

## Draft Regulation

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)

### Income support — 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 support, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for various improvements to the Employment Assistance Program to favour the implementation of the new measures introduced by the Individual and Family Assistance Act (2005, c. 15), assented to on 17 June 2005, and to follow up on certain provisions of the Act to combat poverty and social exclusion (R.S.Q., c. L-7) and the commitments made by the Government within the framework of the action plan respecting the fight against poverty and social exclusion.

The draft Regulation specifies certain terms and conditions of application of the new Social Assistance and Support Program, specifying how support allowances and reimbursements of additional expenses for employment assistance recipients who engage in activities under the program are to be dealt with. The draft Regulation also contains provisions dealing with amounts paid by a third person recognized by the Minister as employment assistance allowances, support allowances or additional expenses, and sets a limit below which employment assistance allowances remain unseizable.

The draft Regulation provides for the extension of the monthly \$100 child support exemption to all families with dependent children who are employment assistance recipients. It relaxes the calculation rules for liquid assets in order to promote savings to make projects that favour economic and social self-sufficiency a viable possibility. It relaxes the rules relating to the basic benefit applicable to a recipient who lives with a parent by extending the applicable exception to recipients who provide continuous care to persons other than their father or mother.

The draft Regulation introduces measures to improve the file management process in respect of sheltered recipients whose benefits are administered by the Public Curator and to make certain rules more flexible with respect to the excess liquid assets those recipients own.

It specifies certain terms and conditions for the recovery of amounts paid under programs provided for in 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., c. M-15.001).

The draft Regulation proposes various technical and consequential amendments, in particular those related to the implementation of the Québec parental insurance plan established under the Act respecting parental insurance (R.S.Q., c. A-29.011).

The draft Regulation has a positive impact on employment assistance recipients. It has no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Nikolas Ducharme, Director, Income Security Policies, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1; telephone: (418) 646-7221; fax: (418) 643-0019.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

MICHELLE COURCHESNE,  
*Minister of Employment and Social Solidarity*

## Regulation to amend the Regulation respecting income support\*

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001, s. 155, pars. 6 and 8; s. 156, pars. 6, 8, 15, 17, 18, 22 and 25.2; s. 159, pars. 1, 5 and 8 and s. 160; 2005, c. 15, s. 176, pars. 2, 3, 8, 14, 26, 27, subpars. *a* and *b*, 29, subpar. *a*; ss. 177, 179, 1st par. and s.194; 2005, c. 13, ss. 93 and 94)

1. The Regulation respecting income support is amended by deleting section 1.1.

\* The Regulation respecting income support, made by Order in Council 1011-89 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the regulation made by Order in Council 1149-2004 dated 8 December 2004 (2004, *G.O.* 2, 3478). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Official Québec Publisher, 2005, updated to 1 March 2005.

**2.** The following is added after section 2:

**2.1.** For the purposes of the second paragraph of section 6.1 of the Act, financial assistance granted as an employment-assistance allowance to a Native person is financial assistance granted as such under a manpower and employment agreement entered into with the Government of Canada within the framework of its Aboriginal Human Resources Development Strategy.

**2.2.** For the purposes of section 7 of the Act, the portion of employment-assistance allowance that is unseizable for non-payment of support is set at \$30 per week.”

**3.** Section 12 is amended

(1) by striking out “, or to financial assistance granted as such to a Native person” in subparagraph 4 of the first paragraph;

(2) by inserting the following after subparagraph 4 of the first paragraph:

“(4.1) for not more than 6 consecutive months, where non-qualification is attributable to financial assistance paid by a third person and is recognized by the Minister as an employment-assistance allowance;”;

(3) by adding the following after subparagraph 5 of the first paragraph:

“(6) for not more than 6 consecutive months, in the case of an independent adult or a family whose benefit is administered by the Public Curator, except in the case of an adult who is sheltered and if the non-qualification is attributable to excess liquid assets;”;

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

“This section applies to an adult who continues, without interruption, to meet the eligibility requirements prescribed in subparagraphs 1 to 6 of the first paragraph and whose financial resources and those of his family, where applicable, are below the amount required to meet his needs in accordance with the calculation prescribed in section 27 of the Act respecting income support, employment assistance and social solidarity, without taking into account the income that disqualified the adult. In addition, subparagraph 5 of the first paragraph ceases to apply if, after the first month of non-qualification and for more than 3 consecutive months, the adult’s gross monthly work income or gross benefits under the Employment Insurance Act (R.S.C. 1996, c. 23) or the Act respecting parental insurance (R.S.Q., c. A-29.011) exceed \$1,500.”

