



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 70

(2016, chapter 25)

An Act to allow a better match between training and jobs and to facilitate labour market entry

Introduced 10 November 2015
Passed in principle 10 March 2016
Passed 10 November 2016
Assented to 10 November 2016

Québec Official Publisher
2016

EXPLANATORY NOTES

This Act has two parts.

Part I mainly amends the Act to promote workforce skills development and recognition and the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

The Act to promote workforce skills development and recognition is amended to modify, in particular, its purpose and the purpose of the Workforce Skills Development and Recognition Fund to specify that the word “workforce” includes both the present and future workforce.

The Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail is amended to define the respective roles and functions of the Minister and the Commission. The Minister's functions thus include preparing an annual plan of action and approving the regional plans of action as regards workforce and employment. In addition, the Commission's mission of defining workforce development needs will also apply to the future workforce. The Commission is entrusted with the function of making recommendations for meeting labour market needs to the departments that are Commission members.

Lastly, Chapter III of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail, which creates an independent administrative unit called “Emploi-Québec” within the department, is repealed.

Part II amends the Individual and Family Assistance Act mainly to introduce the Aim for Employment Program, whose goal is to offer individualized support for labour market entry.

Moreover, the Youth Alternative Program is terminated.

Amendments are made to other provisions of the Individual and Family Assistance Act, in particular to allow the Government to make regulations prescribing more flexible rules for recipients under the Social Solidarity Program as regards liquid assets and income derived from assets received by succession.

The Government is empowered to make the necessary regulations for the purposes of the Aim for Employment Program and consequential, transitional and final provisions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- 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 to promote workforce skills development and recognition (chapter D-8.3);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- 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 to facilitate the payment of support (chapter P-2.2).

Bill 70

AN ACT TO ALLOW A BETTER MATCH BETWEEN TRAINING AND JOBS AND TO FACILITATE LABOUR MARKET ENTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

MEASURES TO ALLOW A BETTER MATCH BETWEEN TRAINING AND JOBS

INDIVIDUAL AND FAMILY ASSISTANCE ACT

1. Section 21 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by striking out the second paragraph.

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

2. Section 1 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by replacing “workforce qualifications and skills” in the first paragraph by “the qualifications and skills of the present and future workforce”.

3. Section 5 of the Act is amended by inserting “or an organizer” after “employer” in the fourth paragraph.

4. Section 20 of the Act is amended by adding “ as well as apply a weighting factor to a class of expenditures to record them at a rate that is higher or lower than their value” at the end of subparagraph 1 of the first paragraph.

5. The Act is amended by inserting the following section after section 21.1:

“21.1.1. The Minister may, at any time, propose to the Commission the amendments the Minister considers necessary to the regulations made pursuant to section 20, including for the purpose of bringing the training activities they govern in line with the purpose of this Act.”

6. Section 22 of the Act is amended by inserting “, which may approve them with or without amendment” after “approval of the Government”.

7. Section 26 of the Act is amended by replacing everything after “is established” by the following paragraphs:

“The Fund is dedicated to funding initiatives that meet the priority orientations and criteria for action defined by an asset allocation plan to further the purpose of this Act. The goals of such initiatives may include promotion of, and financial or technical support for, skills acquisition and development by the present and future workforce as well as knowledge about the skills needs of the labour market.

The allocation of the assets in the Fund to initiatives for the future workforce must take access to training by the currently employed workforce into consideration.”

ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

8. Section 63 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by replacing “minister responsible for Chapter III 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)” in the first paragraph by “Minister of Employment and Social Solidarity”.

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

9. 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 adding “in local centres” at the end of the second paragraph.

10. The Act is amended by inserting the following sections after section 3:

“3.1. The Minister shall annually, in collaboration with the Commission des partenaires du marché du travail, prepare a workforce and employment plan of action which must be submitted to the Government for approval. The plan must determine the results targets established for the short and medium terms, the means by which they are to be achieved, and the parameters for the allocation of the public employment services budgets.

The Minister may also approve, with or without amendment, the regional plans of action as regards workforce and employment forwarded to the Minister by the Commission. The Minister shall make a decision as soon as possible.

“3.2. On the Minister’s recommendation, the Government may, by regulation, specify the fees payable by any person using a workforce training and employment service provided by the department.

The Minister must, before making a recommendation, consult with the Commission des partenaires du marché du travail.”

11. Section 15 of the Act is amended by adding the following sentence at the end: “The report must contain a section on the actions taken by the Minister in the areas of workforce and employment which must include an account of the results of the annual plan of action referred to in section 3.1.”

12. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing the first sentence by the following sentence: “The function of the Commission is to take part in the development of government policies, strategic directions and measures in the areas of workforce and employment, in particular policies, strategic directions and measures aimed at facilitating a balance between workforce supply and demand in the labour market, and to participate in decisions relating to the measures and programs under the Minister’s authority in those areas.”;

(2) by inserting “present and future” after “define” in subparagraph 1;

(3) by inserting the following subparagraph after subparagraph 1:

“(1.1) make recommendations for meeting labour market needs to the departments referred to in subparagraphs 2 to 5 of the third paragraph of section 21;”;

(4) by replacing “determine criteria, in accordance with section 19,” in subparagraph 4 by “collaborate with the Minister in defining criteria”;

(5) by replacing “identify” in subparagraph 5 by “collaborate with the Minister in identifying”;

(6) by replacing subparagraph 6 by the following subparagraph:

“(6) examine the regional plans of action as regards workforce and employment submitted by the regional councils of labour market partners, and forward them to the Minister for approval, with the Commission’s recommendation;”;

(7) by replacing subparagraph 8 by the following subparagraph:

“(8) collaborate with the Minister in preparing the annual plan of action referred to in section 3.1, monitor its application, periodically assess the results obtained and, as applicable, recommend corrective action to the Minister so that the objectives of the plan may be achieved.”

13. The Act is amended by inserting the following section after section 17:

“17.0.1. When the Commission makes recommendations for meeting labour market needs to a department referred to in any of subparagraphs 2 to 5 of the third paragraph of section 21, the department shall report to the Commission, in the manner agreed on by them, on the actions it has taken or intends to take to give effect to those recommendations. A department that does not give effect to a recommendation must report the reasons for its decision.

The Commission’s annual management report must set out the recommendations, the follow-up given to them by the department and, as applicable, the action report or the reasons referred to in the first paragraph.”

14. Sections 19 and 20 of the Act are repealed.

15. Section 21 of the Act is amended

(1) by replacing “and one member from the college education sector” in subparagraph 5 of the first paragraph by “, one member from the college education sector and one member from the university education sector”;

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

“The appointments must tend toward gender parity.”;

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

“(6) the chairman of the Commission de la construction du Québec or a person the chairman designates.”

16. Section 22 of the Act is replaced by the following section:

“22. After consulting with the Commission, the Minister shall appoint its secretary general from among the associate or assistant deputy ministers in office at the department who hold responsibilities relating to workforce or employment matters.

The secretary general shall assist the Commission in the exercise of its functions and powers, including those provided for by the Act to promote workforce skills development and recognition (chapter D-8.3).

The secretary general may also carry out any mandate the Minister or the Commission entrusts to him that is relevant to the Commission’s functions.”

17. Chapter III of the Act, comprising sections 30 to 36, is repealed.

18. Section 38 of the Act is amended

- (1) by replacing “for approval” in paragraph 2 by “for examination”;
- (2) by replacing “Emploi-Québec” in paragraph 6 by “the Minister”.

19. Section 40 of the Act is amended

- (1) by striking out “other” in subparagraph 3 of the first paragraph;
- (2) by inserting the following after subparagraph 3 of the first paragraph:

“(4) one member who is representative of the reality of the region’s local development, appointed after consultation with the members referred to in subparagraphs 1 to 3.

The appointments must tend toward gender parity.”;

- (3) by replacing the second and third paragraphs by the following paragraphs:

“A regional representative of the department, designated by the Deputy Minister from among the management personnel, shall also be a member of the regional council and shall act as secretary.

The following persons shall also be members of the regional council, but without the right to vote:

- (1) a representative of the Ministère de l’Éducation, du Loisir et du Sport and of the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie designated jointly by the Deputy Minister of each of those departments;

- (2) the regional director of the Ministère du Développement économique, de l’Innovation et de l’Exportation or a regional representative of that department designated by the Deputy Minister of that department; and

- (3) the regional director of the Commission de la construction du Québec or a representative designated by the regional director.”

20. Section 45 of the Act is amended by adding the following sentence at the end of the first paragraph: “It may invite any person to assist it in its deliberations.”

21. The Act is amended by inserting the following section after section 45:

“**45.1.** The Minister shall ask representatives from the regional councils of labour market partners to sit on panels to select persons to fill regional or local director positions within the department.”

