



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 112

**An Act to combat poverty and
social exclusion**

Introduction

**Introduced by
Madam Linda Goupil
Minister of Social Solidarity**

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EXPLANATORY NOTES

The object of this bill is to guide the Government and the community as a whole towards a process of planning and implementing actions to combat poverty and counter social exclusion. To that end, the bill establishes a national strategy to combat poverty and social exclusion that consists of a set of actions implemented by the Government, its socio-economic partners, regional and local communities and community organizations to counter poverty and facilitate social inclusion.

The goals of the national strategy are to improve the economic and social situation of persons and families living in poverty or social exclusion, to reduce the inequalities that may particularly affect such persons and families, and to develop and reinforce the sense of solidarity and social cohesion throughout Québec.

The bill creates the obligation for the Government to table an action plan setting forth a set of activities designed to achieve the goals envisioned. The action plan must include measures designed to improve the financial situation both of recipients under the Employment-Assistance Program and persons holding employment and living in poverty.

The bill establishes an advisory committee on the prevention of poverty and social exclusion, the main function of which will be to advise the Minister responsible for the administration of the Act on the planning, implementation and evaluation of actions taken within the scope of the national strategy. An observatory on poverty and social exclusion is also established as a place of observation, research and exchange designed to provide dependable and objective information on poverty issues and social exclusion. The bill further provides for the creation of a fund to finance initiatives to fight poverty and social exclusion.

The bill creates the obligation for the minister responsible for the administration of the Act to table a report every year on the activities related to the government action plan, as well as a status report every three years evaluating the progress of Québec society towards achieving the goals set out in the national strategy.

Lastly, the bill contains miscellaneous, transitional and final provisions.

Bill 112

AN ACT TO COMBAT POVERTY AND SOCIAL EXCLUSION

PREAMBLE

WHEREAS according to the principles set out by the Charter of human rights and freedoms, respect for the dignity of human beings and recognition of the rights and freedoms they possess constitute the foundation of justice and peace;

WHEREAS poverty and social exclusion may constitute obstacles to the protection of and respect for human dignity;

WHEREAS the effects of poverty and social exclusion impede the economic and social development of Québec society as a whole and threaten its cohesion and equilibrium;

WHEREAS the fight against poverty and social exclusion is a national imperative within the spirit of a universal movement which seeks to enhance the social, cultural and economic development of all human beings;

WHEREAS persons living in poverty and social exclusion are the first to act, as their resources permit, to improve their situation and that of their families, and whereas such improvement is linked to the social, cultural and economic development of the entire community;

WHEREAS it is appropriate to affirm the desire of Québec society as a whole to act in a coordinated manner and pursue a course of action designed to combat poverty and social exclusion;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

OBJECT AND DEFINITION

1. The object of this Act is to guide the Government and the community as a whole towards a process of planning and implementing actions to combat poverty, prevent its causes, reduce its effects on individuals and families and counter social exclusion.

To that end, this Act establishes a national strategy to combat poverty and social exclusion. It also establishes an advisory committee on the prevention of poverty and social exclusion and an observatory on poverty and social exclusion which shall assume the functions assigned to them by this Act to achieve the goals set out in the national strategy.

This Act further provides for the creation of a fund to combat poverty and social exclusion.

2. For the purposes of this Act, “poverty” means the condition of a human being who, in a lasting manner, is deprived of the resources, means, choices and power necessary to acquire and maintain economic self-sufficiency and favour active inclusion in Québec society.

CHAPTER II

NATIONAL STRATEGY TO COMBAT POVERTY AND SOCIAL EXCLUSION

3. For the purposes of this Act, a national strategy to combat poverty and social exclusion is established.

4. The national strategy shall consist of a set of actions implemented by the Government, its socio-economic partners, regional and local communities and community organizations to counter poverty and facilitate social inclusion.

The actions must address both the causes and the consequences of poverty and social exclusion to ensure that all persons concerned may obtain the support and encouragement their situation requires and may, on their own, achieve self-sufficiency, and participate actively, as their resources permit, in the life and advancement of the community.

5. The goals of the national strategy are

(1) to improve the economic and social situation of persons and families living in poverty or social exclusion;

(2) to reduce the inequalities that may particularly affect such persons and families; and

(3) to develop and reinforce the sense of solidarity and social cohesion throughout Québec so that society as a whole may participate in the fight against poverty and social exclusion.

