's spouse for the year; and
- (3) the adult is deemed not to be the spouse of any person other than the person referred to in subparagraph 2 in the year.

An adult is a person other than a dependent child.

**67.** The spouse of an adult who has been declared eligible under the program is, if the spouse also becomes eligible under the program in the same year, deemed to be eligible from the same date as the adult.

**68.** A family is composed of

- (1) an adult and the adult's dependent children; or
- (2) spouses and their dependent children or the dependent children of either spouse.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation.

**69.** Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent upon one of such persons for their subsistence:

- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor the father or mother of a child who is their dependant.

A dependent child of the adult in the adult's first month of eligibility in a year or in any subsequent month of that year is deemed to be a dependent child of the adult for the year, except in the cases and subject to the conditions determined by regulation.

#### **DIVISION IV**

#### **ESTABLISHMENT AND PAYMENT OF BENEFIT**

**70.** The benefit granted to an adult for a year shall, subject to the provisions of this division, be equal to the amount obtained by applying the percentage prescribed by regulation to the net work income of the family where the

income is less than or equal to the amount applicable to the adult according to the scale prescribed by regulation, or equal to the amount prescribed by the scale where the net work income of the family exceeds such amount.

**71.** Where an adult eligible under the program or the adult's spouse incurs, for the year, child care expenses that qualify for the child care expense credit provided for in sections 1029.8.67 to 1029.8.81 of the Taxation Act, and where the adult or spouse is, in respect of the expenses, deemed to have paid an amount for that year under section 1029.8.79 of that Act as partial payment of tax payable under Parts I and I.2 of that Act, the amount of the benefit determined pursuant to section 70 is, for the purposes of the second paragraph of section 79, increased by the amount so deemed to have been paid.

In such a case, where sections 72 and 73 refer to the amount of the benefit, the amount is, for the purposes of the second paragraph of section 79, the amount increased pursuant to the first paragraph.

**72.** The amount of the benefit determined pursuant to section 70 shall be reduced by the sum of the following amounts:

(1) the amount obtained by applying the percentage prescribed by regulation to that part of the total income of the adult's family which exceeds the amount applicable to the adult according to the scale prescribed by regulation;

(2) the amount obtained by applying the percentage prescribed by regulation to that part of the aggregate of the amounts received in the year by the adult and the adult's spouse as work income replacement which exceeds the aggregate of

(a) the aggregate of the excluded amounts prescribed by regulation in respect of the adult and, where applicable, in respect of the adult's spouse;

(b) the benefits received by the family in the year under a last resort financial assistance program, up to the amount prescribed by regulation for the purposes of subparagraph 3 of the third paragraph of section 76;

(c) the amount by which the amount applicable to the adult according to the scale prescribed by regulation exceeds the net work income of the adult's family.

The following amounts are considered to have been received as work income replacement:

(1) benefits granted under a last resort financial assistance program that are considered for the purposes of the computation provided for in subparagraph c of the first paragraph of section 776.29 of the Taxation Act;

(2) compensation received under the Automobile Insurance Act (R.S.Q., chapter A-25) that is considered for the purposes of the computation provided for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act;

(3) indemnities received under the Workmen's Compensation Act (R.S.Q., chapter A-3) or the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) that are considered for the purposes of the computation provided for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act;

(4) benefits received under the Employment Insurance Act other than benefits received under section 22 or 23 of that Act.

For the purposes of the second paragraph of section 79, the amount of the benefits referred to in subparagraph 1 of the second paragraph is the amount prescribed by regulation, and paragraph *b* of subparagraph 2 of the first paragraph does not apply.

**73.** The amount of the benefit determined pursuant to sections 70 and 72 shall be multiplied by the quotient obtained by dividing the number of months of eligibility of the adult in the year by the number of months worked by the adult in the same year.

A month worked is a month during which an adult meets the condition for eligibility set out in subparagraph 4 of the second paragraph of section 65.

**74.** Where an adult eligible under the program or the adult's spouse is required to pay a contribution fixed under the Act respecting childcare centres and childcare services to which section 71 does not apply, the amount of the benefit determined pursuant to sections 70, 72 and 73 shall be increased according to the methods and conditions prescribed by regulation.

**75.** The benefit calculated pursuant to sections 70 to 74 is nil if the result obtained is negative.

**76.** A person's work income for a year is equal to the aggregate of the person's income from a business, after deducting business losses, and the income from an office or employment, computed respectively in accordance with subparagraphs 2 and 1 of subparagraph *i* of subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act, exclusive of such income that may be deducted in computing taxable income under paragraph *e* of section 725 of the said Act. Work income also includes any other amount referred to in subparagraph 4 of the second paragraph of section 65.

The net work income of an adult's family for a year is equal to the amount by which the aggregate of the work income of the adult and the adult's spouse exceeds the amount determined according to the scale of excluded work income prescribed by regulation.



The total income of an adult's family for a year is equal to the amount by which the aggregate of the total income of the adult and of the adult's spouse and dependent children, computed in accordance with subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act, exceeds the aggregate of the following amounts:

- (1) the total income of the dependent children, exclusive of income referred to in subparagraph 2, up to an amount prescribed by regulation;
- (2) the income of the adult's family that may be deducted in computing taxable income under paragraph *e* of section 725 of the Taxation Act;
- (3) the benefits granted to the family in the year under a last resort financial assistance program, up to an amount prescribed by regulation; and
- (4) the amount determined according to the scale of excluded work income prescribed by regulation.

For the purposes of the calculation of the total income of a family under the third paragraph, the amount of the benefits granted under a last resort financial assistance program is, for the purposes of the second paragraph of section 79, the amount prescribed by regulation.

**77.** If the spouse of an adult for a year is no longer the adult's spouse on 31 December of that year, only that part of the following amounts, in respect of the spouse, that can reasonably be attributed to the period of the year during which the adult had a spouse shall be taken into account in the calculation of the adult's benefit for the year:

- (1) work income;
- (2) total income;
- (3) amounts received as work income replacement;
- (4) excluded amounts determined under subparagraph *a* of subparagraph 2 of the first paragraph of section 72.

**78.** Where a benefit is granted for a year to each spouse, such benefit shall be equal to one-half of the amount obtained pursuant to sections 70 and 72 to 74.

If the spouse of an adult for a year is no longer the adult's spouse on 31 December of that year, the calculation provided for in the first paragraph shall, for the purposes of section 74, apply only with respect to the period of the year during which the adult had a spouse.

**79.** The benefit shall be paid yearly by the Minister of Revenue and shall be sent together with a notice stating the amount to which the adult is entitled.