ACT TO FACILITATE THE PAYMENT OF SUPPORT

22. Section 26 of the Act to facilitate the payment of support (chapter P-2.2) is amended by replacing “Emploi-Québec” in the second paragraph by “the Minister of Employment and Social Solidarity”.

PART II

MEASURES TO FACILITATE ENTRY ON THE LABOUR MARKET

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

23. Section 11 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing “the Youth Alternative Program or a specific program established under Chapter III or Chapter IV” in paragraph 4 by “a specific program established under Chapter IV”.

INDIVIDUAL AND FAMILY ASSISTANCE ACT

24. Section 22 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by adding the following paragraph at the end:

“The minimum one-year period of cohabitation specified in subparagraph 3 of the first paragraph may be extended by regulation, in the cases and under the conditions prescribed by regulation.”

25. Section 33 of the Act is amended by replacing “the national child benefit supplement granted” in paragraph 2 by “the child tax benefits granted”.

26. Section 36 of the Act is amended by replacing the second paragraph by the following paragraphs:

“Such persons must also file a complete statement or a short-form statement at the Minister’s request or, if applicable, in the cases prescribed by regulation, so that their eligibility or their family’s eligibility under a financial assistance program provided for in Title II may be ascertained or the amount of the assistance to be granted may be determined. The statements must be filed in the manner determined by the Minister.

In no case may a person be required to file a complete statement more often than once per 12-month period. The person may not be required to file a short-form statement more often than once per month.”

27. Section 47 of the Act is amended by adding “or participates in the Aim for Employment Program” at the end.

28. Section 55 of the Act is amended by replacing “Youth Alternative Program” in subparagraph *i* of subparagraph *f* of paragraph 2 by “Aim for Employment Program”.

29. Section 72 of the Act is amended

(1) by striking out “notamment” in the portion before paragraph 1 in the French text;

(2) by inserting “liquid assets,” after “property,” in paragraph 1;

(3) by inserting the following paragraph after paragraph 1:

“(1.1) income derived from assets received by succession;”.

30. Chapter III of Title II of the Act, comprising sections 74 to 78, is repealed.

31. The Act is amended by inserting the following after section 83:

“CHAPTER V

“AIM FOR EMPLOYMENT PROGRAM

“**83.1.** The purpose of the Aim for Employment Program is to offer individualized support to enter the labour market, through training in particular, to persons who would be entitled to receive benefits under Chapter I for the first time.

This chapter applies to adults who, in the cases and under the conditions prescribed by regulation, are required to participate in the program. It also applies to families that include at least one such participant.

“**83.2.** A labour market entry plan is established for every participant. The plan takes into account an assessment of the participant’s skills, the profile of the job the participant is seeking and the characteristics of the labour market. To help prepare the plan, the participant must appear for any interview requested by the Minister and provide any information required on his or her circumstances.

The plan includes measures aimed at providing the participant with support corresponding to his or her prospects of entering the labour market. The measures may, in particular, focus on training, an intensive job search or the acquisition of skills and the development of social skills.

The plan also sets out the commitments the participant must honour, in particular as regards the activities to be carried out within the scope of the measures it includes. A participant is however temporarily exempted, in the cases and under the conditions prescribed by regulation, from the obligation to fulfil the commitments set out in the plan.

A plan becomes effective on the day determined by regulation.

The Minister may modify any element of a plan, after consulting with the participant concerned or at that participant's request, to take into account any change in the participant's circumstances that could affect his or her ability to honour the commitments set out in the plan or his or her prospects of entering the labour market.

“83.3. Among the commitments it sets out, a labour market entry plan may provide that the participant must accept a job that is offered to him or her if the job falls within the scope of the measures and commitments contained in his or her plan. A participant may however refuse a job in the cases and under the conditions prescribed by regulation.

A plan may also provide that a participant who already holds a job at the time the plan becomes effective or who accepts a job while participating in the program must maintain the employment relationship for as long as he or she participates in the program. However, leaving or losing a job does not, in the cases and under the conditions prescribed by regulation, constitute failure to fulfil the obligation to maintain an employment relationship.

“83.4. Participation in the Aim for Employment Program is for a total duration of 12 months. The Minister may however, at any time and with the participant's consent, extend the duration of participation by a maximum of 12 months to facilitate the carrying out of a labour market entry plan. That duration does not take into account the month of application.

In addition, participation is interrupted or extended or ends in the cases and under the conditions prescribed by regulation.

The labour market entry plan states the date on which participation begins, the date on which it is to end and, if applicable, any date set under this section.