6. In order to achieve the goals set out in the national strategy, the actions taken by the community as a whole and the Government, to the extent provided for by law or on the conditions determined by the Government, must be oriented along the following five axes:

- (1) preventing poverty and social exclusion, with a focus on developing the potential of individuals ;
- (2) strengthening the social and economic safety net ;
- (3) promoting access to employment and increasing the attractiveness of work ;
- (4) promoting the involvement of society as a whole ; and
- (5) ensuring consistent and coherent intervention at all levels.

7. Preventive action must be aimed at, in particular,

- (1) recognizing the family as the basic unit of personal and social development and, while respecting the role of parents, supporting families with dependent children that are at risk of long-term poverty through early and integrated intervention aimed at giving the families access to a range of services and programs adapted to their needs ;
- (2) promoting school success and facilitating school and social integration of young persons in difficulty, particularly the disadvantaged ;
- (3) improving basic education and access to continuing education to enable adults to complete and update their occupational qualifications, facilitating recognition of their experience and promoting access to information and communication technologies ; and
- (4) supporting community activities that contribute to the social inclusion of persons living in poverty.

8. Action to strengthen the social and economic safety net must be aimed at, in particular,

- (1) raising the level of income granted to persons and families living in poverty, having regard to their particular situation and the resources at their disposal ;
- (2) encouraging low-income workers to enter or remain on the labour market, especially through work income supplements ;
- (3) providing persons living in poverty or social exclusion with health, social and educational services that are adapted to their specific needs ; and
- (4) facilitating the availability of decent and affordable housing, in particular social housing, for the socially disadvantaged, including the homeless and fostering community support for those persons.

9. Within the scope of its action to promote access to employment and increase the attractiveness of work, the Government must act in concert with its various labour market partners and community resources, in particular

(1) to intensify employment assistance so as to better support the communities in their efforts to create employment and, particularly in high-poverty areas in which employment assistance measures and services must be adapted to the needs of the groups identified as being more affected by poverty;

(2) to favour an approach centred on community-based intervention and the integration of social and economic development;

(3) to favour the social and occupational integration of persons who have particular difficulty entering the labour market, in particular persons who have a physical or mental handicap; and

(4) to enhance the quality of jobs so that the workers receive an income adequate to provide an acceptable standard of living, in comparison with the income of Québec workers generally, enjoy better employment protection against the risks of exclusion and benefit from measures enabling them to achieve a better balance between family and work.

10. Action to promote the involvement of society as a whole must provide for the inclusion of stakeholders representative of the broader Québec community. For that purpose, such actions must, in particular,

(1) favour citizen participation, particularly that of persons living in poverty or social exclusion and the organizations representing them;

(2) support specific local and regional initiatives to achieve the goals set out in the national strategy;

(3) recognize the social responsibility of enterprises and include the labour market partners; and

(4) broaden the scope of community action.

11. Within the scope of its action to ensure consistent and coherent intervention at all levels, the Government must, in particular,

(1) ensure that the policies and measures intended to help in the fight against poverty and social exclusion are complementary and coherent;

(2) devise means of measuring the progress achieved and improving knowledge on poverty issues, in particular through the development of research networks, and provide for accountability and coordination mechanisms designed to ensure consistent intervention;

(3) support in a durable manner innovation and adaptation of programs and services on the regional and local levels and develop coordinated action and collaboration ;

(4) remain abreast of and examine innovative approaches taken by other countries and participate in international forums ; and

(5) with the representatives of the native nations, discuss ways in which the actions may be adapted to the particular needs of the native peoples.

CHAPTER III

GOVERNMENT ACTION PLAN

12. To implement the national strategy to combat poverty and social exclusion, the Government must, before (*insert here the date that is 60 days after the date of coming into force of this section*), establish a government action plan setting forth a set of activities the Government plans on carrying out to achieve the goals pursued, and make it public.

13. The Government shall, within the scope of the action plan, set targets to be reached to improve the income of recipients under the Employment-Assistance Program established under the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001), and persons working full-time or on a sustained basis who live in poverty according to the indicators used by the Government.