However, the Minister of Employment and Solidarity may, under the conditions determined by regulation, make advance monthly payments if the benefit estimated on the basis of information supplied by the adult pursuant to the first paragraph of section 83 and section 85 exceeds the minimum amount prescribed by regulation. The payments, other than the portion attributable to the increase determined under section 71, constitute advances on the yearly benefit provided for in the first paragraph.

**80.** Where advance payments are granted to each spouse, they shall be paid to them jointly or, at their request, to one of them. Each spouse is deemed to have received one-half of the advance payments.

**81.** A benefit paid under this chapter is unassignable and unseizable, except for non-payment of support.

## **DIVISION V**

### **RECIPROCAL RIGHTS AND OBLIGATIONS**

**82.** The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in drafting an application for a benefit.

**83.** An application for a benefit must be filed together with any document or information required for the determination of advance payments.

The Minister must examine the application and determine the amount of the advance payments promptly.

**84.** The Minister shall inform a person to whom a benefit is granted under this chapter, as comprehensively as possible and according to the circumstances declared by the person, concerning

(1) rights and obligations under this Act;

(2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec and the unified housing allowance program administered by the Société d'habitation du Québec, and the manner of gaining access thereto.

**85.** A recipient must

(1) notify the Minister promptly of any change in the recipient's circumstances or in the circumstances of the recipient's family which may affect the benefit or advance payments;

(2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Notwithstanding the first paragraph, a recipient is not required to declare the amount of a family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits, unless so required by the Minister.

**86.** At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

**87.** An adult declared eligible under the program for a year must, not later than 30 April of the following year, file with the Minister of Revenue a reconciliation statement, in the form and with the attestations and information determined by the Minister of Revenue, together with a fiscal return within the meaning of section 1000 of the Taxation Act.

**88.** Each year, not later than the last day of February, the Minister shall transmit to and in the form determined by the Minister of Revenue, the following information for the preceding year in respect of every adult declared eligible under the program for that year:

(1) the name, address, social insurance number and date of birth of the adult and, except for the address, of the adult's spouse and dependent children;

(2) the amount determined according to the scale referred to in section 70 which is applicable to the adult;

(3) the quotient obtained by dividing the number of months of eligibility by the number of months worked by the adult in the year;

(4) the total advance payments received by the adult or the adult's spouse, distinguishing the portion attributable to the benefit from the portion attributable to the increase under section 71;

(5) the aggregate of the excluded amounts determined by regulation in respect of the adult and, where applicable, of the adult's spouse, for the purposes of subparagraph *a* of subparagraph 2 of the first paragraph of section 72;

(6) the amount of the increase in the benefit determined under section 74;

(7) whether a benefit has been granted to the adult's spouse;

(8) for the purposes of section 77, any part of the year during which the adult no longer had a spouse;

(9) the amount determined according to the scale of excluded work income;

(10) the amount of the benefits granted under a last resort financial assistance program to be subtracted from the total income of the adult's family under subparagraph 3 of the third paragraph of section 76 and also to be considered for the purposes of subparagraph *b* of subparagraph 2 of the first paragraph of section 72;

(11) the amount of increase in the benefit determined by the Minister under section 93.

The Minister shall also inform the Minister of Revenue of any changes in such information.

The Minister shall transmit a copy of the information to the adult.

**89.** The Minister of Revenue shall promptly examine the information transmitted by the Minister of Employment and Solidarity, as well as the statement and return, and shall determine, in accordance with Division IV of this chapter, the amount of the adult's benefit and send a notice to the adult concerned.

The Minister of Revenue is bound by the information transmitted by the Minister.

**90.** Where an adult has not filed, for a year, a reconciliation statement or a fiscal return pursuant to section 87, the Minister of Revenue may determine the amount of the benefit to be nil and send a notice to the adult.

**91.** Where there is failure to fulfil an obligation under the first paragraph of section 83 or section 85 or 87, the Minister may refuse to grant an application or suspend, reduce or terminate payments.

**92.** Where the amount of a benefit determined in respect of an adult for a year exceeds the total advance payments received in respect of the benefit, the Minister of Revenue must pay the difference to the adult and send the payment together with a notice stating the amount involved, and section 1052 of the Taxation Act, adapted as required, shall apply.

Where the total advance payments exceed the amount of the benefit, the adult must, subject to the third paragraph, repay the difference to the Minister of Revenue within 30 days after the date of mailing of the Minister's notice, even where an application for review has been filed or a proceeding has been brought before the Administrative Tribunal of Québec under Chapter IV of Title III.

Chapter III of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), adapted as required, applies to such a payment and repayment which, for that purpose, are deemed to be, respectively, a refund due to the adult under a fiscal law and, from the date of mailing of the notice referred to in the second paragraph, a debt exigible from the adult under a fiscal law.

**93.** Where the advance payments of the benefit exceed the amount of the benefit determined pursuant to section 89 and the Minister establishes that part of the advance payments constitutes an overpayment resulting from an administrative error that the adult could not reasonably have noticed, the benefit is increased by the amount of overpayment so established.

The first paragraph also applies, in the cases and subject to the conditions determined by regulation, where a change in circumstances occurs which affects the benefit. In that case, any overpayment prior to the date of the change is considered to be an administrative error that the adult could not reasonably have noticed.

An increase under this section may not operate to increase the benefit beyond the amount of the advance payments.

**94.** The Minister of Revenue may redetermine the amount of an adult's benefit

(1) within three years after the date of mailing of the notice provided for in section 89 or 90;

(2) at any time, if the adult who filed the statement or return misrepresented the facts or committed a fraudulent act within the meaning of subparagraph i of subparagraph b of the second paragraph of section 1010 of the Taxation Act;

(3) where a reassessment made following an opposition served or an appeal filed by the adult or the adult's spouse or dependent child in respect of an assessment established under the Taxation Act also affects the total income of, or the amounts received as work income replacement by, one of such persons;

(4) where a reassessment under the Taxation Act results in an increase in the amount of the benefit.

### **TITLE III**

#### **ADMINISTRATIVE PROVISIONS**

##### **CHAPTER I**

##### **AGREEMENTS**

**95.** Subject to the second paragraph, the Minister may enter into an agreement with a department or body of the Government or of another government, a person or an enterprise whose name appears on the list drawn up by the Government and published in the *Gazette officielle du Québec*, in order to collect or communicate nominative information that is necessary for the application of this Act and the regulations, in particular in order to

(1) verify the eligibility of a person or a person's family for an amount granted under this Act and establish that amount;

(2) identify, by cross-matching or other means, circumstances not declared by a person which may affect the amount granted to the person under this Act;

(3) verify the solvency of a person who is required to repay an amount pursuant to Chapter II of this Title or identify the person's place of residence;

(4) verify the occurrence of an event or the existence of a right referred to in section 99, as well as the date and particulars of the realization of the right.

