



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 71

**An Act to improve support for
persons and to simplify the social
assistance regime**

Introduction

**Introduced by
Madam Chantal Rouleau
Minister Responsible for Social Solidarity
and Community Action**

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EXPLANATORY NOTES

This bill implements certain actions set out in the Plan d'action gouvernemental en matière de lutte contre la pauvreté et l'exclusion sociale 2024-2029 by amending the Individual and Family Assistance Act mainly to improve support for persons, to promote their entry on the labour market and their social integration or social participation, and to simplify the social assistance regime.

The bill establishes a new social assistance program, called the Last Resort Financial Assistance Program, which groups together the recipients under two existing programs, the Social Assistance Program and the Social Solidarity Program. Under the new program, it will be possible to recognize health constraints lasting at least one month and severe health constraints lasting one year or more. For instance, the bill recognizes pregnancy, from the 20th week of the pregnancy to the 18th week following delivery, as a health constraint. The bill grants the Government regulatory powers allowing the latter to designate the health and social services professionals who are authorized to fill out a medical report for the recognition of a constraint or of the right to a special benefit, as well as those who are authorized to review a decision made with respect to a constraint.

The bill broadens access to the Aim for Employment Program for certain persons having previously received last resort financial assistance. It also aims to promote the social participation of persons within the framework of social assistance and support programs, and makes all social assistance program recipients eligible for those programs.

The bill grants, to recipients under a social assistance program who so request, the right to the establishment of an individualized intervention plan. It also provides for the establishment of regional support networks, composed by, among others, representatives from the Ministère de l'Emploi et de la Solidarité sociale and other government departments and bodies, to allow those representatives to collaborate in the development and implementation of such intervention plans.

The bill provides that financial assistance granted under the Last Resort Financial Assistance Program will be paid to each adult member of a family. It also introduces a supplement for recipients under that program who pursue studies leading to a secondary school diploma and for such recipients who obtain a diploma. It abolishes, in cases where an adult child does not live with his or her parents, the inclusion of a presumed parental contribution.

The bill modifies the concept of de facto union so that persons who cohabit due to one of them having functional limitations are not considered spouses.

The bill also contains measures relating to debt and recovery. It introduces a regulatory power allowing the Government to grant a partial discharge of a debt in certain cases, and it reduces to five years the period during which an amount paid because of misrepresentation may be claimed. It amends the definition of “misrepresentation” to specify the situations requiring proof of intention. It also introduces a regulatory power allowing the Government to determine the cases in which and the conditions under which a situation does not constitute misrepresentation.

The bill provides that a government regulation may make a minor child eligible for certain programs, benefits or allowances as well as determine the duration of such eligibility. It also grants the possibility, by ministerial regulation, to make any class of adults eligible for certain programs, benefits or allowances for a determined period of time.

The bill allows the implementation of pilot projects specific to social assistance programs and intended in particular to study, experiment or innovate with regard to social assistance in order to improve the operation, effectiveness and efficiency of the programs.

The bill amends the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail mainly to regulate the processing of complaints.

Lastly, the bill makes consequential amendments to other Acts and contains 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 respecting administrative justice (chapter J-3);
- 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 respecting the Régie de l’assurance maladie du Québec (chapter R-5).

Bill 71

AN ACT TO IMPROVE SUPPORT FOR PERSONS AND TO SIMPLIFY THE SOCIAL ASSISTANCE REGIME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

INDIVIDUAL AND FAMILY ASSISTANCE ACT

1. Section 3 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by replacing “financial assistance programs established under Title II” by “social assistance programs established under Title II and the specific programs established under Title II.1”.

2. Section 8 of the Act is amended by replacing “fostering the social and community integration of persons and families” in the first paragraph by “promoting the social integration of persons or their entry on the labour market or active participation in society”.

3. The Act is also amended by inserting the following section after section 8:

“8.1. The Minister carries out coordinated actions or participates in such actions, in collaboration with the other departments and bodies concerned, in order to offer continuous, integrated services designed to meet the needs of persons.

With the consent of the person concerned, such concerted actions may be implemented as part of, among other things, a service plan.”

4. Section 15 of the Act is replaced by the following section:

“15. In the cases and under the conditions determined by the Minister, the Minister may establish social assistance and support programs for recipients under a social assistance program provided for in Title II who, given their socio-professional profile, require special help and support.

