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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 70

**An Act to allow a better match between  
training and jobs and to facilitate labour  
market entry**

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**Introduction**

**Introduced by  
Mr. Sam Hamad  
Minister of Labour, Employment and Social Solidarity**

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## EXPLANATORY NOTES

*This bill has two parts.*

*In Part I, the bill mainly amends the Act to promote workforce skills development and recognition and the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.*

*Where the Act to promote workforce skills development and recognition is concerned, the bill modifies, in particular, the purpose of the Act and that of the Workforce Skills Development and Recognition Fund to specify that the word “workforce” includes both the present and the future workforce.*

*As for the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail, the bill defines the respective roles and functions of the Minister and of the Commission. The Minister's functions thus include preparing an annual plan of action and approving the regional plans of action as regards workforce and employment. In addition, the bill provides that the mission of the Commission that consists in defining workforce development needs will also apply to the future workforce. It entrusts the Commission with the function of making recommendations for meeting labour market needs to the departments that are Commission members.*

*Lastly, the bill proposes that Chapter III of the Act, which creates an independent administrative unit called “Emploi-Québec” within the department, be repealed.*

*In Part II, the bill amends the Individual and Family Assistance Act mainly to introduce the Aim for Employment Program, whose goal is to offer individualized support for labour market entry.*

*Moreover, the bill terminates the Youth Alternative Program.*

*Amendments are made to other provisions of the Individual and Family Assistance Act, in particular to allow the Government to make regulations prescribing more flexible rules for recipients under the Social Solidarity Program as regards liquid assets and income derived from assets received by succession.*

*The bill empowers the Government to make the necessary regulations for the purposes of the Aim for Employment Program and contains consequential, transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Code of Civil Procedure (chapter C-25.01);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act to facilitate the payment of support (chapter P-2.2).



## **Bill 70**

### **AN ACT TO ALLOW A BETTER MATCH BETWEEN TRAINING AND JOBS AND TO FACILITATE LABOUR MARKET ENTRY**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **PART I**

#### **MEASURES TO ALLOW A BETTER MATCH BETWEEN TRAINING AND JOBS**

##### **INDIVIDUAL AND FAMILY ASSISTANCE ACT**

**1.** Section 21 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by striking out the second paragraph.

##### **ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION**

**2.** Section 1 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by replacing “workforce qualifications and skills” in the first paragraph by “the qualifications and skills of the present and future workforce”.

**3.** Section 5 of the Act is amended by inserting “or an organizer” after “employer” in the fourth paragraph.

**4.** Section 20 of the Act is amended by adding “ as well as apply a weighting factor to a class of expenditures to record them at a rate that is higher or lower than their value” at the end of subparagraph 1 of the first paragraph.

**5.** The Act is amended by inserting the following section after section 21.1:

**“21.1.1.** The Minister may, at any time, propose to the Commission the amendments the Minister considers necessary to the regulations made pursuant to section 20, including for the purpose of bringing the training activities they govern in line with the purpose of this Act.”

**6.** Section 22 of the Act is amended by inserting “, which may approve them with or without amendment” after “approval of the Government”.

**7.** Section 26 of the Act is amended by replacing everything after “is established” by the following paragraph:

“The Fund is dedicated to funding initiatives that meet the priority orientations and criteria for action defined by an asset allocation plan to further the purpose of this Act. The goals of such initiatives may include promotion of, and financial or technical support for, skills acquisition and development by the present and future workforce as well as knowledge about the skills needs of the labour market.”

#### ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

**8.** Section 63 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by replacing “minister responsible for Chapter III of the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001)” in the first paragraph by “Minister of Employment and Social Solidarity”.

#### ACT RESPECTING THE MINISTÈRE DE L’EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

**9.** The Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following sections after section 3:

“**3.1.** The Minister shall annually, in collaboration with the Commission des partenaires du marché du travail, prepare a workforce and employment plan of action, which plan must be submitted to the Government for approval. The plan must determine the results targets established for the short and medium terms, as well as the means by which they are to be achieved.

The Minister may also approve, with or without amendment, the regional plans of action as regards workforce and employment forwarded to the Minister by the Commission.

“**3.2.** On the Minister’s recommendation, the Government may, by regulation, specify the fees payable by any person using a workforce training and employment service provided by the department.

The Minister must, before making a recommendation, consult with the Commission des partenaires du marché du travail.”