The Minister may also enter into such an agreement with the Department of Human Resources Development of Canada as well as with the following departments and bodies of the Government: the Ministère de l'Éducation, the Ministère de la Justice, the Ministère des Relations avec les Citoyens et de l'Immigration, the Ministère du Revenu, the Ministère de la Sécurité publique, the Commission de la santé et de la sécurité du travail, the Régie de l'assurance-maladie du Québec, the Régie des rentes du Québec and the Société de l'assurance automobile du Québec.

The Minister may, in order to identify a person for the purposes of an agreement made under this section, communicate that person's name, date of birth, sex, address, health insurance number, social insurance number and file number. Any department, body, person or enterprise that receives such information must, unless legally entitled thereto, destroy it once the purpose for which it was communicated has been fulfilled.

**96.** Any nominative information, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information, obtained in the administration of this Act is confidential. Public servants of the Ministère de l'Emploi et de la Solidarité are prohibited from using any such information for purposes other than the administration of this Act.

Public servants of the department are prohibited also from communicating or allowing the communication of information obtained in the administration of this Act to any person not legally entitled thereto under the Act respecting Access to documents held by public bodies and the Protection of personal information or from allowing such a person to examine a document containing such information or have access thereto.

## **CHAPTER II**

### **RECOVERY**

**97.** A person must repay to the Minister any amount granted under Title I or under a last resort financial assistance program which should not have been granted to the person or the person's family, except an amount prescribed by

regulation or an amount paid by reason of an administrative error that the person could not reasonably have noticed.

**98.** A person must repay to the Minister the following amounts granted under a last resort financial assistance program, except those prescribed by regulation :

(1) upon the cessation of a legal impediment to the alienation of a property and up to the amount of the net profit from the proceeds of the sale, or in the other cases and according to the conditions determined by regulation, the amount that would not have been granted to the person or the person's family if the property had been considered in calculating the amount ;

(2) upon the cessation of the ineligibility of a person, or a member of the person's family, declared ineligible for allowances or benefits under another Act in force in Québec or elsewhere due to a breach of provisions similar to those of section 43, 44, 48, 51 or 53, the amount granted under this Act during such ineligibility up to the amounts that would but for such a breach have been payable under that other Act ;

(3) upon the cessation of a reduction in the amount of allowances or benefits granted to the person or to the person's family under another Act in force in Québec or elsewhere to compensate an overpayment or as a penalty, the amount granted during such reduction up to the amount of the reduction.

**99.** A person must repay to the Minister an amount granted under a last resort financial assistance program following the occurrence of an event giving rise to the exercise of a right by the person or the person's dependent child by judicial proceedings or any other means, whether or not the right is a personal right, and whether or not the amount had been granted to the person or the person's family at the time of the event.

The amount of the repayment is due from the realization and up to the value of the right ; the amount is established by applying the rules for the calculation of resources set out in sections 26, 27 and 28.

Where a person did not declare the prospective realization of a right to the Minister and the amount received following the realization of the right should, according to the law, have been paid to the Minister, the amount can be seized by the Minister notwithstanding any provision of law to the contrary. The same applies to property acquired with the amount received following the realization of the right.

**100.** A person must also repay to the Minister, in addition to the amount referred to in section 99, any interest granted on the value of the realized right. The interest forms part of the amount to be repaid to the Minister under section 99. If the repayable amount is less than the value of the realized right, the interest repayable shall be calculated pro rata to the amount granted by the Minister and on the basis of the period for which the amount was granted.

**101.** An amount owed to the Minister under section 99 must be repaid in full upon the realization of the right.

The amount is exigible only from the creditor of the realized right or from the adult of whom the child who is the creditor of the realized right is a dependant.

**102.** In the case of a debt to which section 99 applies, except non-payment of support determined by judgment, the debtor of a person who or whose family has received or is receiving an amount under a last resort financial assistance program, and any person who is to become the debtor of such a person must, upon a written notice of the Minister, remit to the Minister the amount owed up to the amount recoverable under section 99.

The remittance of the amount to the Minister is deemed to be a payment validly made to the creditor; if the debtor fails to so remit the amount, the debtor is bound to pay an equivalent amount to the Minister.

The amount is recoverable by the Minister in accordance with the provisions of this chapter.

**103.** A person is not required to repay the amount equivalent to the income tax that the person must pay on the amount received following the realization of a right referred to in section 99, where the amount of the tax is determined at the time of the realization of the right. The Minister shall, where applicable, return any excess repayment to the person, on presentation of proof of payment of the tax.

This section applies where the tax payable on the amount received by the person operates to reduce the amount below the amount repayable to the Minister.

**104.** An amount granted is not repayable to the Minister under section 99, where the realized right

- (1) arises from a succession;
- (2) is compensation under section 73 of the Automobile Insurance Act;
- (3) is compensation under section 83 of the Act respecting industrial accidents and occupational diseases; or
- (4) is compensation for non-pecuniary damage received following physical or mental impairment, other than compensation under the Acts referred to in subparagraph 2 or 3.

**105.** A person having subscribed an undertaking under the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) promising to help a foreign national and the dependants, if any, who accompany the foreign national to



settle in Québec, must repay the amount granted under a last resort financial assistance program to the foreign national and to those dependants during the period covered by the undertaking, where the undertaking so provides. The amount is recoverable by the Minister in accordance with the provisions of this chapter.

**106.** The recovery of an amount owed under this Act is prescribed five years after the date it becomes due. Where there has been misrepresentation, recovery is prescribed five years after the date on which the Minister became aware of the fact that the amount was due, but not more than 15 years after the date it became due.

**107.** There is misrepresentation where an amount is granted to a person following failure to file a statement or return, following the filing of a statement or return containing false information or following the transmission of a document in which information is omitted or which contains false information so as to render the person or the person's family eligible under a program or so as to receive or cause the person's family to receive a greater amount than would otherwise have been granted.

**108.** Spouses are solidarily liable for the repayment of an amount granted under a last resort financial assistance program and recoverable under section 97 or 98, whether the amount was granted to an independent adult or to a family which included two adults.

However, the spouse of a person to whom a benefit was granted is not liable for the repayment if the spouse proves not having received the notice provided for in section 110 or proves that the claim is based on an act or omission of the person which the spouse could not reasonably have been aware of.

Likewise, a spouse is not liable for the repayment if the spouse proves that the spouse's real circumstances could not be declared by reason of the violent behaviour of the other spouse toward the spouse or the spouse's dependent child.

In the cases described in the second or third paragraph, the other spouse is solely liable for the entire debt.