Within the scope of such social assistance and support programs, the Minister may, in particular,

(1) help persons achieve a degree of socio-professional self-sufficiency that promotes their transition to an employment-assistance measure in order to improve their access to the labour market;

(2) contribute to more active participation of persons with severe health constraints by facilitating their access to vocational training at the secondary level or studies at the postsecondary level; or

(3) foster the social participation of persons through the development of social, relational or cognitive skills in order, eventually, to improve their prospects for social integration, active participation in society or entry on the labour market.

To that end, the Minister may enter into an agreement with a body under which the body offers that help and support.”

5. Section 16 of the Act is amended

(1) by replacing “a person” in the first paragraph by “a recipient under a social assistance program provided for in Title II”;

(2) by striking out “If the person is a recipient under the Social Assistance Program or the Social Solidarity Program,” in the second paragraph.

6. Section 17 of the Act is amended by replacing “the Social Assistance Program or the Social Solidarity Program” in the first paragraph by “a social assistance program provided for in Title II”.

7. Section 18 of the Act is amended

(1) by inserting “or considered for the purposes of” after “is excluded from”;

(2) by replacing “the Social Assistance Program or the Social Solidarity Program” by “a social assistance program provided for in Title II”.

8. Section 22 of the Act is amended by adding the following paragraph at the end:

“For the purposes of subparagraph 3 of the first paragraph, there is no de facto union where a person cohabits with another person primarily to compensate for the latter’s functional limitations, where those limitations prevent the person from living alone or would, but for the cohabitation, make it necessary for the person to be lodged in an institution or in a resource.”

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

“The regulation may limit a minor child’s eligibility for certain programs, benefits or allowances as well as determine the duration of such eligibility.”

10. Section 26 of the Act is amended by adding the following paragraph at the end:

“The regulatory power provided for in the second paragraph is exercised by the Minister where a duration is determined for that eligibility.”

11. Section 30 of the Act is amended by replacing “for last resort financial assistance or an application made” in the second paragraph by “made under the Last Resort Financial Assistance Program or”.

12. Section 31 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The report must be prepared by a health or social services professional designated by regulation.”;

(2) by replacing “by the physician”, “person’s capacity for employment is severely limited or whether the person is unable, owing to the person’s physical or mental condition, to engage in a job preparation, integration or retention activity” and “report of the physician” in the second paragraph by “by the health or social services professional”, “person has severe health constraints” and “medical report prepared by the health or social services professional”, respectively.

13. Section 33 of the Act is amended

(1) by inserting “, that is in clear and concise terms” after “possible” in the introductory clause;

(2) by replacing “financial assistance program provided for in Chapter I, II, V or VI of” in paragraph 2 by “social assistance program provided for in”.

14. Section 35 of the Act is repealed.

15. Section 36 of the Act is amended by replacing “financial assistance program provided for in Title II may be ascertained or” in the second paragraph by “social assistance program provided for in Title II or a specific program provided for in Title II.1 may be ascertained or so that”.

16. Section 38 of the Act is amended by adding the following sentence at the end of the second paragraph: “Such information must be given in clear and concise terms and must be as comprehensive as possible.”

17. The heading of Title II of the Act is amended by replacing “FINANCIAL ASSISTANCE” by “SOCIAL ASSISTANCE”.

18. The Act is amended by inserting the following chapter after the heading of Title II:

“CHAPTER 0.1

**“INTERVENTION PLANS, REGIONAL SUPPORT NETWORKS
AND PILOT PROJECTS**

“43.1. At the request of a recipient under a social assistance program provided for in Title II, the Minister establishes an individualized intervention plan to support the recipient in resolving any difficulties that could hinder the recipient’s social integration or participation.

“43.2. The Minister puts in place regional support networks composed of representatives

- (1) from the Ministère de l’Emploi et de la Solidarité sociale;
- (2) from other departments and bodies concerned, in particular those involved in the education, health and social services or community sectors; and
- (3) from any association, partnership or body designated by the Minister.

“43.3. The representatives of the regional support networks may collaborate in the implementation of individualized intervention plans in order to, among other things,

- (1) assess recipients’ situations to ensure that the individualized intervention plans adequately meet their needs;
- (2) provide support adapted to recipients by adopting an approach that focuses on understanding recipients’ needs, equip them to deal with the difficulties related to their condition, and encourage them in carrying out the steps provided for in their plan;
- (3) inform recipients of services that can meet their needs, direct them to the appropriate resources and, where applicable, assist and support them in their dealings with those resources; and
- (4) follow up regularly with recipients to ensure that the activities and services provided for in their plan are adequate, and suggest adjustments to the plan.

