

Draft Regulations

Draft Regulation

An Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13)

Calculation of average insurable earnings and earnings threshold

— Certain transitional measures

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 certain transitional measures relating to the calculation of average insurable earnings and to the earnings threshold for the purposes of parental insurance, adopted by the Conseil de gestion de l'assurance parentale and appearing below, may be approved by the Government with or without amendment on the expiry of 45 days following this publication.

The Regulation provides for transitional measures necessary to calculate the average insurable earnings used to determine benefits under the Act respecting parental insurance (2001, c. 9) with a view to ensuring certain types of recipients are paid the equivalent of what they would receive under the plan established by the Employment Insurance Act (Statutes of Canada, 1996, c. 23).

The Regulation also contains transitional measures that concern a person's earnings threshold over which benefits will be deducted.

The Regulation will have no impact on enterprises.

Further information may be obtained by contacting Jean-François Bernier, 1122, chemin Saint-Louis, 1^{er} étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 528-8818; fax: (418) 643-6738.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the President and Director General of the Conseil de gestion de l'assurance parentale, 1122, chemin Saint-Louis, 1^{er} étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 643-1052; fax: (418) 643-6738.

DENIS LATULIPPE,
President and Director General
Conseil de gestion de l'assurance parentale

Regulation respecting certain transitional measures relating to the calculation of average insurable earnings and to the earnings threshold for the purposes of parental insurance

An Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13, ss. 102 and 105)

1. A person who, for the purposes of the payment of the benefits provided for in the Act respecting parental insurance (2001, c. 9), requests that the Minister of Employment and Social Solidarity determine the average of the person's insurable earnings on the basis of a period of not more than 26 consecutive weeks preceding the beginning of the person's qualifying period, pursuant to the first paragraph of section 102 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13), excluding the weeks where insurable earnings are below \$225, must meet the conditions set out in section 24.2 of the Employment Insurance Regulations (SOR/96-332) in order for that method of calculation of the rate of weekly benefits to apply.

The amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and the Regulation under the Act respecting parental insurance, made by Order in Council dated 2005, is then increased by any amount necessary to enable the person to receive the equivalent of the aggregate amount of benefits to which the person would have been entitled under section 24.2 of the Employment Insurance Regulations.

2. A person who, for the purposes of the payment of the benefits provided for in the Act respecting parental insurance, requests that the Minister determine the average of the person's insurable earnings on the basis of the 14 weeks involving the highest amount of insurable earnings from employment, pursuant to the second paragraph of section 102 of the Act to amend the Act respecting parental insurance and other legislative provisions, must meet the conditions set out in the Employment Insurance Act (Statutes of Canada, 1996, c. 23) or its regulations in order for that method of calculation of the rate of weekly benefits to apply.

The amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and the Regulation under the Act respecting parental insurance is then increased by any amount necessary to enable the person to receive the equivalent of the aggregate amount of benefits to which the person would have been entitled under the Employment Insurance Act or its regulations.

3. For the purposes of section 105 of the Act to amend the Act respecting parental insurance and other legislative provisions, a recipient who receives earnings during a week of benefits may apply to the Minister for a deduction from the benefits payable of an amount corresponding to the fraction of the earnings received during that week in excess of \$75, or in excess of 40% of the weekly benefits if they amount to \$200 or more, whichever amount is greater.

If the recipient would have been entitled to a raise in his or her earnings threshold under the Employment Insurance Act or its regulations, the amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and sections 41 to 43 of the Regulation under the Act respecting parental insurance is increased by any amount necessary to enable the recipient to receive the equivalent of the aggregate amount of benefits to which the recipient would have been entitled under the Employment Insurance Act or its regulations.

4. This Regulation comes into force on 1 January 2006.

7076

Draft Regulation

An Act respecting parental insurance
(2001, c. 9; 2005, c. 13)

Regulation

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation under the Act respecting parental insurance, adopted by the Conseil de gestion de l'assurance parentale and appearing below, may be approved by the Government with or without amendment on the expiry of 15 days following this publication.

Notice is also given, in accordance with section 13 of the Regulations Act, that the Regulation is published with a consultation period shorter than the period prescribed by section 11 of that Act, pursuant to section 107 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13).

To determine eligibility under the parental insurance plan established under the Act respecting parental insurance (2001, c. 9), the Regulation specifies the extent to which a person must contribute under the plan established under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23), defines an interruption in earnings and determines the work that comes within the scope of the Act and the work that is excluded.

The Regulation specifies the manner in which applications, including claims for benefits, are to be made with the Minister of Employment and Social Solidarity, and enumerates exemptions. It prescribes the information to be provided by an employer to employees for the purpose of determining whether an employee is entitled to benefits.

The Regulation determines the rules for allocating benefit weeks if both parents take the weeks concurrently, do not agree on how they should be allocated, or do not reside in the same province.

The Regulation provides for the cases in which a person's qualifying period may be extended or differ from the period set out in section 20 of the Act respecting parental insurance.

The Regulation specifies, in relation to the benefit period, the time at which the qualifying period ends and the reasons that may justify an extension of the qualifying period.

The Regulation prescribes the manner in which insurable earnings from employment, from a business or from both sources are to be apportioned for the purpose of calculating average weekly earnings.

The Regulation includes provisions relevant to the payment of benefits and the recovery of amounts owing to the Minister. It sets out the conditions on which benefit payment may be suspended and the duration of the suspension. It also determines the circumstances and manner in which a person's benefits are reduced if, while receiving benefits, the person also receives income replacement indemnities or other benefits, or work income.

The Regulation contains provisions relating to increased benefits in cases where the recipient's family income is below the determined threshold.

Lastly, the Regulation contains transitional provisions that pertain to the qualifying period of certain self-employed workers and to deferral of coverage in the case of persons holding the office of judge or presiding justice of the peace.