**4.** Section 13 is amended by adding the following at the end of the first paragraph: “The same applies to an independent adult who is sheltered, for the 6 months following the date on which a benefit ceased to be granted because of excess liquid assets.”.

**5.** Section 23 is amended

(1) by inserting the following after subparagraph 4:

“(4.1) if the sharing of the dwelling is necessary to enable the independent adult or a member of the family to provide constant care required by reason of a disease or disability to the grandfather, grandmother, father’s or mother’s spouse, brother or sister, or to enable the father or mother to provide that person with such care and if that person resides with them;”;

(2) by adding the following after the third paragraph:

“For the purposes of subparagraph 5 of the third paragraph, the father or mother who receives the maximum amount of the supplement, for the month of June of a year, is deemed to receive the maximum amount for the following month.”.

**6.** The following is added after section 23:

**23.1.** If, for reasons beyond his control, the adult referred to in the second paragraph of section 23 establishes at a later date that his mother or father receives the maximum amount of the monthly guaranteed income supplement under the Old Age Security Act, the basic benefit granted to the adult or his family for the months in respect of which the supplement applies may be amended on request to take that situation into account, up to a maximum of 12 months prior to the date of the request.”.

**7.** Section 31.1 of the Regulation is deleted.

**8.** The following is added after section 33:

**33.1.** The support allowance granted by the Minister to a recipient who participates in the Social Assistance and Support Program provided for in section 18.1 of the Act is \$130 per month per adult.”

**33.2.** For the purposes of section 25.4 of the Act, a person may concurrently receive the allowances provided for in that section if the eligibility period for one of the allowances commences in the same month in which another allowance comes to an end.”.

**9.** Section 77 of the Regulation is amended

(1) by inserting “or the Act respecting parental insurance” after “Employment Insurance Act” in the second paragraph;

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

“In addition, if the application is submitted by the independent adult or the family as described in section 12 during the period referred to in that section or in the following month, the employment-assistance allowances or financial assistance granted by a third person and recognized as such by the Minister and work income, if any, are considered only where they are owed for the month of the application. The same applies to an independent adult who is sheltered, if the application is made within six months following the date on which a benefit ceased to be granted because of excess liquid assets.”.

**10.** Section 78 is amended by adding the following at the end of the first paragraph: “The capital referred to in subparagraph 5.1 of section 110 is excluded insofar as the amounts are paid into an institutional savings plan, or in the case of an individual savings plan, if the amounts have been deposited for a period during which an employment-assistance allowance has been granted, without exceeding five years prior to the date of the application.”.

**11.** Section 80 is amended by adding the following at the end of the first paragraph: “Nor do they apply to an independent sheltered adult, if the application is submitted within six months following the date on which a benefit ceased to be granted because of excess liquid assets.”.

**12.** Section 84 is amended

(1) by replacing paragraph 15 by the following:

“(15) amounts paid by the Minister as additional expenses related to participation in an employment-assistance measure or program or the Social Assistance and Support Program provided for in section 18.1 of the Act, and amounts paid by a third person and recognized as such by the Minister;”;

(2) by replacing paragraph 16 by the following:

“(16) up to \$130 per month, per adult, in employment-assistance allowances paid by the Minister, and support allowances paid by a third person and recognized as such by the Minister;”;

(3) by striking out “under 5 years of age on 30 September” at the end of paragraph 22.

**13.** Section 87 is amended

(1) by replacing “and that from the amounts paid as employment assistance allowances or financial assistance granted as such to a Native person” by “or the Act respecting parental insurance and income from the amounts paid as employment-assistance allowances granted by the Minister or recognized as such or as a support allowance”;

(2) by adding “and the Act respecting parental insurance” at the end of paragraph 2.

**14.** Section 88 is amended by replacing “or paid by the Minister as an allowance for a maternity or parental leave” in the second paragraph by “or under the Act respecting parental insurance”.