14. The action plan must also propose amendments to the Employment-Assistance Program, to the extent provided for by the Act respecting income support, employment assistance and social solidarity, in particular

(1) to eliminate the reductions of benefits resulting from the application of the provisions of that Act as regards shared housing and minimum lodging costs ;

(2) to determine rules for calculating a minimum benefit to be paid when benefits are reduced as a result of administrative sanctions or setoff to reimburse an amount due under that Act ; and

(3) to enable adults and families to own property and liquid assets of a value greater than the value allowed at the time the action plan is established, in order to encourage experimentation of approaches centred on the use of such assets as a means of encouraging self-sufficiency.

15. The conditions, terms and schedule for the implementation of the activities set forth in the action plan, and those related to the attainment of the income improvement targets, shall be determined by the Government or, where applicable, as provided for by law, having regard to the other national priorities, the collective wealth and the particular circumstances of the persons and families concerned.

16. The action plan must also include measures and programs designed to improve the economic and social situation of persons and families living in poverty or social exclusion, and determine the resources that the departments and bodies concerned intend to devote to high-poverty areas.

17. As an incentive for collective involvement, the action plan may provide for the making of agreements between the Minister and national, regional and local partners.

The Minister may, within the scope of an agreement and subject to the conditions the Minister determines, provide financial assistance to support specific initiatives.

18. The Minister is by virtue of his or her office the advisor of the Government on issues concerning the fight against poverty and social exclusion. In that capacity, the Minister shall give the other ministers any advice he or she considers advisable to improve the economic and social circumstances of persons and families living in poverty or social exclusion, and shall take part in the development of measures that could have a significant impact on such persons and such families.

It is incumbent upon the departments and bodies of the Government to communicate to the Minister any information necessary for the carrying out of such responsibilities.

19. The Minister shall make an annual report to the Government on the activities carried out within the scope of the government action plan. The Minister may, for that purpose, request from other ministers specific reports concerning the activities carried out in their fields of jurisdiction.

The Minister may also propose to the Government amendments to the action plan, taking into account the advisory opinions received from the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale that were retained.

CHAPTER IV

COMITÉ CONSULTATIF DE LUTTE CONTRE LA PAUVRETÉ ET L'EXCLUSION SOCIALE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

20. An advisory committee on the prevention of poverty and social exclusion called the "Comité consultatif de lutte contre la pauvreté et l'exclusion sociale" is hereby established.

21. The advisory committee is composed of seventeen members, appointed by the Government, on the recommendation of the Minister.

Fifteen members shall be appointed after consultation with the representative bodies or groups of the various sectors concerned, including five persons from representative bodies or groups involved in the fight against poverty and social exclusion, and ten persons from the management, organized labour, municipal, community and other sectors of the civil society.

The appointments must be made so as to achieve the most equitable representation possible of women and men, the regions of Québec and the various groups forming Québec society, in particular the young, immigrants and visible minorities.

The two other members of the advisory committee shall be from the public service and shall not be entitled to vote.

22. The Government shall designate the chair and vice-chair from among the voting members.

23. The members of the advisory committee shall be appointed for a term of not more than three years.

However, seven of the first voting members of the advisory committee, other than the chair, shall be appointed for a term of two years.

On the expiry of their terms, the members shall remain in office until they are reappointed or replaced.

24. Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 21.

25. The members of the advisory committee shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

26. The advisory committee shall meet at the request of the chair or vice-chair or of one-third of the voting members.

The quorum at meetings of the advisory committee is a majority of the voting members including the member acting as chair or vice-chair.

The advisory opinions shall be adopted by a majority of the members present.

27. The advisory committee may make any by-law concerning the exercise of its functions and its internal management.

28. The secretary and the other members of the personnel of the advisory committee shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

DIVISION II

FUNCTIONS AND POWERS

29. The main function of the advisory committee is to advise the Minister on the planning, implementation and evaluation of actions taken within the scope of the national strategy to combat poverty and social exclusion.

The advisory committee shall advise the Minister on any question referred to it by the Minister on any matter concerning poverty or social exclusion.

It shall also collaborate with the Observatoire de la pauvreté et de l'exclusion sociale to determine indicators enabling the progress made in achieving the goals pursued under the national strategy to be evaluated.

