



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 126

**An Act to amend the Act respecting income support,
employment assistance and social solidarity and
the Act respecting the Ministère de l'Emploi et
de la Solidarité sociale and establishing the
Commission des partenaires du marché du travail**

Introduction

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

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EXPLANATORY NOTES

This bill provides that employment-assistance allowances paid to persons sharing a dwelling as well as allowances for housing costs will no longer be reduced.

The bill provides that in the future, not more than 50% of amounts paid as employment-assistance allowances and of benefits under the Parental Wage Assistance Program may be seized for non-payment of support.

The bill contains various clarifications that relate to persons eligible under the Employment-Assistance Program and the Parental Wage Assistance Program, including amendments to ensure concordance with the recent Immigration and Refugee Protection Act as regards classes of persons legally authorized to remain in Canada.

The bill provides for the possibility of implementing programs and measures to combat poverty and social exclusion in keeping with the goals and orientations of the national strategy to combat poverty and social exclusion.

The bill amends certain provisions of the Parental Wage Assistance Program to reflect amendments of a fiscal nature concerning among other things the computation of a person's total net income.

The bill provides for recovery rules to apply to amounts granted within the framework of agreements entered into with the Minister under the Act.

Lastly, the bill contains various transitional provisions and makes consequential amendments.

Bill 126

AN ACT TO AMEND THE ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY AND THE ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 7 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by replacing “except for non-payment of support” by “with the exception of the employment-assistance allowance up to 50% of which may be seized for non-payment of support”.

2. Section 14 of the said Act is amended by inserting the following paragraphs after the first paragraph :

“In addition, an adult must, for eligibility purposes, be resident in Québec within the meaning of the regulation and in the cases and subject to the conditions determined by regulation, and be

(1) a Canadian citizen, within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29);

(2) an Indian registered as an Indian pursuant to the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);

(3) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27); or

(4) a person to whom asylum has been granted in Canada by the competent Canadian authorities in accordance with the Immigration and Refugee Protection Act.

However, an adult in any class of persons other than those referred to in subparagraphs 1 to 4 of the second paragraph may, in the cases and subject to the conditions determined by regulation, be eligible in respect of such benefits and allowances as may be determined by regulation.”

3. Section 15 of the said Act, amended by section 1 of chapter 44 of the statutes of 2001, is again amended by striking out subparagraphs 1 and 2 of the first paragraph.

4. Section 19 of the said Act, amended by section 208 of chapter 6 of the statutes of 2002, is again amended

(1) by striking out subparagraph 2 of the first paragraph ;

(2) by inserting the following paragraph after the first paragraph :

“Notwithstanding subparagraph 3 of the first paragraph, persons of the opposite or the same sex who are the parents of the same child are presumed to be cohabiting and to be spouses from the time they begin to cohabit.”

5. Section 22 of the said Act is amended

(1) by replacing “deux” in the French text of subparagraph 2 of the first paragraph by “d’eux”;

(2) by striking out “1, 2,” in the second paragraph.

6. Section 26 of the said Act is amended by adding “or granted to a native person under a manpower and employment agreement entered into with the Government of Canada and determined by regulation” at the end of the first paragraph.

7. Section 27 of the said Act is amended

(1) by striking out subparagraphs *a* and *g* of subparagraph 3 of the first paragraph ;

(2) by replacing “Subparagraphs *g* and *h* of subparagraph 3 of the first paragraph do not apply” in the second paragraph by “Subparagraph *h* of subparagraph 3 of the first paragraph does not apply”.

8. The said Act is amended by replacing the heading of Chapter II of Title II and sections 59 to 66 by the following :

PROGRAMS AND MEASURES TO COMBAT POVERTY AND SOCIAL EXCLUSION

“59. In keeping with the goals and orientations of the national strategy to combat poverty and social exclusion, established under the Act to combat poverty and social exclusion (*insert here the year and chapter number of Bill 112*), as well as with the functions and powers conferred on the Minister under the Act respecting the Ministère de l’Emploi et de la Solidarité sociale

and establishing the Commission des partenaires du marché du travail (chapter M-15.001), the Minister may establish programs and measures to combat poverty and social exclusion.

The programs and measures may, among other purposes, aim at developing the potential of individuals, strengthening the social and economic safety net and ensuring every individual and every family a decent standard of living.

“60. As part of such programs and measures, the Minister may, in the cases and subject to the conditions determined by the Minister, grant financial assistance in order to support individuals and families who are experiencing poverty and social exclusion.

The Minister may also enter into an agreement with any person, association, partnership or body for the implementation of such programs and measures, which agreement may provide for the payment of financial assistance for such purpose.

“61. Financial assistance granted to a natural person under this chapter is unassignable and unseizable.

“62. To avail themselves of a program or measure, persons must apply to the Minister and provide the Minister with any information or document required by the Minister.

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

“63. The Minister shall lend assistance to persons who so request so as to facilitate their understanding of and, where applicable, access to the programs and measures established under this chapter.

“64. The Minister shall examine applications and make a decision promptly.

“65. 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, where applicable, produce documents to complete the file.”

9. Section 67 of the said Act is amended by replacing “one employed adult” by “one adult with a work income”.

10. Section 68 of the said Act, amended by section 3 of chapter 44 of the statutes of 2001, is again amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs :

“(1) be resident in Québec within the meaning of the regulation and in the cases and subject to the conditions determined therein ;

“(2) be

(a) a Canadian citizen, within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29),

(b) an Indian registered as an Indian pursuant to the Indian Act (Revised Statutes of Canada, 1985, chapter I-5),

(c) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27), or

(d) a person to whom asylum has been granted in Canada by the competent Canadian authorities in accordance with the Immigration and Refugee Protection Act.”