**15.** Section 95 is replaced by the following:

“**95.** Periodic support payments paid in arrears shall be applied in the following order:

(1) to periods subsequent to 30 November 2005;

(2) to periods subsequent to 30 April 1998.

Applying the support payments paid in arrears in such order shall not operate to interrupt the sequence of the number of consecutive months of eligibility required by this Regulation, in particular with respect to the special benefits referred to in section 49.”.

**16.** Section 97 is amended by adding the following:

“In the case of an adult who is entitled to receive benefits under the Act respecting parental insurance, the period ends at the end of the fourth week following the date on which the application for benefits was filed.”.

**17.** Section 110 is amended

(1) by replacing paragraph 5 by the following:

“(5) the amounts paid by the Minister as additional expenses related to a recipient’s participation in an employment-assistance measure or program or the Social Assistance and Support Program provided for in section 18.1 of the Act, the amounts paid by a third person and recognized as such by the Minister, provided those amounts are used for the purposes for which they were obtained;”;

(2) by adding the following :

“(5.1) up to a total amount of \$5,000 per adult member of the family, the amounts accrued in an individual savings plan or an institutional savings plan recognized by the Minister to be used

(a) to undergo training ;

(b) to purchase tools or equipment required for employment purposes ;

(c) to create self-employment or to start up a business ;

(d) to purchase or repair a residence ; or

(e) to purchase an automobile.” ;

(3) by adding the following :

“For the purposes of subparagraph 5.1 of the first paragraph, the amounts must be deposited in a separate account with a financial institution that has an establishment in Canada. In the case of an individual savings plan, the adult must advise the Minister of his intention to set up a savings plan before depositing the amounts or at the latest on the last day of the month following the date of the deposit.”.

**18.** Section 113 is amended by adding the following after subparagraph 4 of the first paragraph :

“(5) the value of the amounts deposited in an individual savings plan or an institutional savings plan recognized by the Minister, for the purposes of subparagraph 5.1 of the first paragraph of section 110.”.

**19.** Section 114 is amended

(1) by replacing “paragraph 3” by “paragraphs 3 and 5.1” ;

(2) by adding “In the case of the capital referred to in subparagraph 5.1 of the first paragraph of section 110, the amounts may be used only by the adult to whom the savings plan applies.”.

**20.** Section 137 is amended by replacing the three first paragraphs by the following :

“The recipient must submit to the Minister a short statement of his situation every month, except for an independent adult or a family having a member whose capacity for employment is severely limited or to whom section 12 refers, in which case the short statement must be submitted only if a change in situation occurs.”.

**21.** Section 138 is deleted.

**22.** The following is inserted after section 184.1 :

“**184.2.** An independent sheltered adult, an independent adult or a family whose benefit is administered by the Public Curator is not required to repay the amount recoverable because of excess liquid assets. However, the recipient is required to repay the amount recoverable because of excess liquid assets owned during the period between the date of the Minister’s request to produce a statement on liquid assets and the date of production of such a statement.”.

**23.** The following is inserted after section 189 :

“**189.1.** Where section 117 of the Act applies to an amount owed under a measure or a program established by 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 (R.S.Q., c. M-15.001), in accordance with section 194 of the Individual and Family Assistance Act (2005, c. 15), the Minister withholds the amounts set in section 188 or 189, on the conditions provided for in those sections and in accordance with the weekly or monthly payment terms applicable to the program.”.

**24.** Section 191 is replaced by the following :

“**191.** Only one of the amounts withheld pursuant to sections 188, 189 and 189.1 may apply to the same month with respect to a debtor. In such a case, the amount shall be withheld in the following order :

(1) the amount set out in section 188 ;

(2) the amount set out in section 189.1 ;

(3) the amount set out in section 189.”.

**25.** Where section 170.1 of the Regulation applies in respect of periods subsequent to 31 December 2001 and prior to 1 January 2005, it is to be read with “or the Education Act (R.S.Q., c. I-13.3)” inserted in the first paragraph after “(R.S.Q., c. C-8.2)”.

**26.** Where section 178 of the Regulation, as it read on 31 December 2001, applies in respect of periods subsequent to 30 September 1999 and prior to 1 January 2002, it is to be read with “or the Education Act (R.S.Q., c. I-13.3)” added at the end.

**27.** This Regulation comes into force on 1 January 2006.