30. The advisory committee may, in addition,

(1) consult with, solicit opinions from, or receive or hear requests and suggestions from persons, bodies, organizations or associations in relation to any matter concerning poverty or social exclusion ;

(2) make recommendations to the Minister on any matter concerning poverty or social exclusion ;

(3) give opinions on government policies having an impact on poverty or social exclusion ; and

(4) give opinions on the use of the sums making up the fund dedicated to the fight against poverty and social exclusion.

In the exercise of its functions, the advisory committee may work in association with other advisory bodies whose work concerns poverty or social exclusion. The advisory committee may also solicit the assistance of the observatory.

31. The advisory committee may make its advice, advisory opinions and recommendations public 30 days after transmitting them to the Minister.

DIVISION III

REPORT

32. The advisory committee shall, not later than 30 June each year, file with the Minister a report on its activities for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER V

OBSERVATOIRE DE LA PAUVRETÉ ET DE L'EXCLUSION SOCIALE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

33. An observatory on poverty and social exclusion called "Observatoire de la pauvreté et de l'exclusion sociale" is established under the responsibility of the Minister.

The observatory is a place of observation, research and exchange devoted to providing dependable and objective information on matters concerning poverty and social exclusion.

34. The observatory shall be managed by a managing committee composed of seven members appointed by the Government on the recommendation of the Minister. The Government shall designate a chair from among the members.

Two members shall be persons working with persons living in poverty or social exclusion, chosen after consultation with the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale.

The other members of the managing committee of the observatory shall be persons from the government, university and research sectors whose competence and expertise in matters related to poverty or social exclusion are recognized.

35. The members of the managing committee of the observatory shall be appointed for a term of not more than three years.

On the expiry of their terms, the members shall remain in office until they are reappointed or replaced.

36. Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 34.

37. The members of the managing committee of the observatory shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

38. The managing committee of the observatory shall, after consulting the advisory committee, determine the observatory's strategic orientations, general objectives, policies and action plans.

Its functions also include evaluating the relevance, priority aspect and scientific quality of the observatory's programs and research projects.

39. The Minister may, by agreement, entrust the administration of the observatory to the Institut de la statistique du Québec.

DIVISION II

FUNCTIONS AND POWERS

40. The function of the observatory is to collect, integrate, compile, analyze and disseminate information, in particular of a statistical nature, on poverty and social exclusion.

The observatory shall conduct qualitative and quantitative research to improve knowledge on poverty issues and social exclusion and may for that purpose consult experts.

The observatory must facilitate the transfer of knowledge to the various stakeholders concerned with poverty or social exclusion and facilitate collaboration on such issues, in particular with university institutions, research centres and other observatories.

41. The observatory shall develop and propose to the Minister a series of indicators to be used to measure poverty and social exclusion, social and economic inequalities, including income differentials, and other poverty determinants.

The Minister shall periodically make public the indicators retained.

The observatory shall monitor the indicators retained by the Minister to measure the progress achieved within the scope of the national strategy to combat poverty and social exclusion, in particular as regards the improvement of the economic and social situation of persons and families living in poverty or social exclusion.

42. Within the scope of its work, the observatory may consult the advisory committee.

DIVISION III

ANNUAL ACTION PLAN

43. The managing committee of the observatory shall submit its annual action plan to the Minister for approval.

CHAPTER VI

SPECIAL FUND

44. A fund dedicated to the financing of initiatives to combat poverty and social exclusion is hereby established.

45. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the costs that may be charged to the fund.

46. The fund shall be made up of the following sums :

(1) the sums paid into the fund by the Minister of Finance pursuant to sections 48 and 49 ;

(2) the sums paid into the fund by a minister out of the appropriations granted for that purpose by Parliament ;

(3) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund ;

(4) the revenues provided for that purpose by the Government or any contribution determined by the Government, following a proposal by the Minister of Finance ; and

(5) the interest earned on bank balances in relation to the sums referred to in paragraphs 3 and 4.

47. The management of the sums making up the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions the Minister designates.

The Minister shall keep the books of account of the fund and record the financial commitments chargeable to it. The Minister shall also certify that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

48. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister determines, any part of the sums making up the fund that is not required for its operation.

Any advance paid to a fund shall be repayable out of that fund.

