

Gouvernement du Québec

O.C. 1350-2020, 9 December 2020

Individual and Family Assistance Act
(chapter A-13.1.1)

**Individual and Family Assistance
—Amendment**

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, under paragraphs 3 and 7 of section 132 of the Individual and Family Assistance Act (chapter A-13.1.1), for the purposes of the Social Assistance Program, the Government may make regulations

—determining the cases in which and the conditions under which an independent adult or a family that is no longer eligible may continue to receive benefits;

—determining, in particular, the adjustments for adults and for dependent children, and determining the cases in which and the conditions under which those amounts are to be granted;

WHEREAS, under paragraph 2 of section 133 of the Act, for the purposes of the Social Solidarity Program, the Government may make regulations prescribing, for the purposes of the first paragraph of section 72 of the Act, the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determining the cases in which and the conditions under which those amounts are to be granted;

WHEREAS, under paragraphs 5 and 6 of section 133.1 of the Act, for the purposes of the Aim for Employment Program, the Government may make regulations

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

—prescribing, for the purposes of section 83.5 of the Act, a method for calculating the Aim for Employment benefit;

WHEREAS, under section 136 of the Act, regulations under sections 131 to 135 of the Act may vary according to the nature of the program;

WHEREAS the Government made the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 September 2020 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make 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 Individual and Family Assistance Regulation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, s. 132, pars. 3 and 7, s. 133, par. 2, s. 133.1, pars. 5 and 6, and s. 136)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 48

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) for not more than 6 consecutive months if the ineligibility results from sums received by the independent adult or an adult member of the family as benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic;”;

(2) by inserting the following after subparagraph 3 of the first paragraph:

“(3.1) for not more than 48 consecutive months if ineligibility for the Social Solidarity Program results from sums received by the independent adult or an adult member of the family as benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic;”;

(3) by inserting “or 3.1” after “subparagraph 3” in the second paragraph.

2. Section 50 is replaced by the following:

“**50.** An independent adult or a family referred to in subparagraph 1, 1.1, 3 or 3.1 of the first paragraph of section 48 may continue to be eligible to receive dental and pharmaceutical services if, after the first month of ineligibility, the income or sums referred to in those subparagraphs are replaced by maternity, paternity, parental or adoption benefits under the Act respecting parental insurance (chapter A-29.011), maternity, parental or compassionate care benefits under the Employment Insurance Act (S.C. 1996, c. 23) or in the case of work income, by benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic, and, in all cases, without reference to the work income and those benefits, the resources of the independent adult or family fall short of the amount necessary to meet their needs.

The same applies if, after the first month of ineligibility, the income or sums referred to in subparagraph 3 or 3.1 of the first paragraph of section 48 are replaced by benefits under the Employment Insurance Act, other than those referred to in the first paragraph, and, without reference to those benefits, the resources of the independent adult or family fall short of the amount necessary to meet their needs.”

3. Section 51 is amended

(1) by replacing “3” in the first paragraph by “3.1”;

(2) by inserting “or the sums received as benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic” after “work income” in the first paragraph;

(3) by replacing “or because of work income” in the second paragraph by “, because of work income or sums received as benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic”.

4. Section 67.4 is amended by replacing “\$35” by “\$45”.

5. Section 157.1 is amended

(1) by replacing “\$93” and “\$108” in the first paragraph by “\$103” and “\$118”, respectively;

(2) by replacing “\$215” and “\$160” in the second paragraph by “\$290” and “\$190”, respectively;

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

“For calculating the months required for eligibility to the adjustment provided for in the second paragraph, the months during which a person receives as an adult dental and pharmaceutical services pursuant to section 48 are taken into consideration.”

6. Section 177.17 is amended

(1) by inserting “or the sums received by the participant or by the participant’s spouse as benefits to compensate for the loss of employment income that are paid by the Government of Canada under a program established following the declaration of a public health emergency or a Canada Recovery Benefit related to the COVID-19 pandemic” after “the participant’s spouse” in the third paragraph;

(2) by replacing “subparagraph 1 of the first paragraph of section 48” in the third paragraph by “subparagraph 1 or 1.1 of the first paragraph of section 48, depending on the situation”.

7. Section 177.25.1 is amended by replacing “\$35” by “\$45”.

TRANSITIONAL AND FINAL

8. Despite paragraph 2 of section 5 of this Regulation, the adjusted amounts of \$290 and \$190 provided for in the second paragraph of section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) are \$365 and \$227, respectively, as of 1 January 2022.

9. This Regulation comes into force on 1 January 2021.

104771