“83.5. Financial assistance within the framework of the program takes the form, in particular, of an Aim for Employment benefit, to which a participation allowance under section 83.6 and the reimbursement of expenses under section 83.8 may be added.

The Aim for Employment benefit granted to an independent adult or a family is established monthly and calculated in the manner prescribed by regulation.

For the purpose of calculating the benefit, the regulation may, in particular,

(1) establish the basic benefit amount applicable to an independent adult or a family, in the cases and under the conditions it determines;

(2) prescribe, in the cases and under the conditions it determines, any adjustment amount that may increase the basic benefit and any amount that may be subtracted from the benefit, and exclude any amount from the calculation; and

(3) prescribe special rules for the month of the application.

“83.6. Participants who honour the commitments set out in their labour market entry plan are entitled to a participation allowance, the amount of which is established in the manner prescribed by regulation, in the cases and under the conditions it prescribes.

“83.7. The terms for payment of the benefit and the allowance are prescribed by regulation.

“83.8. Participants are entitled, according to the criteria set by the Minister, to the reimbursement of expenses incurred in carrying out their labour market entry plan.

“83.9. The Minister may grant exceptional financial assistance to a participant or a participant’s family if the Minister considers that, without such assistance,

(1) the carrying out of the participant’s labour market entry plan would be compromised; or

(2) the participant or the members of the participant’s family would be in circumstances that could endanger their health or safety or lead to complete destitution.

“83.10. Under the program, the Minister may offer participants measures, programs and services provided for in Title I, adapting them to meet the requirements of their labour market entry plan. The financial assistance provided for in that Title cannot however be combined with or replace that received under this chapter, except in the cases and under the conditions prescribed by regulation.

“83.11. When there is failure to fulfil any of the obligations imposed by sections 30 and 36, the Minister may, as the case may be, refuse or cease to pay financial assistance or reduce it. The Minister may do the same when there is failure to fulfil the obligation under the first paragraph of section 63, which applies to the program subject to the third paragraph of that section.

“83.12. If failure to fulfil any of the obligations set out in the first paragraph of section 83.2 hinders the establishment of a labour market entry plan, the Minister may refuse or cease to pay the benefit to the independent adult or the family. The benefit is however paid if the participant remedies the failure within the time limit or on the date determined by the Minister.

“83.13. When there is failure to fulfil any of the commitments set out in a labour market entry plan, without a valid reason, the Minister may, from the month following the month in which the Minister notes the failure and to the extent provided for by regulation, reduce the amount of the benefit paid to the independent adult or the family. The amount of the benefit may however not

be reduced below an amount established according to the calculation method prescribed by regulation.

However, no reduction is made before the expiry of the time prescribed in the second paragraph of section 108 for applying for a reconsideration of the initial decision establishing a labour market entry plan and, as applicable, before the decision on that application is made.

“83.14. A decision made by the Minister under sections 83.11 to 83.13 must include reasons and be communicated to the person concerned in writing without delay.”

32. Section 89 of the Act is amended by replacing “last resort financial assistance program” in the first paragraph by “financial assistance program provided for in Chapter I, II or V of Title II”.

33. The Act is amended by inserting the following section after section 106:

“106.1. The Minister may establish a program intended for persons who wish to regularize their situation after having made a misrepresentation.

Within the framework of the program, the Minister may, in the cases and according to the conditions and the procedure the Minister determines, recognize such a person as a voluntary declarant. Such a recognition allows the person to benefit from more flexible rules with regard to the consequences arising from the misrepresentation, as determined by regulation.

The Minister may, in the cases and according to the conditions and the procedure the Minister determines, revoke the decision to recognize a person as a voluntary declarant.”

34. Section 108 of the Act is replaced by the following section:

“108. A decision under

- (1) Chapter IV of Title II,
- (2) Chapter V of Title II, except section 83.5 or sections 83.11 to 83.13, or
- (3) the program provided for in section 106.1,

is not subject to review.

A person to whom a decision referred to in the first paragraph applies may apply in writing, within 30 days, for a reconsideration of the decision by a competent authority within the department, unless the decision is made under section 83.9.”

35. Section 114 of the Act is amended by replacing “last resort financial assistance program” in the second paragraph by “financial assistance program provided for in Chapter I, II or V of Title II”.

36. Section 131 of the Act is amended

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

“(7.1) extending, in the cases and under the conditions prescribed by regulation, the minimum one-year period of cohabitation specified in subparagraph 3 of the first paragraph of section 22;”;

(2) by inserting “a complete statement or” after “ the cases in which” in paragraph 16.