**109.** Where the debt owed to a person is for non-payment of support determined by judgment, the Minister is subrogated by operation of law in the rights of the creditor in respect of all support payments which are due at the time the person or the person's family becomes eligible for a benefit under a last resort financial assistance program and in respect of all payments which become due during the period for which the benefit is granted.

The Minister shall send a notice to the Minister of Revenue, together with the information required for the purposes of the Act to facilitate the payment of support.

The Minister shall remit to the creditor the amount by which the sums collected exceed the amount recoverable under section 99.

The debtor of support is required to pay costs, according to the conditions determined and in the amount prescribed by regulation. Where the debtor is subject to the Act to facilitate the payment of support, the costs are collected by the Minister of Revenue and remitted to the Minister.

**110.** The Minister shall send a formal notice to the debtor of an amount recoverable under this Act, indicating the amount of the debt, the reasons for which the debt is due and the debtor's right to apply for a review. The notice must also contain information on the recovery procedure, in particular as to the issue and effects of the certificate.

A formal notice under this section interrupts prescription.

**111.** The debtor must repay any amount owed according to the conditions determined by regulation, unless otherwise agreed between the debtor and the Minister.

The debtor is required to pay interest in the cases determined and at the rate prescribed by regulation.

**112.** The debtor is required to pay a recovery charge in the cases and under the conditions determined and in the amount prescribed by regulation.

**113.** In exceptional circumstances, the Minister may, subject to the conditions determined by the Minister, suspend in whole or in part the recovery of an amount owed or grant a full or partial discharge to a debtor.

**114.** If a debt is not paid, the Minister may, at the expiry of the time for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec and, where applicable, at the expiry of 30 days after a decision of that Tribunal confirming all or part of the Minister's decision or on the date of the formal notice if, in the Minister's opinion, the debtor is attempting to elude payment, issue a certificate setting out the debtor's name and address and the amount of the debt.

**115.** After issuing such a certificate, the Minister may withhold part of any amount granted to the debtor or to the debtor's family under this Act, up to the amount prescribed by regulation, and apply the amount withheld to the repayment of the debt. A withholding to the same end may also be made in respect of any refund owed to the debtor by the Minister of Revenue pursuant to section 31 of the Act respecting the Ministère du Revenu.

A withholding under the first paragraph interrupts prescription.

**116.** Upon the filing of the certificate at the office of the court of competent jurisdiction, together with a copy of the final decision establishing the debt, the decision becomes executory as if it were a final judgment of that court, not subject to appeal, and has all the effects of such a judgment.

### **CHAPTER III**

#### **INFORMATION AND COMPLAINTS**

**117.** An information and complaint bureau is hereby established at the Ministère de l'Emploi et de la Solidarité under the name "Bureau des renseignements et plaintes".

**118.** The functions of the bureau include

(1) informing persons concerned of their rights and obligations under this Act;

(2) enhancing the quality of the services provided under this Act, both to persons eligible for employment-assistance measures, programs or services provided for in Title I and to recipients under a financial assistance program provided for in Title II;

(3) monitoring the level of satisfaction with the measures, programs or services provided for in this Act;

(4) making recommendations to the Minister to remedy or prevent the re-occurrence of prejudicial situations and prevent the occurrence of similar situations;

(5) giving due consideration to the opinions and observations expressed by persons having received services or availed themselves of measures, programs or services under this Act.

**119.** Persons may apply to the bureau for any information concerning matters within the scope of this Act or for assistance in safeguarding their rights.

**120.** The bureau must process requests speedily.

**121.** All complaints, except those that are clearly unfounded, must be examined and analyzed by the bureau.

**122.** The bureau must inform the complainant of the results of the examination and analysis of the complaint. Moreover, the bureau must inform the complainant of remedy procedures, where applicable.

The first paragraph shall not operate to allow the disclosure of confidential information.

**123.** A committee shall advise the Minister concerning general orientations for the services provided by the bureau and the processing of requests and complaints submitted to the bureau.

The committee shall be composed of members designated by the Minister from the organizations most representative of the unemployed and of the social and community sectors, for the term and according to the conditions specified in the instrument of designation.

**124.** The members of the committee shall receive no remuneration, except in the cases, subject to the conditions and to the extent that may be determined by the Government. They are, however, entitled to reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

**125.** At the Minister's request, the committee shall give its opinion on any matter submitted to it by the Minister.

**126.** The bureau shall prepare an annual activity report containing the information required by the Minister and indicating the number of complaints received, the follow-up given to the complaints and the level of satisfaction of persons having applied to the bureau as well as any recommendation concerning the services provided by the bureau.

The report shall be submitted to the committee and to the Minister. It shall be appended to the annual report produced by the Minister under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

## **CHAPTER IV**

### **REMEDIES**

**127.** Any person to whom a decision of the Minister under this Act applies may apply in writing for a review of the decision within 90 days of the date on which the person was advised of the decision.

However, decisions under Title I or section 14, the second paragraph of section 79 or section 113 are not subject to review.

**128.** Decisions shall be reviewed by a person designated by the Minister for the term specified in the instrument of designation. The reviewers shall form part of a review service and shall come under the same authority within the Ministère de l'Emploi et de la Solidarité.

**129.** Decisions concerning an application for a temporary limited capacity for employment allowance for the reason set out in subparagraph 1 of the first paragraph of section 22 must be reviewed by a physician.

Decisions concerning an application for a permanent or indefinite limited capacity for employment allowance or a disability allowance must be reviewed by two members of the review service, one being a physician and the other a professional working in the social sector.

**130.** The Minister shall lend assistance to any person who so requests in drafting an application for the review of a decision.

**131.** An application for review may not be refused on the ground that it was made after the deadline if the applicant establishes that it was impossible to act sooner.

If the application is refused on that ground, the decision may be contested before the Administrative Tribunal of Québec within 15 days after the date on which the applicant is advised of the decision. If the Tribunal quashes the decision, the file shall be returned to the person or persons who made the decision.

**132.** Any person having applied for the review of a decision must be given the opportunity to present observations and, if need be, to produce documents to complete the file.

**133.** An application for review does not suspend execution of the decision.

However, a benefit, other than a special benefit, granted under a last resort financial assistance program that is reduced by more than half by a decision subject to review under section 127 shall be reinstated until the date of the review decision if the decision is not made within 10 working days of

(1) the day the person is ready to present observations in support of the application or, if need be, to produce documents to complete the file, where the person has asked for time to do so; or

(2) the day of receipt of the application for review in other cases.