In addition, the representatives of the regional networks may

- (1) offer information sessions and training, cultural or social activities to help recipients develop their social skills;

(2) create support groups intended for recipients experiencing similar situations or difficulties; and

(3) develop initiatives enabling recipients to mitigate the factors that hinder their integration and active participation in society, in order to facilitate their entry on the labour market.

For the purposes of the first and second paragraphs, the Minister may support the regional support network representatives referred to in paragraph 3 of section 43.2.

“43.4. The Minister may develop and implement pilot projects to study or define applicable social assistance standards, or to experiment or innovate with regard to social assistance in order to improve the operation, effectiveness and efficiency of the social assistance programs provided for in Title II.

Within the framework of a pilot project, the Minister determines the applicable standards and obligations, which may differ from those provided for by this Act or the regulations. In such a case, the pilot project is implemented by regulation of the Minister.

The Minister also determines the pilot project’s monitoring and reporting mechanisms, and the information that is necessary for the purposes of those mechanisms and that must be sent to the Minister by any person.

The Minister may enter into agreements with any person, association, partnership or body to facilitate the carrying out of and reporting on the pilot project.

A pilot project is established for a period of up to three years, which the Minister may extend by up to two years. The Minister may modify or terminate a pilot project at any time, after notifying the person, association, partnership or body with whom or which an agreement has been entered into, as well as the pilot project participants.

The Minister produces and makes public a report on the results of the pilot project implemented by regulation within one year after the project ends.”

19. The heading of Chapter I of Title II of the Act is amended by replacing “SOCIAL” by “LAST RESORT FINANCIAL”.

20. Section 44 of the Act is replaced by the following section:

“44. The purpose of the Last Resort Financial Assistance Program is to grant last resort financial assistance to persons whose resources are insufficient to provide for their needs.

A further purpose of the program is to encourage such persons to undertake or pursue steps to promote their active participation in society, their inclusion, their social participation or their entry or re-entry on the labour market, as well as to support them during those steps.”

21. Section 45 of the Act is amended by replacing “Social Assistance Program” by “Last Resort Financial Assistance Program”.

22. Section 46 of the Act is repealed.

23. Section 47 of the Act is amended by replacing “Social Assistance Program” and “under the Social Solidarity Program or the Basic Income Program or participates in the Aim for Employment Program” by “Last Resort Financial Assistance Program” and “under another social assistance program provided for in Title II”, respectively.

24. Section 52 of the Act is replaced by the following section:

“52. Financial assistance granted under the program takes the form of a last resort assistance benefit.

The benefit is established taking into account the basic benefit applicable to each adult, according to the amount and in the cases and under the conditions prescribed by regulation.”

25. Section 53 of the Act is replaced by the following sections:

“53. A health constraint allowance is added to the basic benefit when an independent adult or an adult member of a family

(1) produces a medical report establishing that the adult’s physical or mental condition prevents the adult, for a period of at least one month, from engaging in a job preparation, integration or retention activity; or

(2) applies for the allowance due to being at least 20 weeks pregnant or having given birth less than 18 weeks previously; the application must be filed together with a medical certificate prepared by a health or social services professional designated by regulation that attests to the pregnancy and indicates the adult’s name and date of birth, the number of weeks of pregnancy and the expected or actual date of delivery.

“53.1. A severe health constraint allowance is added to the basic benefit when an independent adult or an adult member of a family, as the case may be, produces a medical report establishing that the adult’s physical or mental condition is significantly deficient or impaired for a period of at least one year and that, for that reason and given the adult’s socio-professional profile, the adult has severe health constraints that hinder participation in a job preparation, integration or retention activity.

Each year, the Minister may reassess whether a person has severe health constraints.

In exceptional circumstances, the Minister may exempt a person from the obligation to produce a medical report.”

26. Section 54 of the Act is amended by replacing “temporarily limited capacity allowance” by “health constraint allowance, an adjustment for adults prescribed by regulation”.