**10.** Section 17 of the Act is amended, in the first paragraph,

(1) by replacing the first sentence by the following sentence: “The function of the Commission is to take part in the development of government policies and measures in the areas of workforce and employment, in particular policies

and measures aimed at facilitating a balance between workforce supply and demand in the labour market, and of strategic directions in those areas.”;

(2) by inserting “present and future” after “define” in subparagraph 1;

(3) by inserting the following subparagraph after subparagraph 1:

“(1.1) make recommendations for meeting labour market needs to the departments referred to in subparagraphs 2 to 5 of the third paragraph of section 21;”;

(4) by striking out subparagraph 4;

(5) by replacing “identify” in subparagraph 5 by “advise the Minister with respect to”;

(6) by replacing subparagraph 6 by the following subparagraph:

“(6) examine the regional plans of action as regards workforce and employment submitted by the regional councils of labour market partners, and forward them to the Minister for approval, with the Commission’s recommendation;”;

(7) by replacing subparagraph 8 by the following subparagraph:

“(8) collaborate with the Minister in preparing the annual plan of action referred to in section 3.1, monitor its application, periodically assess the results obtained and, as applicable, recommend corrective action to the Minister so that the objectives of the plan may be achieved.”

**11.** The Act is amended by inserting the following section after section 17:

**“17.0.1.** When the Commission makes recommendations for meeting labour market needs to a department referred to in any of subparagraphs 2 to 5 of the third paragraph of section 21, the department shall report to the Commission, in the manner agreed on by them, on the actions it has taken or intends to take to give effect to those recommendations. A department that does not give effect to a recommendation must report the reasons for its decision.”

**12.** Sections 19 and 20 of the Act are repealed.

**13.** Section 21 of the Act is amended

(1) by replacing “on the recommendation of” in subparagraphs 2 and 3 of the first paragraph by “after consultation with”;

(2) by adding the following subparagraph after subparagraph 5 of the third paragraph:

“(6) the chairman of the Commission de la construction du Québec or a member of the board of directors the chairman designates.”

**14.** Section 22 of the Act is replaced by the following section:

**“22.** The Minister shall appoint the secretary general of the Commission from among the associate or assistant deputy ministers in office at the department who hold responsibilities relating to workforce or employment matters.

The secretary general shall assist the Commission in the exercise of its functions and powers, including those provided for by the Act to promote workforce skills development and recognition (chapter D-8.3).

The secretary general may also carry out any mandate the Minister or the Commission entrusts to him that is relevant to the Commission’s functions.”

**15.** Chapter III of the Act, comprising sections 30 to 36, is repealed.

**16.** Section 38 of the Act is amended

- (1) by replacing “for approval” in paragraph 2 by “for examination”;
- (2) by replacing “Emploi-Québec” in paragraph 6 by “the Minister”.

**17.** Section 40 of the Act is amended

(1) by replacing “on the recommendation of” in subparagraphs 1 and 2 of the first paragraph by “after consultation with”;

(2) by striking out “other” in subparagraph 3 of the first paragraph;

(3) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(4) one member who is representative of the region’s economic reality, appointed after consultation with the members referred to in subparagraphs 1 to 3.”;

(4) by replacing the second and third paragraphs by the following paragraphs:

“A regional representative of the department, designated by the Deputy Minister from among the management staff, shall also be a member of the regional council and shall act as secretary.

The following persons shall also be members of the regional council, but without the right to vote:



(1) the regional director of the Ministère du Développement économique, de l'Innovation et de l'Exportation or a regional representative of that department designated by the Deputy Minister of that department;

(2) the regional director of the Commission de la construction du Québec or a representative of that committee designated by the regional director.”

#### ACT TO FACILITATE THE PAYMENT OF SUPPORT

**18.** Section 26 of the Act to facilitate the payment of support (chapter P-2.2) is amended by replacing “Emploi-Québec” in the second paragraph by “the Minister of Employment and Social Solidarity”.

### PART II

#### MEASURES TO FACILITATE ENTRY ON THE LABOUR MARKET

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**19.** Section 11 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing “the Youth Alternative Program or a specific program established under Chapter III or Chapter IV” in paragraph 4 by “a specific program established under Chapter IV”.

#### INDIVIDUAL AND FAMILY ASSISTANCE ACT

**20.** Section 22 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by adding the following paragraph at the end:

“The minimum one-year period of cohabitation specified in subparagraph 3 of the first paragraph may be extended by regulation, in the cases and under the conditions prescribed by regulation.”

**21.** Section 36 of the Act is amended by replacing the second paragraph by the following paragraphs:

“Such persons must also file a complete statement or a short-form statement at the Minister’s request or, if applicable, in the cases prescribed by regulation, so that their eligibility or their family’s eligibility under a financial assistance program provided for in Title II may be ascertained or the amount of the assistance to be granted may be determined. The statements must be filed in the manner determined by the Minister.

In no case may a person be required to file a complete statement more often than once per 12-month period. The person may not be required to file a short-form statement more often than once per month.”

**22.** Section 47 of the Act is amended by adding “or participates in the Aim for Employment Program” at the end.

**23.** Section 49 of the Act is amended by adding the following paragraph at the end:

“The first paragraph does not apply to an independent adult or a family who receives benefits under the Aim for Employment Program.”

