

Gouvernement du Québec

O.C. 1074-2009, 7 October 2009

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

Regulation
— **Amendments**

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS section 20 and subparagraph 1 of the first paragraph of section 88 of the Act respecting parental insurance (R.S.Q., c. A-29.011) provide that the Conseil de gestion de l'assurance parentale may make regulations on the matters mentioned therein;

WHEREAS the second paragraph of section 88 of the Act provides that the regulations of the Conseil de gestion require the approval of the Government; the Government may approve them with or without amendment;

WHEREAS, by resolution on 16 April 2009, the Conseil de gestion made the Regulation to amend the Regulation under the Act respecting parental insurance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation made by the Conseil de gestion was published in the *Gazette officielle du Québec* of 30 June 2009 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation under the Act respecting parental insurance, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting parental insurance*

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 20 and s. 88, 1st par., subpar. 1)

1. The Regulation under the Act respecting parental insurance is amended in section 14 by striking out paragraph 5.

2. Section 25 is revoked.

3. The following is inserted after section 31.1:

“**31.1.1.** Upon request, in the case of a birth or adoption occurring while at least one parent is entitled to maternity, paternity, parental or adoption benefits for a previous event, the qualifying period of a person is the same as the period that gave the person entitlement to such benefits for the previous event.”

4. Section 31.2 is amended

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

“**31.2.** The qualifying period of a person who, during the 52 weeks preceding the benefit period, had insurable earnings while being unable to have other insurable earnings for one of the following reasons, is the 52-week period preceding the first week before the benefit period in which the latest inability occurs:

(1) the person was unable to work, provided that the inability

(a) results from illness, injury, quarantine or pregnancy and, if applicable, the person has only received income replacement indemnities that are not insurable earnings, paid under a statute or a wage-loss indemnity plan;

(b) results from detention in a prison, a penitentiary or another similar institution;

(c) has given the person entitlement to assistance in the form of employment benefits under a plan established by the Employment Insurance Act (S.C. 1996, c. 23) or under an employment assistance measure implemented by Emploi-Québec; or

* The Regulation under the Act respecting parental insurance, approved by Order in Council 986-2005 dated 19 October 2005 (2005, G.O. 2, 4742), was last amended by the regulation approved by Order in Council 841-2007 dated 26 September 2007 (2007, G.O. 2, 2632). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(d) results from a strike or lock out;

(2) the person was receiving benefits under this plan or the employment insurance plan in respect of the arrival of a child, or would have received such benefits had there been no waiting period;

(3) the person was receiving indemnities under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) because continuation of the person's work entailed physical dangers for the person or physical dangers for the person's unborn child or the child the person was breast-feeding;

(4) the person was receiving regular employment insurance benefits or special benefits under the Employment Insurance Act; or

(5) the person was receiving income replacement indemnities that are not insurable earnings, paid under a statute or a wage-loss indemnity plan.”;

(2) by replacing “the situation” in the second paragraph by “one of the situations”;

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

“This section does not apply where, in the last 26 weeks of the person's qualifying period with insurable earnings, the person was not unable to have other insurable earnings for one of the reasons referred to in the first paragraph.”.

5. Section 31.3 is amended by replacing “the reason” in the part preceding subparagraph 1 of the first paragraph by “one of the reasons”.

6. Section 40 is amended by inserting “payment of” in the second paragraph after “claim for”.

7. Sections 54 and 54.1 are revoked.

8. Sections 4 and 5 apply in respect of a claim for benefits received as of the date of coming into force of this Regulation.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.