27. Section 55 is amended

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

“(1) determining the amount of the basic benefit and, where applicable, multiplying it by the number of adult members of the family and, in keeping with the regulation, adding to it the amount of any health constraint allowance or severe health constraint allowance, as the case may be, any adjustments for adults, any support allowance granted under Chapter I of Title I, any adjustments for dependent children and any special benefits; and”;

(2) by replacing “a last resort financial assistance program” in subparagraph i of subparagraph *f* of subparagraph 2 of the second paragraph by “the Last Resort Financial Assistance Program”;

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

“Moreover, when the amount obtained under the first paragraph is greater than zero, the benefit is increased, in the cases and under the conditions determined by regulation,

(1) by a work income supplement, the amount of which is calculated in accordance with the method set out in that paragraph; or

(2) by a supplement for studies leading to a secondary school diploma or a graduation bonus, the amounts of which are set by regulation.”

28. Section 57 of the Act is amended, in the first paragraph,

(1) by inserting “who cohabits with his or her father, mother, or parents or one of them,” after “adult” in the introductory clause;

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

“(9) the adult has been receiving a severe health constraint allowance.”

29. The Act is amended by inserting the following section after section 58:

“58.1. The Government may, by regulation, prescribe more flexible rules applicable to recipients of a severe health constraint allowance as regards

(1) ownership of property, liquid assets, amounts paid into a pension plan or assets received by succession;

(2) income derived from assets received by succession; and

(3) the eligibility requirements for certain special benefits.”

30. Section 62 of the Act is replaced by the following section:

“62. A benefit is paid monthly to an independent adult or to each adult member of a family according to the conditions prescribed by regulation.”

31. Section 63 of the Act is amended by inserting “, except in the cases and under the conditions prescribed by regulation,” after “must” in the first paragraph.

32. Section 65 of the Act is amended by replacing “in order to become eligible or render their family eligible under the program or to be” by “with the intention of becoming eligible or rendering their family eligible under the program or of being”.

33. Chapter II of Title II of the Act, comprising sections 67 to 73, is repealed.

34. Chapter IV of Title II of the Act, comprising sections 79 to 83, is repealed.

35. Section 83.1 of the Act is amended by striking out “for the first time” in the first paragraph.

36. Section 83.15 of the Act is amended by replacing “a severely limited capacity for employment” by “severe health constraints”.

37. Section 83.17 of the Act is amended

(1) by replacing “a severely limited capacity for employment within the meaning of section 70 and is a recipient under the Social Solidarity Program” in the first paragraph by “severe health constraints and is a recipient under the Last Resort Financial Assistance Program”;

(2) by replacing “a severely limited capacity for employment” in the second paragraph by “severe health constraints”.

38. Section 83.18 of the Act is amended

- (1) by striking out the first paragraph;
- (2) by replacing “the first paragraph” in the second paragraph by “section 47”.

39. Section 83.21 of the Act is amended by replacing “Social Solidarity” in the third paragraph by “Last Resort Financial Assistance”.

40. The Act is amended by inserting the following Title after section 83.25:

“TITLE II.1

“SPECIFIC PROGRAMS

“83.26. The Minister may establish specific financial assistance programs to help persons and families with particular difficulties, and determine the application standards for those programs.

In exceptional circumstances, the Minister may set eligibility requirements for a specific program that are different from those set out in sections 26 and 27.

“83.27. The purpose of the specific programs may be, for instance, to foster the development of potential, to improve a person’s economic and social situation, to preserve self-sufficiency and to take account of temporary economic difficulties.

“83.28. Within the framework of the specific programs and in the cases and under the conditions the Minister determines, the Minister may grant financial assistance to a person who decides, on a voluntary basis, to take advantage of one of those programs. However, persons eligible under the specific programs may take advantage of the Last Resort Financial Assistance Program or the Basic Income Program if the financial assistance granted under a specific program is less than the assistance they would be granted under either of those programs, to the extent that those persons are also eligible under those programs.

“83.29. Section 63 applies to a specific program.

“83.30. When there is failure to fulfil any of the obligations imposed by sections 30, 31, 36 and 63, the Minister may, as the case may be, refuse or cease to pay financial assistance or reduce it.

Decisions made by the Minister under this section must include reasons and be communicated in writing to the person concerned.

“83.31. The Minister informs persons of the existence of the specific programs and, on the coming into force of the programs, makes available the application standards for those programs and the means of taking advantage of them.

“83.32. The Minister must prepare an annual report on the implementation of the specific programs. The report is included in the annual management report of the Ministère de l’Emploi et de la Solidarité sociale.