37. Section 133 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) prescribing, for the purposes of section 72, more flexible rules concerning the matters referred to in that section.”

38. The Act is amended by inserting the following section after section 133:

“**133.1.** For the purposes of the Aim for Employment Program, the Government may make regulations

(1) prescribing, for the purposes of the second paragraph of section 83.1, the cases in which and the conditions under which a person is required to participate in the Aim for Employment Program;

(2) prescribing, for the purposes of the third paragraph of section 83.2, the cases in which and the conditions under which a participant in the program is temporarily exempted from the obligation to fulfil the commitments set out in the labour market entry plan;

(3) determining, for the purposes of the fourth paragraph of section 83.2, the day on which a labour market entry plan becomes effective;

(4) prescribing, for the purposes of section 83.3, the cases in which and the conditions under which a participant may refuse a job that is offered to him or her and the cases in which and the conditions under which leaving or losing a job does not constitute failure to fulfil the obligation to maintain an employment relationship;

(5) prescribing, for the purposes of the second paragraph of section 83.4, the cases in which and the conditions under which participation is interrupted or extended or ends;

(6) prescribing, for the purposes of section 83.5, a method for calculating the Aim for Employment benefit;

(7) prescribing, for the purposes of section 83.6, the manner in which the amount of the participation allowance is to be established and determining the cases in which and the conditions under which such an allowance is granted;

(8) prescribing, for the purposes of section 83.7, the terms for payment of the Aim for Employment benefit and the participation allowance;

(9) prescribing, for the purposes of section 83.10, the cases in which and the conditions under which the financial assistance provided for under Title I may be combined with or may replace that received under Chapter V of Title II;

(10) prescribing, for the purposes of section 83.13, to what extent the Minister may reduce the amount of the benefit paid to an independent adult or a family and prescribing a method for calculating the amount below which the benefit may not be reduced.”

39. Section 134 of the Act is amended by adding the following paragraph at the end:

“(10) determining, for the purposes of section 106.1, the more flexible rules applicable to a voluntary declarant.”

CODE OF CIVIL PROCEDURE

40. Article 698 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “, an Aim for Employment benefit” after “social assistance benefit” in subparagraph 3 of the second paragraph.

PART III

TRANSITIONAL AND FINAL PROVISIONS

41. The Minister must, not later than the 120th day following the second anniversary of the coming into force of section 83.1 of the Individual and Family Assistance Act (chapter A-13.1.1), enacted by section 31 of this Act, and subsequently every five years, report to the Government on the implementation of the Aim for Employment Program.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

42. Chapter III of Title II of the Individual and Family Assistance Act, section 108 of that Act and section 11 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as they read before the date of coming into force of section 30 of this Act, continue to apply to any person

who benefits on that date from financial assistance under the Youth Alternative Program, for the duration of the person's intervention plan.

Subparagraph *i* of subparagraph *f* of paragraph 2 of section 55 of the Individual and Family Assistance Act, as it read before the date of coming into force of section 30 of this Act, continues to apply, as the case may be, for the purpose of establishing the social assistance benefit granted an independent adult or a family when an adult who is deemed to receive a parental contribution received benefits under the Youth Alternative Program.

43. In any agreement entered into by the Minister under section 84 of the Individual and Family Assistance Act before the date of coming into force of section 83.1 of that Act, enacted by section 31 of this Act, a provision relating to the Social Assistance Program or a last resort financial assistance program also applies to the Aim for Employment Program from that date unless, in the year following that date, one of the parties notifies the other party in writing of its intention not to include that program, in whole or in part, in the agreement.

The first paragraph ceases to apply to an agreement on the day the first amendment made to the agreement by the parties after the date of coming into force of section 83.1 of that Act, enacted by section 31 of this Act, becomes effective.

The first paragraph applies despite section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

44. For the sole purposes of paragraph 1.1 of section 72 of the Individual and Family Assistance Act, enacted by section 29 of this Act, the first regulation made under paragraph 2 of section 133 of the Individual and Family Assistance Act, as replaced by section 37 of this Act, may have retroactive effect to the date it specifies.

45. In any regulation, “Emploi-Québec” is replaced, wherever it appears and with the necessary modifications, by “the Minister of Employment and Social Solidarity”. Similarly, in any other document, a reference to Emploi-Québec is a reference to that Minister, unless the context indicates otherwise.

46. Part I and section 45 of this Act come into force on 10 November 2016. Part II and sections 41 to 44 of this Act come into force on the date or dates to be set by the Government.