

Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2020-2021 school year

Education Act
(chapter I-13.3, s. 447)

1. The Amended Basic school regulation for preschool, elementary and secondary education for the 2020-2021 school year, made by Order in Council 1028-2020 dated 7 October 2020 and amended by Order in Council 1128-2020 dated 28 October 2020, is amended in section 0.1 by replacing “the school board” in the second paragraph of section 16 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) as it reads for the 2020-2021 school year by “the school service centre”.

2. The following is inserted after section 2:

“**2.1.** Section 34 of that Basic school regulation is to be read as follows for that school year:

“**34.** For all programs of studies offered at the secondary level that lead to a Secondary School Diploma, the pass mark is 60%.

For all programs of studies for which the Minister sets an examination, the Minister shall take into account the summative evaluation of the student transmitted by the school service centre in a proportion of 80%, subject to section 470 of the Education Act (chapter I-13.3). The Minister shall then certify success or failure in that program.”.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

104730

Gouvernement du Québec

O.C. 1271-2020, 25 November 2020

An Act respecting parental insurance
(chapter A-29.011)

Regulation —Amendment

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS the Act mainly to improve the flexibility of the parental insurance plan in order to promote family-work balance (2020, chapter 23) was assented to on 29 October 2020;

WHEREAS, under sections 32 and 34 of the Act, some provisions come into force on the date of assent, on 1 December 2020 and on 1 January 2021;

WHEREAS, under the third paragraph of section 7 and the second paragraph of section 8 of the Act respecting parental insurance (chapter A-29.011), the Conseil de gestion de l'assurance parentale may, by regulation, in the cases and for the time it determines, extend the maternity benefit period;

WHEREAS, under the first paragraph of section 13 of that Act, no benefits under the parental insurance plan are to be granted unless an application is filed, except where an exemption is provided for in a regulation of the Conseil de gestion;

WHEREAS, under the second paragraph of section 16 of that Act, the Conseil de gestion may determine by regulation the conditions on which weeks of benefits are to be divided if there is no agreement between the parents;

WHEREAS, under the second paragraph of section 17.1 of that Act, the Conseil de gestion may, by regulation, determine the conditions governing how the parental insurance plan is to be applied when one of the parents is not resident in Québec at the time an application for benefits under that plan or a plan mentioned in the first paragraph of section 17.1 is filed, and it may, to that end, take into consideration the applicant's place of residence at the beginning of the benefit period or at any other time according to the terms and conditions it determines;

WHEREAS, under section 19 of that Act, the benefits may, on the conditions prescribed in a regulation of the Conseil de gestion, be increased, up to the limit fixed in the regulation, where the income is below the threshold determined in the regulation;

WHEREAS, under the second paragraph of section 20 of that Act, the qualifying period of a person may, for the purpose of determining the person's entitlement to benefits, be extended on the conditions prescribed in a regulation of the Conseil de gestion, which extended qualifying period may not exceed 104 weeks;

WHEREAS, under the second and third paragraphs of section 21 of that Act, the Conseil de gestion may, by regulation, prescribe exceptions to the average of the insurable earnings for determining the average weekly earnings;

WHEREAS, under the third paragraph of section 23 of that Act, the circumstances in which the benefit period may be extended or end are to be fixed in a regulation of the Conseil de gestion, but a benefit period may not, once extended, exceed 104 weeks;

WHEREAS, under subparagraph 1 of the first paragraph of section 88 of that Act, the Conseil de gestion may make regulations in particular determining the procedure and time limits for making an application to the Minister;

WHEREAS the Conseil de gestion made the Regulation to amend the Regulation under the Act respecting parental insurance by resolution on 6 November 2020;

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

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be approved without having been published in the *Gazette officielle du Québec* as set out in section 8 of that Act, if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation under the Act respecting parental insurance:

— the Act mainly to improve the flexibility of the parental insurance plan in order to promote family-work balance includes provisions that take effect on the date of assent, on 1 December 2020 and on 1 January 2021, therefore it is necessary to make regulatory amendments to ensure the implementation of those provisions, including the provisions that provide for the payment of new benefits as of 1 December 2020 and 1 January 2021;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, 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.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting parental insurance

An Act respecting parental insurance
(chapter A-29.011, s. 7, 3rd par., s. 8, 2nd par., s. 13, 1st par., s. 16, 2nd par., s. 17.1, 2nd par., s. 19, s. 20, 2nd par., s. 21, 2nd and 3rd pars., s. 23, 3rd par., and s. 88, 1st par., subparagraph. 1)

1. The Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is amended in section 14 by replacing paragraphs 1 and 2 by the following:

“(1) a person who files a claim for benefits and who, at the time of the claim or during the benefit period referred to in section 23 of the Act, informs the Minister of his or her intent to receive other types of benefits, the intended number of weeks of benefits and the time elected;

(2) a person who, pursuant to section 17 of the Act, is entitled to have the weeks of maternity benefits, paternity benefits, exclusive parental or adoption benefits of the deceased parent that were not used on the date of the parent's death added to the number of weeks of shareable parental or adoption benefits, and who, at the time of the death, had filed an initial claim for benefits;”.