**134.** An application for review must be processed promptly and the review decision must be made within 30 days of the receipt of the application or, in a case described in the second paragraph of section 131, within 30 days of the decision of the Administrative Tribunal of Québec returning the file for review. Where a person has asked for time to present observations or to produce documents, the review decision must be made within 30 days of the presentation of observations or the production of the documents.

**135.** After the expiry of the 30-day period, interest accrual on an amount owed by a debtor which is the subject of a review shall be suspended until the date of the review decision.

**136.** The review decision must be in writing and drafted in clear and concise terms, contain reasons and be notified to the applicant and must state that the decision may be contested before the Administrative Tribunal of Québec.

**137.** The Minister shall prepare an annual compilation of review decisions and shall ensure public access thereto, omitting the information that would allow the persons concerned to be identified.

**138.** Any person who feels wronged by a review decision may contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision.

**139.** If a review decision or a decision of the Administrative Tribunal of Québec recognizes that an adult or a family is entitled to an amount initially refused, or increases the amount initially granted, the Minister is required to pay interest at the rate prescribed by regulation, in the cases and according to the conditions determined by regulation.

**140.** When a decision relating to the Parental Wage Assistance Program is reviewed or when a proceeding is brought under section 138 against a review decision concerning such a decision, the amounts considered by the Minister of Revenue for the purpose of calculating the total income of an adult, or the adult's spouse or dependent child and for the purpose of calculating amounts received as work income replacement by the adult or the adult's spouse may not be contested.

**141.** In the case of a proceeding for the determination of a benefit under the Parental Wage Assistance Program, the Administrative Tribunal of Québec must suspend the hearing where, on the motion of the Minister of Revenue or of the person who brought the proceeding, it is established that the person or the person's spouse or dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act for the year to which the proceeding pertains and that such opposition or appeal may cause the amounts referred to in section 140 to vary.

A suspension under the first paragraph shall continue until a final decision upholding the assessment is made or, as the case may be, until the Minister of Revenue, following a final decision cancelling or varying the assessment, re-determines the benefit of the person who brought the proceeding referred to in the first paragraph.

## **CHAPTER V**

### **INSPECTION AND INVESTIGATION**

**142.** A person specially or generally authorized by the Minister to act as an inspector may, for the purposes of this Act, require, examine and make a

copy of any information or document. Moreover, the inspector may require information or documents by fax or by electronic means where a person may be so contacted.

**143.** No proceedings may be brought against an inspector for acts performed in good faith in the exercise of his or her functions.

**144.** The Minister or any person designated as an investigator by the Minister may investigate any matter coming under the Minister's authority with respect to the administration of this Act.

**145.** For the purposes of an investigation, the Minister and an investigator have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

The investigator may send a subpoena by fax or by electronic means where the person to whom it is addressed may be so contacted.

**146.** On request, an inspector or an investigator shall identify himself or herself and produce a certificate of capacity signed by the Minister.

**147.** No person may hinder an inspector in the exercise of his or her functions, mislead or attempt to mislead an inspector by misrepresentation or deceptive statements, refuse to produce documents required by the inspector or omit or refuse, without good cause, to answer any question that may lawfully be asked.

## **TITLE IV**

### **PENAL PROVISIONS**

**148.** Every person is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,500 who knowingly makes an incomplete statement or a statement containing false or misleading information, transmits an incomplete document or a document containing such information or fails to make a statement so as to

(1) become or render the person's family eligible under a program or maintain such eligibility,

(2) receive, or cause the person's family to receive, a benefit which can no longer be granted or which is of a greater amount than the benefit which may be granted, or

(3) receive, or cause the person's family to receive, any other amount under this Act.

**149.** Every person who contravenes section 96 is guilty of an offence and liable to a fine of not more than \$5,000.

**150.** Every person who contravenes a provision of section 147 is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,000.

**151.** Every person who assists a person in committing an offence under this Act or, by encouragement, advice or consent, or by an authorization or order, induces a person to commit an offence under this Act is guilty of an offence.

A person convicted under this section is liable to the same penalty as that prescribed for the offence whose commission the person assisted in or induced.

**152.** Penal proceedings for an offence under section 148 are prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be brought where more than five years have elapsed since the commission of the offence.

## **TITLE V**

### **REGULATIONS**

**153.** For the purposes of the second paragraph of section 6, the Government may, by regulation, determine the cases in which and the extent to which the legislative provisions referred to therein do not apply to an activity engaged in as part of an Individualized Integration, Training and Employment Plan.

**154.** For the purposes of the financial assistance programs, the Government may make regulations

(1) determining the cases in which and the conditions subject to which a child is not a person's dependent child or is a dependant of another adult than the child's father or mother and designating that adult;

(2) determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

(3) determining what constitutes liquid assets and property;

(4) determining the cases in which and the conditions subject to which an independent adult or a family shares a dwelling unit with another person and prescribing a method for determining the amount to be subtracted for the purpose of calculating the benefit;

(5) prescribing intervals for the filing of a statement or return;

(6) determining, for the purposes of section 139, the cases in which and the conditions according to which the Minister is required to pay interest and prescribing the interest rate;



(7) prescribing administrative standards.

**155.** For the purposes of the Employment-Assistance Program or the Social Welfare Program, the Government may make regulations

(1) determining the cases in which and the conditions subject to which an adult not legally authorized to remain in Canada may be eligible under the program pursuant to paragraph 2 of section 13 and determining the cases in which and the conditions subject to which eligibility is restricted to certain benefits or allowances;

(2) defining, for the purposes of paragraph 3 of section 13, what constitutes attending an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level;

(3) determining the cases in which an adult referred to in paragraph 6 of section 13 is eligible under the program;

(4) determining the maximum amount referred to in the second paragraph of section 13 and the liquid assets that are excluded;

(5) determining the cases in which and the conditions subject to which an independent adult or a family that is no longer eligible under the program may continue to receive benefits;

(6) determining the cases in which and the conditions subject to which children of full age are not presumed to be dependent children for the purposes of the second paragraph of section 18;

(7) determining basic benefit amounts and the cases in which and the conditions subject to which those amounts are to be granted;

(8) determining the other cases in which and the conditions subject to which a temporary limited capacity for employment allowance is to be added to the basic benefit;

(9) determining the cases in which and the conditions subject to which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporary limited capacity for employment allowance;

(10) prescribing temporary limited capacity for employment allowance, permanent or indefinite limited capacity for employment allowance, participant's allowance and mixed allowance amounts;

(11) prescribing adult or dependent child adjustment amounts and determining the cases in which and the conditions subject to which those amounts are to be granted;

(12) prescribing special benefit amounts to provide for special needs and the cases in which and the conditions subject to which those amounts are to be granted;