In the month of April each year, the Minister also publishes in the *Gazette officielle du Québec* a list of the specific programs established during the preceding fiscal year.”

41. Section 89 of the Act is amended by replacing “a financial assistance program provided for in Chapter I, II or V of Title II” in the first paragraph by “the Last Resort Financial Assistance Program or the Aim for Employment Program”.

42. The Act is amended by inserting the following section after section 104:

“104.1. A partial discharge of a debt may be granted, even after the filing of the certificate, to a debtor of an amount in respect of a social assistance program provided for in Title II, according to the percentage prescribed by regulation and in the cases and under the conditions it determines.”

43. Section 105 of the Act is amended

- (1) by striking out the second sentence;
- (2) by adding the following paragraph at the end:

“If there has been misrepresentation, the recovery of an amount owed under this Act is prescribed five years after the date on which the Minister became aware of the fact that the amount was due. The period covered by the claim must not, however, exceed the five-year period preceding that date.”

44. Section 106 of the Act is replaced by the following section:

“106. There is misrepresentation if an amount is granted to a person following a failure to file a statement, or following the transmission of a document in which information is omitted with the intention of rendering the person or the person’s family eligible for financial assistance or with the intention of receiving or having the person’s family receive a greater amount than would otherwise have been the case, except in the cases and under the conditions prescribed by regulation.

There is also misrepresentation if an amount is granted to a person following the filing of a statement, or the transmission of a document, containing false information.”

45. Section 108 of the Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) Chapter V of Title II, except section 83.5 or sections 83.11 to 83.13,

“(2) Title II.1, or”.

46. Section 110 of the Act is amended

(1) by replacing “temporarily limited capacity allowance for the reason set out in subparagraph 1 of the first paragraph of section 53 must be reviewed by a physician” in the first paragraph by “health constraint allowance must be reviewed by a health or social services professional designated by regulation”;

(2) in the second paragraph,

(a) by replacing “under the Social Solidarity Program” by “for a severe health constraint allowance”;

(b) by replacing “physician” by “health or social services professional designated by regulation”.

47. Section 114 of the Act is amended by replacing “financial assistance program provided for in Chapter I, II, V or VI of” in the second paragraph by “social assistance program provided for in”.

48. Section 131 of the Act is amended

(1) by striking out “financial” after “last resort” in paragraph 5;

(2) by replacing paragraph 8 by the following paragraph:

“(8) determining the cases in which and the conditions under which a child is not a person’s dependant or is a dependant of an adult other than the child’s father or mother or the child’s parents or one of them and designating that adult, limiting the eligibility of minor children to certain programs, benefits or allowances, and determining the duration of such eligibility;”;

(3) by inserting the following paragraph after paragraph 13:

“(13.1) designating, for the purposes of the first paragraph of section 31, the health or social services professionals authorized to produce a medical report;”.

49. The Act is amended by inserting the following section after section 131:

“131.1. The Minister may make regulations

(1) determining, for the purposes of the third paragraph of section 26, the cases in which and the conditions under which other classes of persons may be eligible for financial assistance, limiting eligibility for certain programs, benefits or allowances, and determining the duration of such eligibility;

(2) implementing, for the purposes of the second paragraph of section 43.4, a pilot project whose standards and obligations differ from those provided for by this Act or the regulations.”

50. Section 132 of the Act is amended

(1) by replacing “Social” in the introductory clause by “Last Resort Financial”;

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

“(3.1) designating the health or social services professionals authorized to prepare the medical certificate provided for in paragraph 2 of section 53;”;

(3) by striking out paragraphs 4 and 5;

(4) by replacing paragraph 6 by the following paragraph:

“(6) determining the adjustments for adults that cannot be combined with a health constraint allowance and an employment-assistance allowance or a support allowance;”;

(5) by replacing “temporarily limited capacity allowance” in paragraph 7 by “health constraint allowance”;

(6) by inserting the following paragraphs after paragraph 15.1:

“(15.2) determining the amounts of the supplement for studies leading to a secondary school diploma or of the graduation bonus, and determining the cases in which and the conditions under which those amounts are to be granted;

“(15.3) prescribing, for the purposes of section 58.1, more flexible rules concerning the matters referred to in that section;”;

(7) by inserting the following paragraph after paragraph 18:

“(18.1) determining, for the purposes of the first paragraph of section 63, the cases in which and the conditions under which an adult or the members of a family are not required to exercise their rights or take advantage of other statutory benefits;”.