11. Section 79.3 of the said Act, enacted by section 11 of chapter 44 of the statutes of 2001, is amended

(1) by striking out “last resort” in the part of paragraph 3 preceding subparagraph *a* ;

(2) by replacing “under section 311.1” in subparagraph *a* of paragraph 3 by “under sections 311.1 and 311.2” ;

(3) by inserting “designated” before “dependent child” in paragraph 6.

12. Section 82.1 of the said Act, enacted by section 15 of chapter 44 of the statutes of 2001, is amended

(1) by striking out “last resort” in the second paragraph ;

(2) by adding the following sentence at the end of the second paragraph :
“In establishing the net total income, the Minister may also disregard all amounts deductible under the Taxation Act (chapter I-3) in the computation of that income.”

13. Section 84 of the said Act is amended by adding “and only, in such case, up to 50% of the amount of the benefit” at the end.

14. Section 91 of the said Act, amended by section 17 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing “and dependent children” in subparagraph 1 of the first paragraph by “and the designated dependent child”;

(2) by striking out “last resort” in subparagraph 4 of the first paragraph.

15. Section 97 of the said Act is amended

(1) by replacing “dependent child” in paragraph 3 by “designated dependent child”;

(2) by striking out “of, or the amounts received as work income replacement by, one of such persons” at the end of paragraph 3.

16. Section 100 of the said Act is amended

(1) by replacing “under Title I or under a last resort financial assistance program” in the first paragraph by “under this Act”;

(2) by inserting “an amount paid under any of sections 82.1 to 82.3,” after “except” in the first paragraph;

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

“A person, association, partnership or body must also repay any amount granted pursuant to an agreement entered into with the Minister under this Act, in the cases and subject to the conditions determined in the agreement.”

17. Section 110 of the said Act is amended by inserting “one or” after “included” in the first paragraph.

18. Section 128 of the said Act, amended by section 18 of chapter 44 of the statutes of 2001, is again amended by replacing “section 16, sections 82.1 to 82.3 or section 115” in the second paragraph by “sections 16, 59 to 65, 82.1 to 82.3 and section 115”.

19. Section 141 of the said Act is amended by replacing “dependent child and for the purpose of calculating amounts received as work income replacement by the adult or the adult’s spouse” in the fifth and sixth lines by “designated dependent child”.

20. Section 142 of the said Act is repealed.

21. Section 155 of the said Act, amended by section 19 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing “the financial assistance programs” in the part preceding paragraph 1 by “Chapters I and III of Title II”;

(2) by replacing “not resident in Québec is eligible under a financial assistance program” in paragraph 2 by “is resident in Québec”;

(3) by striking out “and prescribing a method for determining the amount to be subtracted for the purpose of calculating the benefit” in the third and fourth lines of paragraph 5.

22. Section 156 of the said Act, amended by section 20 of chapter 44 of the statutes of 2001, is again amended

(1) by striking out “or the Social Welfare Program” in the part preceding paragraph 1;

(2) by replacing paragraph 1 by the following paragraph:

“(1) determining, for the purposes of the third paragraph of section 14, the cases in which and the conditions subject to which other classes of persons may be eligible under the program and determining, where applicable, the benefits or allowances that are to be granted;”;

(3) by inserting the following paragraph after paragraph 11:

“(11.1) determining, for the purposes of section 26, the agreements pursuant to which the financial assistance granted cannot be combined with the temporarily limited capacity for employment;”;

(4) by striking out paragraph 16.

23. Section 157 of the said Act is repealed.

24. The said Act is amended by inserting the following section after section 225.2, enacted by section 22 of chapter 44 of the statutes of 2001:

“225.3. An amount granted to a person by the Minister before (*insert here the date of coming into force of this Act*) under a program or measure established by the Minister, other than an amount granted pursuant to Title I or Chapters I and III of Title II is deemed to be an amount paid under section 59. However, the recovery rules contained in this Act apply to any claim concerning such an amount established on or after that date.

Likewise, such rules apply to any claim concerning an amount granted before (*insert here the date of coming into force of this Act*) under Title I or section 16 of this Act, or section 25 of the Act respecting income security (chapter S-3.1.1) if it is established on or after that date in respect of an amount that should not have been granted or that was paid on condition of repayment.”

25. Section 7 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is replaced by the following section :

“**7.** An agreement between the Minister and a body may provide for the transfer to the department of personnel members from that body, and the procedure governing the transfer. The agreement shall be submitted to the Government for approval.

The procedure for integrating the employees covered by the agreement may depart from the provisions of the Public Service Act (chapter F-3.1.1) except those of sections 64 to 69 of that Act. The employees become employees of the Government and public servants within the meaning of that Act as of the date of their integration.

The Conseil du trésor may, for the purposes of such an agreement, establish any rule, standard or policy relating to classification, the determination of the pay scale, permanent tenure or any other condition of employment applicable to the employees.”

26. Section 149 of the said Act is replaced by the following section :

“**149.** Section 7 ceases to have effect on 1 January 2008.”

TRANSITIONAL AND FINAL PROVISIONS

27. The provisions of paragraphs 1 and 2 of section 11, paragraph 1 of section 12 and paragraph 2 of section 14 have effect from 1 January 2001 and any regulation made pursuant to those provisions may have effect from that date.

28. The provisions of paragraph 3 of section 11, paragraph 2 of section 12, paragraph 1 of section 14 and sections 15 and 19 have effect from 1 January 2002 and any regulation made pursuant to those provisions may have effect from that date.

29. Any regulation made pursuant to provisions other than those of sections 27 and 28 may have effect from 1 January 2003.

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