
Regulations and other acts

Draft Regulation

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting income security, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to facilitate the efforts made to recover last resort assistance benefits without unduly penalizing debtors, to harmonize the income security plan with the extension of financial assistance for students to secondary-level students in vocational education, to facilitate the administration of the Parental Wage Assistance Program and to make the adjustments required by the indexation effected on 1 January last of the scales of needs for the Financial Support Program and of certain scales for the Work and Employment Incentive Program.

In order to facilitate the recovery process, it makes provision for the charging of interest on contested overpayments where the debtor does not win his claim, but also provides for the payment of interest on benefits paid following a reviewed decision or decision in appeal in favour of the beneficiary. It also sets out the cases in which a debtor is required to pay a recovery charge and the amounts thereof. In addition, it provides that the charging of interest may be suspended for the duration of full-time studies and it reduces from \$56 to \$22 the minimum amount to be reimbursed by a debtor who is an independent adult sheltered in a reception centre or hospital centre or placed in a foster home. In that respect, it amends certain sections to harmonize the use of the terms “foster family” and “foster home” with the meaning given to them by the Act respecting health services and social services (R.S.Q., c. S-4.2).

In order to harmonize the income security system with the extension of financial assistance for students to secondary-level students in vocational education, the draft regulation defines what constitutes attendance in vocational education at a secondary-level educational institution. It modifies the increase in the scale for de-

pendent children in school and it harmonizes the other provisions of the Regulation respecting income security concerning dependent children pursuing studies.

In order to facilitate the administration of the Parental Wage Assistance Program, it changes the way last resort assistance benefits are taken into account in the calculation of the estimated benefits and of the advance payments under that program and it changes the intervals at which beneficiaries under that program must submit information statements.

Finally, the draft regulation makes adjustments to the scales of needs for the Financial Support Program and to certain scales of the Work and Employment Incentive Program to take into account the indexation effected on 1 January 1996.

To date, study of the matter has revealed an impact on some debtors who will have to pay a recovery charge and interest. On the other hand, certain benefits will include interest and some debtors will benefit from the reduced minimum amount of the reimbursements. In addition, certain benefits will no longer be paid to families with at least 1 dependent child attending a secondary-level educational institution in vocational education on a full-time basis. However, students who receive vocational education in secondary school on a full-time basis are now entitled to receive financial assistance under the financial assistance plan for students.

Further information may be obtained by contacting Mr. Guy Nolet, Director, Sécurité du revenu, 425, rue Saint-Amable, 4^e étage, Québec (Québec), G1R 4Z1.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Employment and Solidarity and Minister of Income Security, 425, rue Saint-Amable, 4^e étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,
*Minister of State for Employment and Solidarity
and Minister of Income Security*

Regulation to amend the Regulation respecting income security

An Act respecting income security

(R.S.Q., c. S-3.1.1, s. 91, 1st par., subpars. 4 to 6, 8, 16, 23, 24, 31.1.1, 33, 39, and 2nd par.; 1995, c. 69, s. 20, pars. 1, 4, 5 and 7 to 9)

1. The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995 and 202-96 dated 14 February 1996, is further amended by inserting the following after section 5:

“**5.1** For the purposes of section 7 of the Act, attendance in vocational education at a secondary-level institution means, in the case of an adult, full-time attendance.”.

2. Section 7 is amended in the first paragraph by substituting the amounts “\$676”, “\$908”, “\$1032”, “\$1010”, “\$1135” and “\$1233” for the amounts “\$661”, “\$888”, “\$1009”, “\$987”, “\$1109” and “\$1205”, respectively.

3. The first paragraph of sections 8, 9, 14 and 15 is amended by substituting the amount “\$143” for the amount “\$140”.

4. Section 8.1 is amended by substituting the amount “\$303” for the amount “\$296”.

5. Section 11 is amended

(1) by inserting the words “, except in full-time vocational education” after the word “institution” in the first paragraph; and

(2) by substituting the words “in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university,” for the words “attending an educational institution of college or university level on a full-time basis.”.

6. Section 13.1 is amended

(1) by substituting the word “home” for the word “family” in paragraph 1; and

(2) by inserting the words “a foster home,” after the words “responsible for” in paragraph 2.

7. Section 17 is amended

(1) by inserting the words “, except in full-time vocational education” after the word “institution” in the first paragraph; and

(2) by substituting the words “in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attending an educational institution of college or university level on a full-time basis” in the third paragraph.

8. Section 18 is amended by substituting the word “home” for the word “family” in paragraph 1.

9. Section 42 is amended by inserting the words “except in full-time vocational education,” after the word “institution,” in paragraph 2.

10. Section 45 is amended by inserting the words “, except in full-time vocational education,” after the word “institution” in the first paragraph.

11. Section 46 is amended by inserting the words “or foster home” after the word “family” in the third paragraph.

12. Section 52 is amended by substituting the following for paragraph 3:

“(3) amounts received by a foster home to take charge of an adult or by a foster family to take charge of a child, as well as amounts received by such a foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;”.

13. Section 64 is amended by substituting the word “home” for the word “family” in subparagraph 2 of the first paragraph.

14. Section 68 is amended by inserting the words “, except in full-time vocational education” after the words “institution” in the second paragraph.

15. Section 75 is amended

(1) by substituting the words “is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attends an educational institution of college or university level on a full-time basis” in subparagraph *b* of paragraph 1; and

(2) by substituting the words “is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attends an educational institution of college or university level on a full-time basis” in subparagraph *b* of paragraph 2.

16. Section 80.1 is amended by substituting the word “home” for the word “family” in paragraph 1.

17. Section 87 is amended by substituting “2 of subparagraph *i*” for “*i*” in the first paragraph.

18. Section 99 is amended by inserting the words “, except in full-time vocational training,” after the word “institution” in the first paragraph.