**24.** Section 53 of the Act is amended by replacing “produces a medical report establishing” in subparagraph 1 of the first paragraph by “establishes, in the cases prescribed by regulation, by producing a medical report”.

**25.** Section 55 of the Act is amended by replacing “Youth Alternative Program” in subparagraph i of subparagraph *f* of paragraph 2 by “Aim for Employment Program”.

**26.** Section 72 of the Act is amended

(1) by striking out “notamment” in the portion before paragraph 1 in the French text;

(2) by inserting “liquid assets,” after “property,” in paragraph 1;

(3) by inserting the following paragraph after paragraph 1:

“(1.1) income derived from assets received by succession;”.

**27.** Chapter III of Title II of the Act, comprising sections 74 to 78, is repealed.

**28.** The Act is amended by inserting the following after section 83:

## **“CHAPTER V**

### **“AIM FOR EMPLOYMENT PROGRAM**

**“83.1.** The purpose of the Aim for Employment Program is to offer individualized support to participants to help them enter the labour market.

Despite Chapter I, persons referred to in a regulation who would be entitled to benefits under the Social Assistance Program for the month following their application for last resort financial assistance must first participate in the Aim for Employment Program.

**“83.2.** Participation in the program is for an initial period of 12 months which may be extended for a maximum period of 12 months in the cases and under the conditions prescribed by regulation.

Such participation ceases before the scheduled end date in the cases and under the conditions prescribed by regulation.

**“83.3.** The Minister prepares individual labour market entry plans for all participants in the program. The participants must, at the Minister’s request, appear for an interview during which they must provide the required information on their situation to help prepare their plans.

The plans contain measures aimed at providing support to the participants to help them enter the labour market. Depending on the participants’ prospects of entering the labour market, the measures focus on intensive job search efforts, on training or the acquisition of skills or on any other steps adapted to their situation.

The plans set out the commitments the participants must honour, including the steps they must take, in light of their situation, to facilitate their entry on the labour market, and the manner in which they must report on the steps they have taken. Participants are however temporarily exempted, in the cases and under the conditions prescribed by regulation, from the requirement to fulfil the commitments set out in their plans.

A plan becomes effective on the day determined by regulation.

The Minister may modify elements of a plan, after consulting the participant concerned, to take into account any change in the participant’s situation that could affect his or her ability to honour the commitments set out in the plan or prospects of entering the labour market.

**“83.4.** Among the commitments they set out, labour market entry plans may provide that the participants must accept any offer of suitable employment. A plan may also provide that a participant who already holds a job at the time the plan becomes effective or who accepts a job while participating in the program must maintain the employment relationship for as long as he or she is participating in the program.

The Government may, by regulation, define what constitutes suitable employment and prescribe the cases in which and the conditions under which such employment may be refused. The Government may also, by regulation, prescribe the cases in which and the conditions under which leaving or losing a job does not constitute failure to fulfil the obligation to maintain an employment relationship.

**“83.5.** Financial assistance within the framework of the program takes the form, in particular, of an Aim for Employment benefit, to which financial assistance under sections 83.6 and 83.8 may be added.

The Aim for Employment benefit is granted to an independent adult who is a participant or to a family whose adult members are participants. The benefit is established monthly and calculated in the manner prescribed by regulation.

For the purpose of calculating the benefit, the regulation may, in particular,

(1) establish the basic benefit amount applicable to an independent adult or a family, in the cases and under the conditions it determines;

(2) prescribe, in the cases and under the conditions it determines, any adjustment amount that may increase the basic benefit and any amount that may be subtracted from the benefit, and exclude any amount from the calculation; and

(3) prescribe special rules for the month of the application.

**“83.6.** Participants who honour the commitments set out in their labour market entry plan are entitled to a participation allowance, the amount of which is established in the manner prescribed by regulation, in the cases and under the conditions it prescribes.

**“83.7.** The terms for payment of the benefit and the allowance are prescribed by regulation.

**“83.8.** Participants are entitled, according to the criteria set by the Minister, to the reimbursement of expenses incurred in carrying out their labour market entry plan.

**“83.9.** Under the program, the Minister may offer participants measures, programs and services provided for in Title I, adapting them to meet the requirements of their labour market entry plan. The financial assistance provided for in that Title cannot however be combined with or replace that received under this chapter, except in the cases and under the conditions prescribed by regulation.

**“83.10.** On becoming aware of a participant’s failure to fulfil the obligation imposed by the first paragraph of section 83.3 or any of the commitments set out in the labour market entry plan, the Minister may, from the month following the month in which the failure occurred and to the extent provided for by regulation, reduce the amount of the benefit paid to the independent adult or the family. The amount of that benefit may however not be reduced below an amount established according to the method prescribed by regulation.