49. The minister responsible for the administration of this Act is the minister responsible for the administration of the fund. In that capacity, the minister may borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

50. The following sums shall be paid out of the fund :

(1) the sums to be paid within the scope of agreements entered into by the Minister to support national, regional and local initiatives, the awarding standards of which have been approved by the Government ;

(2) the sums to be paid to permit the carrying out of projects in connection with programs complementary to regular programs established or approved by the Government within the scope of the national strategy to combat poverty and social exclusion ;

(3) the sums required for the payment of any other expenditure related to the activities and priority interventions established or approved by the Minister to combat poverty and social exclusion ; and

(4) the sums required for the payment of the remuneration and expenses relating to employment benefits and other conditions of employment of the persons who, in accordance with the Public Service Act, are assigned to the operation of the fund.

51. Sections 20, 21, 26 to 28, Chapter IV and Chapter VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

52. The fiscal year of the fund ends on 31 March.

53. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the fund dedicated to the fight against poverty and social exclusion the sums required for the execution of a judgment against the State that has become *res judicata*.

54. The minister responsible for the administration of the fund shall submit to the National Assembly, for each fiscal year, a report on the activities financed by the fund.

The competent parliamentary committee of the National Assembly shall examine the report.

55. The Government shall determine the date on which this chapter ceases to have effect.

On that date, any sum remaining in the fund shall be paid into the consolidated revenue fund and shall be appropriated to the financing of such complementary measures consistent with the objects of the fund as are determined by the Government, in the manner fixed by the Government.

CHAPTER VII

REPORTS

56. Every three years after (*insert here the date occurring three years after the coming into force of this section*), the Minister shall, in coordination with the other ministers concerned and taking into account the advisory opinions received from the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale retained by the Minister, report to the Government on the results obtained following the actions implemented by the Government and the community as a whole within the scope of the national strategy to combat poverty and social exclusion.

The report must include a status report on the progress of Québec society towards achieving the goals set out in the national strategy, in particular as regards the improvement of the income of persons and families living in poverty and income differentials.

The Minister shall also, in the report, make proposals to the Government on the financing of the actions that must be taken in the course of the ensuing three-year period.

57. The Minister shall, in coordination with the other ministers concerned and before (*insert here the date occurring two years after the date of coming into force of this section*), report to the Government and make recommendations on the approach taken in government programs as regards child support income.

58. The reports required under sections 56 and 57 shall be tabled by the Minister in the National Assembly within 60 days after they are submitted to the Government or, if the Assembly is not sitting, within 60 days of resumption.

Each report shall be examined by the competent committee of the National Assembly.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

59. This Act shall not be construed in such manner as to extend, limit or qualify the scope of any provision of another Act.

60. Notwithstanding section 56, the obligation to submit a first report on the results obtained within the scope of the national strategy to combat poverty and social exclusion becomes effective on *(insert here the date occurring five years after the date of coming into force of section 56)*.

The Minister shall, in the report, make proposals concerning the improvement of the income of persons and families living in poverty, taking into account the advisory opinions received from the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale retained by the Minister.

The Minister shall also, in the report, make a valuation of the fund established under section 44 and state whether the fund is to be maintained or whether its financing is to be reviewed.

61. The obligation imposed on the Minister of Employment and Social Solidarity under section 228 of the Act respecting income support, employment assistance and social solidarity as concerns the Individualized Integration, Training and Employment Plan and the application of the parental contribution becomes effective on *(insert here the date occurring two years after the date of coming into force of section 12)*.

However, the report filed on that date must also pertain to the measures and programs implemented within the scope of the government action plan established pursuant to section 12 to meet the specific needs of young adults who depend on financial assistance for support.

62. The sums remaining in the fund to combat poverty through reintegration into the labour market, established under the Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3), on the date on which the activities of the fund established under section 44 of this Act commence shall, on that date, be transferred to the latter fund.

On that same date, the latter fund shall acquire the rights and assume the obligations of the fund to combat poverty through reintegration into the labour market.

63. The Government shall designate the minister responsible for the administration of this Act.

The designated minister shall exercise his or her functions in a manner complementary to the powers and functions conferred on the other ministers by the Government and chief executive officers, according to their respective responsibilities.

64. This Act comes into force on the date or dates to be fixed by the Government.