19. The following is inserted after section 100:

“**100.1** The amount of the last resort assistance benefits that is considered as being received pursuant to the third paragraph of section 48.2 of the Act and the fourth paragraph of section 49 of the Act shall be calculated by adding, for each month of the year, the amount by which the amount applicable according to the non-participation scale provided for in section 13 exceeds the estimated total income of the family for the month, excluding the last resort assistance benefits received during the month.”.

20. Section 106 is amended by substituting the following for the fourth paragraph:

“In the case of a beneficiary admitted to the financial support program, a short statement need be submitted only where his situation has changed. In the case of a beneficiary admitted to the parental wage assistance program, a short statement shall be submitted each year, in May and September if no change of situation occurs or, if there is a change, on the date thereof and, thereafter, every 4 months from that date until the end of the year, except in December.”.

21. The following is inserted after section 111:

“**111.1** In the case of a last resort assistance program, the Minister is bound to pay interest, pursuant to section 81.1 of the Act, from the date of his decision or from the

date on which the decision takes effect, if the latter date occurs at a later time.

Where the decision pertains to a special benefit, the interest shall be calculated, upon proof of payment, from the date on which the beneficiary paid the expenses in respect of the need that should have been covered by the special benefit. Notwithstanding the foregoing, the Minister is not required to pay interest where the decision pertains to a special benefit referred to in section 29, 34 to 34.2, 49 or 50.

Such interest is part of the benefit.

The interest rate is that fixed under the second paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

The Minister is not required to pay interest where the amount owing as such is less than \$1 or where the adult or family has received benefits under section 25 of the Act or following a decision rendered under the second paragraph of section 22 of the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34).”.

22. Sections 115 and 116 and paragraph 1 of section 123 are amended by substituting the words “foster home” for the words “foster family”.

23. Section 119 is amended by substituting the following for the words “one of the cases provided for in paragraph 2 of section 123, in which case they shall not be less than \$112 per month”: “the following cases:

(1) in the case of an independent adult referred to in section 8 or 14 or an adult placed in a foster home, the payments shall not be less than \$22 per month;

(2) in the case of a person who made a statement containing false information or who sent a document containing false information with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted, the payments may not be less than \$112 per month.”.

24. Section 124 is amended

(1) by substituting the words “or, where the Minister’s decision is reviewed or appealed, from the date on which a formal notice is sent to the debtor in accordance with section 41 of the Act, at the rate fixed under the first paragraph of” for the words “at the rate fixed by regulation made under” in the first paragraph; and

(2) by substituting the following for the second paragraph:

“Notwithstanding the foregoing, a recoverable amount shall cease to bear interest where the Minister effects compensation under section 44 of the Act, where the debtor makes the reimbursement agreed upon with the Minister under section 42 of the Act or where the debtor is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university.”.

25. The following is inserted after section 124:

“**124.1** A debtor of a recoverable amount shall pay the following recovery charge:

(1) \$50 for depositing the certificate pursuant to section 45 of the Act; and

(2) \$175 for any compulsory execution measure taken under Title II of Book IV of the Code of Civil Procedure of Québec (R.S.Q., c. C-25).

A debtor who fails to pay the recovery charge shall pay interest thereon, at the rate fixed under the first paragraph of section 28 of the Act respecting the Ministère du Revenu. That charge and the interest are part of the recoverable amount. Notwithstanding the foregoing, no interest shall be required from a debtor who is in one of the situations described in the second paragraph of section 124.”.

26. The interest provided for in section 111.1 of the Regulation respecting income security, made by section 21 of this Regulation, shall be calculated from (*insert here the date of coming into force of section 21*) in respect of a reviewed decision or a decision in appeal rendered before that date and not yet executed by the Minister.

27. The adjustments provided for in sections 2 to 4 stand in lieu of the adjustment provided for in the second paragraph of section 7 and in sections 9.1 and 15.1 of the Regulation respecting income security.

28. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

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Draft Regulation

Labour Code
(R.S.Q., c. C-27)

Remuneration of arbitrators

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the remuneration of arbitrators, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

This draft regulation sets out, on the one hand, to recognize a current practice among arbitrators that consists in negotiating, with the parties who assume such payment, a remuneration different from that prescribed by the regulation. It also aims at recognizing a similar practice concerning the period of deliberation and the time allowed for the writing of the award with respect to the arbitration of a grievance or a dispute under section 74 of the Labour Code. On the other hand, this draft regulation aims at the partial disengagement of the State from the payment of fees, allowances and expenses for the arbitration of disputes, in addition to proposing the adjustment of certain rates (particularly: minimum fees, compensation to the arbitrator when a case is settled, discontinued or postponed).

To accomplish this, the draft regulation proposes that, under certain conditions, the fees and the period of deliberation for the arbitration of grievances and disputes, other than a dispute relating to the negotiation of a first collective agreement or of a collective agreement concerning municipal policemen and firemen, be negotiable. In addition to increasing, in particular, certain rates applicable to arbitration and certain compensations to pay with respect to the discontinuance, postponement or total settlement of a case, the regulation proposes that the Minister of Labour cease assuming all the costs of arbitration of disputes under section 74 of the Labour Code.

To date, examination of this file reveals the following implications: the draft regulation replaces the current regulation to bring it in conformity with an increasingly widespread practice; the negotiability of rates and periods of deliberation concerns only the parties that assume the arbitration costs and has financial impact only to the extent agreed to by the parties. Finally, the cessation of payment of the costs of certain arbitration of disputes by the Ministère du Travail will allow it to reduce its expenses in this regard. On the other hand, the costs of those arbitrations will henceforth be borne by the parties.