



NATIONAL ASSEMBLY

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THIRTY-FOURTH LEGISLATURE

Bill 128

An Act to amend the Act respecting income security

Introduction

**Introduced by
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Minister of Manpower, Income Security
and Vocational Training**

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EXPLANATORY NOTES

This bill amends the Act respecting income security to clarify certain elements of the “financial support program”, “work and employment incentives program” and “parental wage assistance program”.

For this purpose, the bill sets out certain conditions of eligibility for the “work and employment incentives program” in relation to the scales based on availability and non-availability and, in the latter case, proposes an amendment to the way in which an application for review will be heard.

Changes are also made to the “parental wage assistance program” in order to take the actual family situation into account on a monthly basis when a situation changes in the course of a year.

The bill extends the discretionary power granted under section 25 of the Act to enable a program beneficiary to remain in his natural living environment.

Lastly, the bill introduces provisions relating to the imposition of additional compensation with respect to certain situations, specifies regulatory powers and includes transitional provisions to preserve the rights of currently eligible beneficiaries.

Bill 128

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended

(1) by replacing the words “the year.” in the third line of the third paragraph by the words “that month. Where, during a year, a person has been a spouse more than once, that person’s spouse during that year is deemed to be the person who was his spouse for the greatest number of months.”;

(2) by replacing the words “have been spouses for not less than 184 consecutive days in a year” in the second and third lines of the third paragraph by the words “are spouses on the fifteenth day of a month”.

2. Section 16 of the said Act is amended by replacing the figure “55” in subparagraph 4 of the first paragraph by the figure “60”.

3. Section 17 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The adult may make the request if he meets one of the following conditions:

(1) he has been a beneficiary of a last resort assistance program for at least six consecutive months;

(2) he is 60 years of age or over;

(3) he is a member of a family described in subparagraph 1 of the first paragraph of section 5.”

4. Section 25 of the said Act is amended by replacing the words “or safety” in the seventh line of the first paragraph by the words “, his or their maintenance in his or their natural living environment where the alternative would be more costly, or his or their safety”.

5. Section 34 of the said Act is amended by adding the following paragraph:

“A person bound to reimburse an amount under subparagraph 1 of the first paragraph is also bound to pay, as an additional indemnity, an amount determined in accordance with the method of computation prescribed by regulation.”

6. Section 37 of the said Act is amended

(1) by replacing the words “paragraphs 2 to 4” in the sixth line of the first paragraph by the words “subparagraphs 2 to 4 of the first paragraph or the second paragraph”;

(2) by inserting the words “and the additional indemnity” after the word “benefits” in the fourth line of the second paragraph.

7. Section 46 of the said Act is amended by inserting the words “for that month” after the word “spouse” in the third line of the fourth paragraph.

8. Section 47 of the said Act is amended by adding, at the end, the words “or, if he has not been the spouse of the adult for the whole year, from the month in which he became the spouse of the adult”.

9. Section 49 of the said Act is amended by striking out subparagraph 2 of the third paragraph.

10. Section 50 of the said Act is replaced by the following section:

“50. Where two persons have not been spouses for the whole year, an adult must, in computing his benefits for that year, reduce in his own respect or in respect of the person deemed to have been his spouse during that year, the following amounts attributable to the months during which the adult, or that person, was not eligible for benefits or was not part of the family:

- (1) the work income;
- (2) the total income;

(3) all amounts received as work income replacement as determined by regulation.”

11. Section 51 of the said Act is amended by adding the following paragraph:

“Where two persons have not been spouses for the whole year, the benefits shall be equal to a fraction of the amount obtained pursuant to sections 48 to 48.4 and 50. The fraction is equal to the sum of the following fractions:

(1) one-half of the number of months during which the adult was eligible for benefits and during which he had a spouse, divided by the number of months during which the adult or, as the case may be, his spouse, was eligible for benefits;

(2) the number of months during which the adult was eligible for benefits and during which he did not have a spouse, divided by the number of months during which the adult or, as the case may be, the person deemed to have been his spouse during that year, was eligible for benefits.”

12. Section 54 of the said Act is amended by replacing the words “have been spouses for less than 184 consecutive days in the year” in the second and third lines by the words “have not been spouses for the whole year”.

13. Section 56 of the said Act is amended

(1) by replacing the words “any part of the year during which the adult did not have a spouse” in the first and second lines of subparagraph 11 of the first paragraph by the words “the months for which the adult was not eligible for benefits or was not part of the family”;

(2) by inserting, after subparagraph 11 of the first paragraph, the following subparagraph:

“(11.1) the quotient obtained pursuant to the second paragraph of section 51;”.

14. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**77.** The application shall be heard by a person designated by the Minister or, in the case of an assessment of a person’s limitations

in his capacity for employment, by a committee consisting of a physician and at least two other professionals designated by the Minister.

In the case of an assessment of a person's inability to avail himself of a measure on any of the grounds set out in paragraph 1 of section 16, the application shall be heard by a physician designated by the Minister."

15. Section 91 of the said Act is amended

(1) by inserting, after subparagraph 22 of the first paragraph, the following subparagraph:

"(22.1) determine the method of computing the amount payable as an additional indemnity;"

(2) by inserting the words "and monthly" after the word "annual" in the first line of subparagraph 30 of the first paragraph;

(3) by inserting the figures "22.1 to 24," after the figure "21," in the first line of the second paragraph;

(4) by adding the following paragraph:

"The regulations made in the course of a year for the purposes of the "parental wage assistance program" under subparagraphs 27 to 39 of the first paragraph and under the second paragraph may provide that they have effect from the first day of that year."

16. The amendment introduced by section 2 of this Act does not apply to an adult before he attains 60 years of age who, for the month preceding the month of coming into force of section 2 of this Act, received benefits established on the basis of the scale based on unavailability or the mixed scale of the "work and employment incentives program" where, in the latter case, the scale based on unavailability would have applied to him by reason of subparagraph 4 of the first paragraph of section 16 of the Act respecting income security as it read before the coming into force of section 2 of this Act.

17. The amendment introduced by section 3 of this Act does not apply for a period of six months from the date of coming into force of section 3 of this Act to an adult who, for the month preceding the month during which section 3 of this Act comes into force, received benefits established on the basis of the scale based on availability or the mixed scale of the "work and employment incentives program" where, in the latter case, the scale based on availability would have applied to him.

18. Section 9 has effect from 1 January 1993.

19. The provisions of this Act will come into force on the date or dates fixed by the Government, with the exception of the provisions of sections 9 and 18 which come into force on (*insert here the date of assent to this Act*).