(13) determining the dependent child adjustments from which family allowances received under the Act respecting family benefits are to be subtracted and the cases in which and the conditions under which such allowances are deemed to be received by a family, and determining the exclusion of those amounts from the application of certain provisions relating to income;

(14) excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets or property of a person eligible under the program;

(15) prescribing the method according to which and the extent to which a benefit is to be reduced by an amount determined in respect of lodging;

(16) prescribing a method for calculating income, earnings, the value of benefits, liquid assets and the value of property, determining the cases in which those amounts may be averaged and the time from which they are deemed received and prescribing standards for the allocation of arrears in support payments;

(17) determining the period for which benefits yet to be received or the amounts used to establish benefits yet to be received under the Employment Insurance Act are to be considered for the purpose of calculating a benefit under this Act;

(18) prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions subject to which the standards are to be applied;

(19) prescribing a method for determining the value of property and determining the percentage applicable to that value;

(20) prescribing a method for calculating parental contribution and specifying the net incomes of an adult's father and mother required to be considered for that purpose;

(21) prescribing the minimum amount of the benefit of an independent adult or a family entitled to a participant's allowance;

(22) prescribing a method for calculating a benefit for the month of application and determining the maximum amount of liquid assets at the time of the application;

(23) determining the conditions of payment of benefits;

(24) determining the conditions under which the Minister, upon an order of the Régie du logement, is to pay to the lessor of a recipient part of the benefit relating to lodging and prescribing the amount to be so paid;

(25) determining, for the purposes of section 32, the conditions according to which a benefit is to be paid to a person other than the recipient or to an organization and prescribing standards to be complied with by that person or organization;

(26) prescribing, for the purposes of section 41, the manner of informing the Minister;

(27) determining, for the purposes of section 52, the conditions of application and the amounts of the measures provided for in that section, the other cases in which such measures are to be imposed and the nature of the measures applicable in such cases;

(28) prescribing, for the purposes of section 54, the amount by which and the conditions according to which a benefit is to be reduced.

**156.** For the purposes of the Social Welfare Program, the Government may make regulations

(1) determining senior's allowance, disability allowance and mixed allowance amounts;

(2) defining a disability for the purposes of section 59.

**157.** For the purposes of the Parental Wage Assistance Program, the Government may make regulations

(1) prescribing a method for determining the value of the property of an adult, the adult's spouse and dependent children and prescribing, for the purposes of eligibility under the program, the maximum amount of the value of such property combined with the value of their liquid assets;

(2) determining, for the purposes of subparagraph 5 of the second paragraph of section 65, a method for calculating income from a business;

(3) determining the minimum amount of income an adult or the adult's spouse must earn in a month for the month to be a month of eligibility;

(4) prescribing, for the purposes of section 70 and the first paragraph of section 72, a scale establishing yearly amounts, which may vary according to whether or not the family shares a dwelling unit;

(5) prescribing percentages for the purposes of sections 70 and 72;

(6) determining, in respect of an adult or the adult's spouse, on the basis of the amounts received by each of them as work income replacement and described in the second paragraph of section 72, the amounts excluded for the purposes of subparagraph 2 of the first paragraph of that section;

(7) prescribing the amount of benefits under a last resort financial assistance program for the purposes of the third paragraph of section 72 and the fourth paragraph of section 76;

(8) prescribing, for the purposes of section 74, the calculation methods and the conditions according to which a benefit may be increased;

(9) prescribing the scale of excluded work income for the purposes of the second paragraph of section 76;

(10) prescribing the maximum amount of the income of a dependent child which may be subtracted from the total income of a family;

(11) prescribing, for the purposes of subparagraph 3 of the third paragraph of section 76, the maximum amount to be subtracted from the total income of an adult's family;

(12) prescribing, for the purposes of section 79, the minimum amount of an adult's estimated benefit for receipt of advance payments;

(13) determining, for the purposes of section 79, the conditions under which advance payments may be made;

(14) determining the cases in which and the conditions subject to which the second paragraph of section 93 applies.

Regulations respecting the application of the program made under section 154 and under the first paragraph of this section in the course of a year may prescribe that they have effect from the first day of the preceding year.

**158.** For the purposes of Chapter II of Title III, the Government may make regulations

(1) determining that all or part of a recoverable amount is not to be repaid by the debtor;

(2) determining, for the purposes of paragraph 1 of section 98, the other cases in which and the conditions according to which an amount granted is recoverable;

(3) determining, for the purposes of the fourth paragraph of section 109, the conditions subject to which a debtor of support is required to pay costs and prescribing the amount of the costs;

(4) prescribing the conditions of repayment of an amount owed to the Minister;

(5) determining the cases in which the debtor is required to pay interest and prescribing the rate of interest;

(6) determining the cases in which and the conditions under which the debtor is liable for payment of a recovery charge and prescribing the amount of the charge;

(7) prescribing the amount up to which the Minister may withhold part of an amount for application to the repayment of a debt.

**159.** The provisions of regulations under sections 153 to 158 may vary according to whether they apply to an independent adult or a family, according to the composition of the family, according to the circumstances of an independent adult or a member of a family, including, in the case of a child, the child's age, rank in the family, occupation, whether the child has a handicap within the meaning of the Act respecting family benefits, the child's place of residence and the custody arrangements in respect of the child; according to whether an independent adult or a member of a family is living or incarcerated in an institution or is residing in a subsidized dwelling or according to whether the provisions apply to an independent adult who would be a member of a family if the adult's spouse or the dependent children of either had not ceased to be members of the family pursuant to a regulation under paragraph 2 of section 154.

**160.** The provisions of regulations made in consequence of a provision of a regulation under subparagraph 1 of the first paragraph of section 8 of the Act respecting family benefits may have effect from any date not more than six months prior to their coming into force.

## **TITLE VI**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

**161.** Section 144 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to that person or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act." in the second paragraph by the words "the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)."

## LEGAL AID ACT

**162.** Section 4.1 of the Legal Aid Act (R.S.Q., chapter A-14), enacted by section 6 of chapter 23 of the statutes of 1996, is amended by replacing the words “benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1) or any member of a family receiving such benefits” in the second paragraph by the words “a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*) or any member of a family receiving such a benefit”.

**163.** Section 62 of the said Act, amended by section 27 of chapter 23 of the statutes of 1996, is again amended by replacing the words “benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity”.

## AUTOMOBILE INSURANCE ACT

**164.** Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits which were paid to such person or to his family and of which reimbursement is exigible pursuant to section 35 of the Act respecting income security (chapter S-3.1.1)” in the third paragraph by the words “the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

**165.** Section 83.62 of the said Act is amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in paragraph 4 by the words “Act respecting income support, employment assistance and social solidarity”.

