



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 174

**An Act mainly to relax the parental
insurance plan in order to promote
better family-work balance**

Introduction

**Introduced by
Mr. François Blais
Minister of Employment and Social Solidarity**

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EXPLANATORY NOTES

This bill amends the Act respecting parental insurance to relax the parameters of the parental insurance plan.

To that end, the bill extends the period within which maternity, paternity, parental or adoption benefits can be paid.

The number of weeks of maternity benefits in the event of a multiple pregnancy is increased and additional weeks of adoption benefits exclusive to each adoptive parent are granted.

Under the bill, weeks of shareable parental or adoption benefits can be replaced by daily parental responsibility benefits.

The bill establishes that, in the event of the child's death, the parents are granted an additional period before benefits end.

The bill further amends the Act respecting parental insurance, in particular to allow exceptions to be prescribed by regulation for establishing the average weekly earnings used for benefit calculation.

Lastly, the bill proposes certain consequential amendments to the Act respecting labour standards.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting parental insurance (chapter A-29.011);
- Act respecting labour standards (chapter N-1.1).

Bill 174

AN ACT MAINLY TO RELAX THE PARENTAL INSURANCE PLAN IN ORDER TO PROMOTE BETTER FAMILY-WORK BALANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PARENTAL INSURANCE

1. Section 3 of the Act respecting parental insurance (chapter A-29.011) is amended by striking out “gagné” in subparagraph 3 of the first paragraph in the French text.

2. Section 7 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “In the event of a multiple pregnancy, the maximum number of weeks of benefits is increased to 23 or, in the case of an election pursuant to section 18, 19.”;

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

“Payment of maternity benefits shall begin not earlier than the sixteenth week preceding the expected date of delivery and end not later than 25 weeks after the week of delivery. However, payment may end after expiry of the 25 weeks, but before the fifty-second week after the week of delivery, if the child is hospitalized and if, on request, the benefit period is extended throughout the child’s hospitalization.

On request, payment of maternity benefits may end after expiry of the 25-week period, but before the fifty-second week after the week of delivery if, in the cases and for the time prescribed by regulation of the Conseil de gestion, the benefit period is extended.”

3. Section 8 of the Act is amended

(1) by replacing “18” in the first paragraph by “25”;

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

“On request, however, payment may end after expiry of the 25-week period, but before the fifty-second week after the week during which a termination of pregnancy occurs if, in the cases and for the time prescribed by regulation of the Conseil de gestion, the benefit period is extended.”

4. Section 11 of the Act is amended

(1) by replacing “37” and “28” in the first paragraph by “42” and “31”, respectively;

(2) by inserting the following sentence after the first sentence in the first paragraph: “Of this total, 5 weeks of benefits are granted exclusively to each adoptive parent or, in the case of an election, 3 weeks.”

5. Section 13 of the Act is amended

(1) by replacing “a claim for benefits” in the first paragraph by “an application”;

(2) by replacing “who files for benefits” in the second paragraph by “who files an application for benefits”.

6. Section 14 of the Act is amended

(1) by replacing “normally lives with the child” in the first paragraph by “ensures a regular presence to take care of the child”;

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

“If the parent no longer ensures such a regular presence, the parent is deemed to be present with the child until the end of the week of benefits or, if the child is deceased, until the end of the second week after the week of death.

However, if the death occurs when more than two weeks of maternity benefits are payable, the presumption of presence provided for in the second paragraph does not apply to the mother. If only one week of maternity benefits remains payable, the child shall be deemed to be present with the mother until the end of the week after the week of death.”

7. Section 15 of the Act is amended by inserting “shareable” before all occurrences of “parental or adoption benefits” in the second paragraph.

8. Section 16 of the Act is amended by replacing “The total number of weeks of parental or adoption benefits may be allocated to one parent, divided between the parents or allocated concurrently to the parents” in the first paragraph by “The weeks of shareable parental or adoption benefits may be taken by either parent or divided between the parents. They may also be taken concurrently by the parents”.

9. Section 17 of the Act is amended

(1) by replacing “or paternity” in the first paragraph by “, paternity or adoption”;

(2) by inserting “or adoption benefits fixed under section 11” at the end of the first paragraph.