51. Section 133 of the Act is repealed.

52. Section 133.2 of the Act is amended

(1) by replacing “a severely limited capacity for employment and be a recipient under the Social Solidarity Program” in paragraph 1 by “severe health constraints and be a recipient under the Last Resort Financial Assistance Program”;

(2) by replacing “a severely limited capacity for employment” in paragraph 2 by “severe health constraints”.

53. Section 133.3 of the Act is amended by replacing “financial assistance under the Social Solidarity Program or” by “a severe health constraint allowance under the Last Resort Financial Assistance Program or financial assistance under”.

54. Section 134 of the Act is amended by inserting the following paragraphs after paragraph 9:

“(9.1) determining, for the purposes of section 104.1, the cases in which and conditions under which a discharge of a debt may be granted to a debtor of an amount in respect of a social assistance program provided for in Title II, and prescribing the percentage of the discharge;

“(9.2) determining, for the purposes of the first paragraph of section 106, the cases in which and the conditions under which a failure to file a statement or the transmission of a document in which information is omitted does not constitute misrepresentation; and”.

55. Section 135 of the Act is replaced by the following section:

“135. For the purposes of Chapter III of Title III, the Government may make regulations

(1) designating, for the purposes of section 110, the health or social services professionals authorized to carry out the review;

(2) determining, for the purposes of section 119, the cases in which and the conditions under which the Minister is required to pay interest, and prescribing the interest rate.”

56. Section 136 of the Act is amended by inserting “according to the locality or region of residence of the independent adult or the family,” after “dwelling,”.

57. The Act is amended

(1) by replacing all occurrences of “financial assistance” in sections 14 and 102 by “social assistance”;

(2) by replacing “a last resort financial assistance program” in sections 87, 88, 90 to 94 and 107 by “the Last Resort Financial Assistance Program”;

(3) by inserting “working” after all occurrences of “30” in section 115, and by replacing “30-day period” in section 116 by “period of 30 working days”;

(4) by replacing “by fax or by electronic means” in sections 120 and 123 by “by any technological means”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

58. Section 11 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing “Chapter IV of Title II” in paragraph 4 by “Title II.1”.

CODE OF CIVIL PROCEDURE

59. Article 449 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “a social assistance, social solidarity or basic income program” by “the Last Resort Financial Assistance Program or the Basic Income Program”.

60. Article 569 of the Code is amended by replacing “a social assistance or social solidarity program” in the first paragraph by “the Last Resort Financial Assistance Program”.

61. Article 698 of the Code is amended

(1) by replacing “social assistance benefit, an Aim for Employment benefit, a social solidarity allowance” in subparagraph 3 of the second paragraph by “last resort assistance benefit, an Aim for Employment benefit”;

(2) by replacing “social solidarity allowance to single persons” in the fourth paragraph by “last resort assistance benefit to single persons with a severe health constraint allowance”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

62. Section 21 of the Act respecting administrative justice (chapter J-3) is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) under section 118 of the Individual and Family Assistance Act (chapter A-13.1.1), to contest a decision concerning the assessment of health constraints referred to in section 53 of that Act or the assessment of severe health constraints referred to in section 53.1 of that Act;”.

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

63. Section 2 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) is amended by replacing “, income security and social benefits” in the first paragraph by “and social assistance”.

64. Section 5 of the Act is amended by replacing “, income security and social benefits” in paragraph 2 by “and social assistance”.

65. Section 8 of the Act is amended by replacing “of income security and social benefits” in the first paragraph by “of social assistance”.

66. Section 10 of the Act is amended by replacing “of income security and social benefits” by “of social assistance”.

67. Section 54 of the Act is amended by inserting “the administrative unit of” after “the name of”.

68. Section 57.6 of the Act is amended by striking out “, unless they are clearly unfounded, including if they do not pertain to one of the matters governed by this Act”.

69. The Act is amended by inserting the following section after section 57.6:

“**57.6.1.** The processing of a complaint may be terminated in the following cases:

(1) the complaint is repetitive, abusive, frivolous, vexatious, made in bad faith or clearly unfounded, for instance because it does not pertain to one of the matters under the Minister’s authority;

(2) the complainant does not have a sufficient interest;

(3) the complainant refuses or neglects to provide, within the prescribed time limit, the information or documents requested;

(4) the complainant has already, based on the same facts, pursued a remedy or filed a complaint;

(5) the time elapsed between the facts and the filing of the complaint makes examination of the complaint impossible; or

(6) the circumstances do not warrant an intervention.”