## HEALTH INSURANCE ACT

**166.** Section 67 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 100 of chapter 32 of the statutes of 1996 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “for benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in the fourth paragraph by the words “under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

**167.** Section 70 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “receiving benefits under a last resort assistance program provided for in the Act respecting

income security (chapter S-3.1.1)” by the words “referred to in any of sections 5 to 8 and eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

**168.** Section 71 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “entitled to benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in paragraph *b* by the words “eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

**169.** Section 71.1 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “receiving benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” by the words “eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

**170.** Section 71.2 of the said Act is amended by replacing the words “Act respecting income security (chapter S-3.1.1)” by the words “Act respecting income support, employment assistance and social solidarity”.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**171.** Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, by section 86 of chapter 43 of the statutes of 1997 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in subparagraph 5 of paragraph *a* of subsection 2 by the words “Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

#### CODE OF CIVIL PROCEDURE

**172.** Article 989.2 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “receives benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “is receiving a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

#### ACT RESPECTING COLLECTIVE AGREEMENT DECREES

**173.** Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or

his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35” in the second paragraph by the words “the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*).”

## ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

**174.** Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing the words “, within the meaning of section 5 of the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “within the meaning of section 20 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

## ACT RESPECTING THE MINISTÈRE DU REVENU

**175.** Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 13 of chapter 46 of the statutes of 1994, by section 213 of chapter 1 of the statutes of 1995, by section 14 of chapter 36 of the statutes of 1995, by section 50 of chapter 43 of the statutes of 1995, by section 277 of chapter 63 of the statutes of 1995, by section 22 of chapter 69 of the statutes of 1995, by section 18 of chapter 12 of the statutes of 1996, by section 4 of chapter 33 of the statutes of 1996, by section 104 of chapter 3 of the statutes of 1997, by section 312 of chapter 14 of the statutes of 1997, by section 14 of chapter 20 of the statutes of 1997, by section 43 of chapter 57 of the statutes of 1997 and by section 119 of chapter 63 of the statutes of 1997, is again amended by replacing subparagraph *j* of the second paragraph by the following subparagraph:

“(j) the Minister of Employment and Solidarity, solely to the extent that the information is required to ascertain the eligibility of a person or a person’s family for an amount granted under the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*), to determine that amount, to identify circumstances not declared by a person that may influence the amount granted to the person under that Act, or to ascertain the place of residence and solvency of a person required to repay an amount under Chapter II of Title III of that Act;”.

**176.** Section 94.0.1 of the said Act is amended by replacing the words “section 60 of the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “section 92 of the Act respecting income support employment assistance and social solidarity”.

## ACT RESPECTING LABOUR STANDARDS

**177.** Section 121 of the Act respecting labour standards (R.S.Q., chapitre N-1.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or his



family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35" in the second paragraph by the words "the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)."

## ACT TO FACILITATE THE PAYMENT OF SUPPORT

**178.** Section 76 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in the first paragraph by the words "Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)".

## ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

**179.** Section 37.7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5), enacted by section 106 of chapter 32 of the statutes of 1996, is amended

(1) by replacing paragraph *e* by the following paragraph:

"(*e*) is eligible under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*) or receives an allowance under the second paragraph of section 67 of the Social Aid Act (1969, chapter 63), and holds a valid claim booklet issued by the Minister of Employment and Solidarity pursuant to section 70 of the Health Insurance Act (R.S.Q., chapter A-29);";

(2) by replacing the words "Income Security" in paragraph *f* by the words "Employment and Solidarity".

## ACT RESPECTING THE RÉGIE DU LOGEMENT

**180.** The Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by inserting, after section 31, the following sections:

**"31.1.** Where the board grants an application for the recovery of rent and the defaulting lessee receives a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*), the board may order the Minister of Employment and Solidarity to pay to the lessor concerned the part of the benefit relating to lodging, in the amount and subject to the conditions prescribed by regulation under that Act, for any rent falling due during the month for which such benefit is granted. The order is contingent on a renunciation by the lessor of his right to apply for the resiliation of the lease.

The board shall fix the period during which the order is applicable, which shall not exceed two years. The order is executory for any period during which the lessee lives in a dwelling belonging to the lessor and so long as the lessor is entitled to collect the rent.

The board may also, where the lessee has been subject to such an order in the two years preceding the issue of the new order, provide that the new order is applicable, on the same conditions, to the lessor concerned and to any future lessor.

**“31.2.** For the purposes of section 31.1, the board may order the Minister of Employment and Solidarity to inform the board of the fact that a lessee is a recipient under a last resort financial assistance program. The board must keep the information received from the Minister confidential until the hearing.”

**181.** Section 78 of the said Act is amended

(1) by inserting, after the word “decide” in the first paragraph, the words “that a writing signed by an authorized person at the Ministère de l’Emploi et de la Solidarité may attest that a person is a recipient under a last resort financial assistance program and is valid in lieu of the testimony of a representative of that department. Similarly, a commissioner may decide”;

(2) by replacing the second paragraph by the following paragraph:

“However, a party may require the presence of the representative of the Ministère de l’Emploi et de la Solidarité or of the inspector at the hearing; however, if the board considers that the production of the writing or report would have sufficed, it may condemn that party to pay costs in the amount it fixes.”

#### ACT RESPECTING THE QUÉBEC PENSION PLAN

**182.** Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the person or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35” in the second paragraph by the words “the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*).”

**183.** Section 229 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid by him under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “the benefit granted under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

**184.** Section 231 of the said Act is amended by replacing the words “for benefits under a last resort assistance program under the Act respecting income security (chapter S-3.1.1)” by the words “under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**185.** Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35” in the second paragraph of subsection 8 by the words “the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*).”

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**186.** Section 174 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*).”

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**187.** Section 149.33 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by replacing the words “social aid beneficiary number or, from the date of coming into force of Chapter II of the Act respecting income security (chapter S-3.1.1), his beneficiary number under the said chapter” in the first paragraph by the words “recipient number for the purposes of a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*).”

#### ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

**188.** Section 146 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) is amended by replacing the words “any benefits that were paid directly to the claimant or to his family under the Act respecting income security (R.S.Q., chapter S-3.1.1) and which are subject to reimbursement under section 35” in the first paragraph by the words “the

amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)."

## ACT RESPECTING PRESCRIPTION DRUG INSURANCE

**189.** Section 15 of the Act respecting prescription drug insurance (1996, chapter 32) is amended by replacing the words "receiving benefits under a last resort assistance program pursuant to the Act respecting income security (R.S.Q., chapter S-3.1.1)" in paragraph 2 by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)".