When there is failure to fulfil any of the obligations imposed by sections 30 and 36, the Minister may also refuse or cease to pay financial assistance or reduce it. The Minister may do the same when there is failure to fulfil the obligation under the first paragraph of section 63 that applies to the program, taking into account the third paragraph of that section and with the necessary modifications.

A decision to refuse or cease to pay financial assistance or to reduce it must include reasons and be communicated in writing to the person concerned.”

**29.** Section 89 of the Act is amended by replacing “last resort financial assistance program” in the first paragraph by “financial assistance program provided for in Chapter I, II or V of Title II”.

**30.** Section 108 of the Act is replaced by the following section:

“**108.** The following decisions are not subject to review:

- (1) decisions of the Minister under a provision of Chapter IV of Title II;
- (2) decisions of the Minister under a provision of Chapter V of Title II, except section 83.10.

However, the person to whom such a decision applies may apply in writing, within 30 days, for a reconsideration of the decision by a competent authority within the department.”

**31.** Section 114 of the Act is amended by replacing “last resort financial assistance program” in the second paragraph by “financial assistance program provided for in Chapter I, II or V of Title II”.

**32.** Section 131 of the Act is amended

- (1) by inserting the following paragraph after paragraph 7:

“(7.1) extending, in the cases and under the conditions prescribed by regulation, the minimum one-year period of cohabitation specified in subparagraph 3 of the first paragraph of section 22;”;

- (2) by inserting “a complete statement or” after “ the cases in which” in paragraph 16.

**33.** Section 133 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) prescribing, for the purposes of section 72, more flexible rules concerning the matters referred to in that section.”

**34.** The Act is amended by inserting the following section after section 133:

“**133.1.** For the purposes of the Aim for Employment Program, the Government may make regulations

- (1) determining, for the purposes of the second paragraph of section 83.1, the persons who must participate in the program;
- (2) prescribing, for the purposes of section 83.2, the cases in which and the conditions under which participation in the program may be extended for a

maximum additional period of 12 months, or cease before the scheduled end date;

(3) prescribing, for the purposes of the third paragraph of section 83.3, the cases in which and the conditions under which participants in the program are temporarily exempted from the requirement to fulfil the commitments set out in their labour market entry plan;

(4) determining, for the purposes of the fourth paragraph of section 83.3, the day on which a labour market entry plan becomes effective;

(5) defining, for the purposes of the second paragraph of section 83.4, what constitutes suitable employment and prescribing the cases in which and the conditions under which such employment may be refused as well as the cases in which and the conditions under which leaving or losing a job does not constitute failure to fulfil the obligation to maintain an employment relationship;

(6) prescribing, for the purposes of section 83.5, a method for calculating the Aim for Employment benefit;

(7) prescribing, for the purposes of section 83.6, the manner in which the amount of the participation allowance is to be established and determining the cases in which and the conditions under which such an allowance is granted;

(8) prescribing, for the purposes of section 83.7, the terms for payment of the Aim for Employment benefit and the participation allowance;

(9) prescribing, for the purposes of section 83.9, the cases in which and the conditions under which the financial assistance provided for under Title I may be combined with or may replace that received under Chapter V of Title II;

(10) prescribing, for the purposes of the first paragraph of section 83.10, to what extent the Minister may reduce the amount of the benefit paid to an independent adult or a family when there is failure to fulfil a commitment set out in the plan and prescribing a method for calculating the amount below which the benefit may not be reduced.”

**35.** Section 136 of the Act is amended by replacing “an independent adult who would be a member of a family if the adult’s spouse or their dependent children had not ceased to be members of the family in keeping with a regulation under paragraph 9 of section 131” by “a person to whom a regulation under paragraph 9 of section 131 applies”.

#### CODE OF CIVIL PROCEDURE

**36.** Article 698 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “, an Aim for Employment benefit” after “social assistance benefit” in subparagraph 3 of the second paragraph.

## **PART III**

### **TRANSITIONAL AND FINAL PROVISIONS**

**37.** Chapter III of Title II of the Individual and Family Assistance Act (chapter A-13.1.1), section 108 of that Act and section 11 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as they read before the date of coming into force of section 27 of this Act, continue to apply to any person who benefits on that date from financial assistance under the Youth Alternative Program, for the duration of the person's intervention plan.

Subparagraph i of subparagraph *f* of paragraph 2 of section 55 of the Individual and Family Assistance Act, as it read before the date of coming into force of section 27 of this Act, continues to apply, as the case may be, for the purpose of establishing the social assistance benefit granted an independent adult or a family when an adult who is deemed to receive a parental contribution received benefits under the Youth Alternative Program.

**38.** Part I of this Act comes into force on (*insert the date of assent to this Act*). Part II and section 37 of this Act come into force on the date or dates to be set by the Government.