70. Section 57.8 of the Act is amended by inserting “including to those whose processing was terminated under section 57.6.1,” after “given to the complaints,”.

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

71. Section 37.7 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) is amended by striking out “, II” in paragraph *e*.

TRANSITIONAL AND FINAL PROVISIONS

72. In any Act or other document, unless the context indicates otherwise and with the necessary modifications,

(1) “a last resort financial assistance program” is replaced by “the Last Resort Financial Assistance Program”;

(2) “financial assistance program provided for in Chapter I, II, V or VI of” is replaced by “social assistance program provided for in”.

73. As of (*insert the date of coming into force of section 20 of this Act*), a person who was a recipient under the Social Assistance Program or the Social Solidarity Program on (*insert the date preceding the date of coming into force of section 20 of this Act*), is considered to be a recipient under the Last Resort Financial Assistance Program provided for in section 44 of the Individual and Family Assistance Act (chapter A-13.1.1), as enacted by section 20 of this Act, in accordance with the terms and conditions determined for that new program by this Act, including the following:

(1) a recipient under the Social Assistance Program who was receiving, on (*insert the date preceding the date of coming into force of section 20 of this Act*), a temporarily limited capacity allowance provided for in subparagraph 1 of the first paragraph of section 53 of the Individual and Family Assistance Act, as it read on that date, is entitled, under the Last Resort Financial Assistance Program, to the health constraint allowance provided for in that section, as enacted by section 25 of this Act, for the duration provided for in the recipient’s medical report; and

(2) a recipient under the Social Solidarity Program on (*insert the date preceding the date of coming into force of section 20 of this Act*) is entitled, under the Last Resort Financial Assistance Program, to the severe health constraint allowance provided for in section 53.1 of the Individual and Family Assistance Act, as enacted by section 25 of this Act.

74. As of (*insert the date of coming into force of section 33 of this Act*), applications relating to a person’s eligibility for the Social Solidarity Program that have not yet been the subject of a decision of the Minister are processed in accordance with section 70 of the Individual and Family Assistance Act

(chapter A-13.1.1), as it read on (*insert the date preceding the date of coming into force of section 33 of this Act*), except if the person discontinues his or her application and files a new application under section 53.1 of the Individual and Family Assistance Act, as enacted by section 25 of this Act. In such a case, the existence of severe health constraints may not be recognized for any period preceding (*insert the date of coming into force of section 25 of this Act*).

75. For the purposes of the first paragraph of section 83.17 of the Individual and Family Assistance Act (chapter A-13.1.1), as amended by section 37 of this Act,

(1) a severely limited capacity for employment within the meaning of section 70 of the Individual and Family Assistance Act, as it read on (*insert the date preceding the date of coming into force of section 33 of this Act*), is considered to be severe health constraints;

(2) any recipient under the Social Solidarity Program established under Chapter II of Title II of the Individual and Family Assistance Act, as it read on (*insert the date before the date of coming into force of section 33 of this Act*), is considered to be a recipient under the Last Resort Financial Assistance Program.

76. Section 105 of the Individual and Family Assistance Act (chapter A-13.1.1), as amended by section 43 of this Act, applies in respect of a notice of claim issued as of (*insert the date of coming into force of section 43 of this Act*).

77. As of (*insert the date of coming into force of section 25 of this Act*), a recipient who was receiving a temporarily limited capacity allowance provided for in subparagraph 3 of the first paragraph of section 53 of the Individual and Family Assistance Act (chapter A-13.1.1), as regards the provision of childcare to a dependent child, or subparagraph 4, 6 or 8 of that paragraph, as they read on (*insert the date preceding the date of coming into force of section 25 of this Act*), continues to receive that allowance, as long as the recipient remains, without interruption, a recipient under the Last Resort Financial Assistance Program provided for in section 44 of the Individual and Family Assistance Act, as replaced by section 20 of this Act, or eligible to receive dental or pharmaceutical services under section 48 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) and as long as the recipient complies with the cases and conditions or the age prescribed by sections 62 and 63 of that Regulation that are applicable to his or her situation, as they read on that date.

78. The provisions of this Act come into force on the date or dates to be set by order of the Government.