**190.** Section 17 of the said Act is amended by replacing, in the definition of "person suffering from a functional impairment", the words "last resort assistance program pursuant to the Act respecting income security" by the words "last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

## PAY EQUITY ACT

**191.** Section 8 of the Pay Equity Act (1996, chapter 43) is amended by replacing the words "while participating in a program to achieve entry on the labour market, is eligible for last resort assistance benefits under the Act respecting income security (R.S.Q., chapter S-3.1.1)" in paragraph 5 by the words "engages in an activity referred to in section 5 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)".

## ACT RESPECTING ADMINISTRATIVE JUSTICE

**192.** Section 18 of the Act respecting administrative justice (1996, chapter 54) is amended by inserting, after the word "security", the words "or support".

**193.** Section 20 of the said Act is amended by inserting, after the word "security", the words "or support".

**194.** Section 21 of the said Act, amended by section 10 of chapter 49 of the statutes of 1997 and by section 59 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) under section 138 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*), to contest a decision concerning the assessment of a temporary limited capacity for employment for the reason set out in subparagraph 1 o

the first paragraph of section 22 of that Act, the assessment of a permanent or indefinite limited capacity for employment referred to in section 23 of that Act or the assessment of a disability referred to in section 59 of that Act.”

**195.** Section 1 of Schedule I to the said Act, amended by section 11 of chapter 49 of the statutes of 1997 and by section 60 of chapter 57 of the statutes of 1997, is again amended

(1) by inserting the words “or support” after the word “security” in the first line;

(2) by replacing the words “section 78 or 81 of the Act respecting income security (chapter S-3.1.1)” in paragraph 3 by the words “section 131 or 138 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*)”.

#### **ACT RESPECTING FAMILY BENEFITS**

**196.** Section 22 of the Act respecting family benefits (1997, chapter 57) is amended by replacing the second paragraph by the following paragraph:

“However, at the request of the Minister of Employment and Solidarity, the Board shall deduct from the family benefits payable under this Act the amount repayable under section 99 of the Act respecting income support, employment assistance and social solidarity (*insert here the year and chapter number of this Act*). The Board shall remit the amount so deducted to the Minister of Employment and Solidarity.”

**197.** In the transitional provisions introduced by Division II of Chapter VII of the said Act, the terms “Act respecting income security” and “last resort assistance program” shall respectively be replaced by the terms “Act respecting income support, employment assistance and social solidarity” and “last resort financial assistance program”, with the necessary modifications, unless the context indicates otherwise.

#### **ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL**

**198.** Section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) three members appointed after consultation with the most representative community organizations working in the areas of manpower and employment, including one person appointed after consultation with such organizations working primarily with persons between 15 and 30 years of age;”.

**199.** The said Act is amended by inserting, after section 135, the following section:

**“135.1.** From (*insert here the date of transfer of employees set out in the order made under section 135*) to (*insert here the date immediately preceding the date of coming into force of section 130*), the Minister shall place members of the personnel of the department at the disposal of the Société.

For the purposes of section 14 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001) and of sections 22.1 and 23.2 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1), members of the personnel of the department placed at the disposal of the Société are deemed to be employees of the Société.”

## **TITLE VII**

### **TRANSITIONAL AND FINAL PROVISIONS**

**200.** The provisions of this Act replace, as and when they come into force, the corresponding provisions of the Act respecting income security (R.S.Q., chapter S-3.1.1).

**201.** In any other Act and in any regulation, order in council, ministerial order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to a provision of the Act respecting income security is a reference to the corresponding provision of this Act;

(2) the term “Act respecting income security” is replaced by the term “Act respecting income support, employment assistance and social solidarity”;

(3) the term “last resort assistance program” is replaced by the term “last resort financial assistance program”.

**202.** Steps taken or activities engaged in on or after (*insert here the date of coming into force of section 5*) pursuant to a course of action proposed by the Minister under section 22 or 23 of the Act respecting income security before that date are deemed to be activities engaged in as part of an Individualized Integration, Training and Employment Plan.

**203.** Agreements entered into before (*insert here the date of coming into force of section 6*) under section 24 of the Act respecting income security are deemed to be agreements entered into under section 6 of this Act.

**204.** Instructions given to an adult by the Minister under section 28 of the Act respecting income security before (*insert here the date of coming into force of section 43*) are deemed to be directions given under section 43 of this Act.

**205.** For the purposes of section 60, the Minister shall, within one year after (*insert here the date of coming into force of section 60*), allow an adult referred to in that section to make the election referred to in that section, which election is effective from the first day of the second month following the date it is made.

**206.** Sums recoverable under the Act respecting income security are recoverable, without further formality, under this Act.

**207.** The third paragraph of section 108 applies to claims arising after (*insert here the date of coming into force of section 108*), even if the benefit was granted before that date.

**208.** Section 113 applies to any amount owed to the Minister, even if the claim was established before (*insert here the date of coming into force of section 113*).

**209.** Prescription may not be invoked against any recovery effected under section 44 of the Act respecting income security before (*insert here the date of coming into force of section 115*). Moreover, prescription is interrupted on the date of the last recovery so effected.

The first paragraph does not apply to cases pending on (*insert here the date of introduction of this bill*).

**210.** A person designated by the Minister to hear an application for review under section 77 of the Act respecting income security is deemed to be a person designated under section 128 of this Act.

**211.** Until such time as section 184 of the Act respecting the implementation of the Act respecting administrative justice (1997, chapter 43) repealing the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is in force, references to the Administrative Tribunal of Québec in this Act shall be read as references to the Commission des affaires sociales. Until such time, the time for contesting a review decision under section 138 remains 90 days.

**212.** Until (*insert here the date occurring one year after the coming into force of this section*), the Government may make regulations containing transitional provisions to rectify any omission in connection with the implementation of this Act.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). However, if the regulation so provides, the regulation may apply from any date not prior to the coming into force of this section.

**213.** Persons referred to in the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) shall continue to receive the allowances referred to in that paragraph.

**214.** The sums required to pay the portion of the advance payments provided for in the second paragraph of section 79 that is attributable to the amount of increase determined under section 71 are taken from the fiscal receipts received from individuals pursuant to the Taxation Act (R.S.Q., chapter I-3).

**215.** The Minister must, not later than *(insert here the date occurring two years after the date of coming into force of section 27)*, report to the Government on the effects of the provisions of this Act concerning parental contribution and on the advisability of amending such provisions.

The report must be tabled in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

**216.** The Minister of Employment and Solidarity is responsible for the administration of this Act.

**217.** Section 199 has effect from *(insert here the date of transfer of employees set out in the order made under section 135 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail)*.

**218.** The provisions of this Act come into force on the date or dates to be fixed by the Government.