2. Section 15 is amended

- (1) by inserting “shareable” before “parental”;
- (2) by replacing “received benefits” by “received such benefits”;
- (3) by adding the following paragraph at the end:

“Where both parents take weeks of welcome and support benefits relating to an adoption concurrently, in whole or in part, the last week is granted according to the rules provided for in the first paragraph.”

3. Section 16 is amended

- (1) by inserting “shareable” before “parental” in the first paragraph;
- (2) by replacing “section 15” in the second paragraph by “the rules provided for in the first paragraph of section 15”;
- (3) by adding the following paragraph after the second paragraph:

“If there is no agreement between the parents on the division of the weeks of welcome and support benefits relating to an adoption, the unused weeks are divided equally between the parents and, where applicable, the last week is granted according to the rules provided for in the first paragraph of section 15.”

4. Section 17 is amended

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

“For the purposes of section 17.1 of the Act, the applicable plan is determined on the basis of the place of residence of each parent at the time when the first of the two parents files an application for benefits under this plan or the employment insurance plan in respect of the arrival of a child.”;
- (2) in the second paragraph
 - (a) by inserting “shareable” before “parental”;
 - (b) by inserting “shareable parental or adoption” after “maximum number of”.

5. Section 26 is amended by replacing the words “who earned” wherever they appear by “with” and by striking out the word “parental” wherever it appears.

6. Section 31.1 is amended by replacing “maternity, paternity, parental or adoption benefits” in the portion before paragraph 1 by “benefits in respect of the arrival of a child”.

7. Section 31.1.1 is replaced by the following:

“**31.1.1.** Upon request, in the case of a birth or adoption occurring while at least one parent is entitled to shareable parental or adoption benefits for a previous event within the meaning of section 15 of the Act, the qualifying period of a person is the same as the period that gave the person entitlement to such benefits for the previous event.”

8. The following is inserted after section 33:

“**33.1.** For the purposes of the third paragraph of section 7 of the Act, the period within which maternity benefits may be paid is extended if

(1) the person has an accident or an illness unrelated to pregnancy;

(2) the person’s presence is required, because of a serious illness or a serious accident, with the person’s child, spouse, spouse’s child, father, mother, father’s or mother’s spouse or any other person who is a member of the family for the purposes of the provisions relating to family caregiver benefits under the employment insurance plan;

(3) the person’s minor child is dead or missing, having been the victim of a probable offence to the Criminal Code (R.S.C. 1985, c. C-46); or

(4) one of the person’s children, born from a single pregnancy, is deceased.

Subject to the third paragraph of section 7 of the Act, the maternity benefit period is extended

(1) by the number of full weeks that the situation lasts; or

(2) by 3 weeks in the case provided for in subparagraph 4 of the first paragraph.

If a person is again in the situation referred to in the first paragraph during the extension of the maternity benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the third paragraph of section 7 of the Act.

33.2. For the purposes of the second paragraph of section 8 of the Act, the maternity benefit period may be extended if the person who so requests is in one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 33.1.

The maternity benefit period is extended by the number of full weeks that the situation lasts, subject to the second paragraph of section 8 of the Act.

If a person is again in the situation referred to in the first paragraph during the extension of the maternity benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the second paragraph of section 8 of the Act.”.

9. Section 34 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“For the purposes of the second and third paragraphs of section 23 of the Act, the period during which paternity benefits, exclusive and shareable parental or adoption benefits, and welcome and support benefits relating to an adoption may be paid is extended if”;

(2) by replacing “the provisions in the Employment Insurance Regulations (SOR/96-332) respecting compassionate care benefits” in subparagraph 3 of the first paragraph by “the provisions relating to family caregiver benefits under the employment insurance plan”;

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

“Subject to the third paragraph of section 23 of the Act, the benefit period is extended by the number of full weeks that the situation lasts.”;

(4) by striking out “subparagraph 1 of” in the fourth paragraph.

10. Section 35 is amended by inserting “the first paragraph of section 33.1, the first paragraph of section 33.2 and” after “reasons referred to in”.

11. Sections 36 to 38 are revoked.

12. Section 45 is amended by striking out “maternity, paternity, parental or adoption” in the first paragraph.

13. This Regulation comes into force on 1 January 2021, except paragraph 3 of section 2 and paragraph 3 of section 3, which come into force on 1 December 2020.