10. Section 18 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) 70% for the 18 weeks of maternity benefits, or 23 weeks in the event of a multiple pregnancy, the 5 weeks of paternity benefits, the first 7 weeks of parental benefits, the 5 weeks of adoption benefits reserved exclusively for each parent and the first 7 weeks of shareable adoption benefits;”;

(2) by replacing the last sentence of the second paragraph by the following sentence: “In this case, the maximum number of weeks of benefits shall be 15 for maternity benefits, or 19 in the event of a multiple pregnancy, 3 for paternity benefits, 25 for parental benefits, 3 for adoption benefits exclusive to each parent and 25 for shareable adoption benefits.”;

(3) by replacing the third paragraph by the following paragraph:

“The election made by the parent whose application is received first in respect of a birth or adoption applies to the other parent’s application. Except in exceptional circumstances, an election is irrevocable.”

11. Section 21 of the Act is amended by replacing the first paragraph by the following paragraph:

“The average weekly earnings of a person are, subject to the exceptions determined by regulation of the Conseil de gestion, the average of the person’s insurable earnings, apportioned in the manner prescribed in the regulation, in particular according to the nature of the earnings.”

12. The Act is amended by inserting the following division after section 22:

“DIVISION II.1

“DAILY PARENTAL RESPONSIBILITY BENEFITS

“22.1. A parent may choose to replace up to 2 weeks of shareable parental or adoption benefits by daily parental responsibility benefits. Each week of benefits replaced gives entitlement to 5 days of daily benefits.

“22.2. One parent’s choice to replace shareable parental or adoption benefits by daily parental responsibility benefits applies to the other parent. The daily benefits are to be shared in accordance with the parents’ wishes.

The Conseil de gestion may determine by regulation the conditions on which the benefits are to be shared if there is no agreement between the parents.

“22.3. Except in exceptional circumstances, the parent’s choice is irrevocable once a daily benefit has been paid.

“22.4. The amount of the daily benefit shall be equal to 55%, or to 75% in the case of an election pursuant to section 18, of 20% of the applicant parent’s average weekly earnings established in accordance with section 21 for the shareable parental or adoption benefit payment that precedes the first daily benefit payment. The amount shall remain the same throughout the benefit period.

“22.5. Payment of the daily benefit may begin not earlier than the week of the child’s birth or arrival into the care of one of the parents for the purpose of the adoption but may not exceed 156 weeks.

“22.6. A daily parental responsibility benefit may also be granted in the cases and on the conditions determined by regulation of the Conseil de gestion.

“22.7. The second paragraph of section 15 and section 19 do not apply to this division.”

13. Section 23 of the Act is amended

- (1) by replacing “fifty-second” in the second paragraph by “one-hundred-and-fourth”;
- (2) by striking out “, unless it is extended in accordance with the regulations of the Conseil de gestion” in the second paragraph;
- (3) by striking out the third paragraph.

14. Section 24 of the Act is amended

- (1) by replacing “that it was impossible to act sooner” in paragraph 2 by “that a valid reason prevented him or her from acting sooner”;
- (2) by replacing “a claim” and “claimant” in paragraph 2 by “an application” and “applicant”, respectively;
- (3) by replacing “claimant” in paragraph 4 by “applicant”.

15. Section 26 of the Act is amended

- (1) by striking out the first paragraph;
- (2) by inserting “des prestations” after “Le versement” in the second paragraph in the French text.

16. Section 37 of the Act is amended by replacing “a claim” by “an application”.

17. Section 88 of the Act is amended by replacing “a claim is made” in subparagraph 4 of the first paragraph by “an application is filed”.

18. Section 118 of the Act is amended by replacing all occurrences of “15” by “30”.

OTHER AMENDING PROVISIONS

ACT RESPECTING LABOUR STANDARDS

19. Section 81.2 of the Act respecting labour standards (chapter N-1.1) is amended

(1) by replacing “52” in the second paragraph by “104”;

(2) by adding the following paragraph at the end:

“In the event of the child’s death, the paternity leave shall end at the end of the second week after the week of death.”

20. Sections 81.4, 81.5 and 81.5.2 of the Act are amended by replacing all occurrences of “18” by “25”.

21. Section 81.11 of the Act is amended

(1) by replacing all occurrences of “70” by “104” in the first paragraph;

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

“In the event of the child’s death, the parental leave shall end at the end of the second week after the week of death.”

FINAL PROVISIONS

22. Sections 2 to 4 and 13 apply only with regard to births occurring on or after 1 January 2019 and adoptions where the child arrives into the care of one of the parents for the purpose of the adoption on or after 1 January 2019.

However, those sections do not apply with regard to a birth if payment of maternity benefits began before 1 January 2019.

23. This Act comes into force on (*insert the date of assent to this Act*), except section 12, which comes into force on the date to be set by the Government.

