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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 37

## **An Act respecting income security**

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### **Introduction**

**Introduced by  
Mr Pierre Paradis  
Minister of Manpower and Income Security**

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**Québec Official Publisher  
1988**

#### EXPLANATORY NOTES

*The object of this bill is to propose a new policy on income security. The proposed policy includes three programs.*

*A first program called "financial support program" will ensure that persons unable to hold employment will be granted benefits.*

*A second program called "work and employment incentives program" is proposed for the purpose of promoting the entry of unemployed persons on the labour market by offering participants the benefit of voluntary measures designed to achieve and develop employability and by granting financial assistance to them.*

*The bill proposes to dismiss age as a factor entailing a reduced level of benefits. The amount of the benefits will depend, among other criteria, on the availability of the beneficiary for measures proposed by the Minister of Manpower and Income Security, on his participation, on whether or not he shares a dwelling with others and, in certain cases, on the income of his parents.*

*A third program called "work income supplement program for parents", designed to incite families with children to remain on or to enter the labour market, is also proposed. Under this program, annual benefits will be granted as a work income supplement to low-income families. The bill also empowers the Minister to pay monthly advances out of these annual benefits.*

*Finally, the bill proposes such concordance amendments as are necessary for carrying out of its provisions.*

#### ACT REPLACED BY THIS BILL:

— Social Aid Act (R.S.Q., chapter A-16)

**ACTS AMENDED BY THIS BILL:**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Legal Aid Act (R.S.Q., chapter A-14);
- Family Allowances Act (R.S.Q., chapter A-17);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting the Ministère de la Main-d'œuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2).



# Bill 37

## **An Act respecting income security**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### OBJECT AND DEFINITIONS

##### DIVISION I

###### OBJECT

**1.** Three programs hereinafter called “financial support program”, “work and employment incentives program” and “work income supplement program for parents” are hereby established.

##### DIVISION II

###### DEFINITIONS

**2.** The word “spouses” means

- (1) persons who are married to each other and who cohabit;
- (2) persons who live together as husband and wife and who are the mother and father of one and the same child;
- (3) persons of full age who have been living together as husband and wife for not less than one year.

Such persons remain spouses even if one of them is temporarily absent.

For the purposes of the work income supplement program for parents, persons who have not lived as spouses for 184 consecutive days in a year are deemed not to be spouses for the year.

**3.** Except in cases prescribed by regulation, a person is deemed to be a dependant of his father, his mother or, in cases prescribed by regulation, of another adult designated therein, if he is dependent on one of such persons for his subsistence and if he is

(1) a minor child who is not married or a minor child who is not the father or mother of a dependent child;

(2) a child of full age who attends an educational institution, and who is not a spouse or the father or mother of a dependent child.

For the purposes of the work income supplement program for parents, a child who is a dependant in the month in which the application is made by the beneficiary or in any month of the same year following that month is deemed to be a dependent child for the whole of that year.

**4.** An adult is a person who is not a dependent child.

**5.** A family is composed of

(1) an adult and the children who are his dependants;

(2) the spouses and the children who are their dependants or the dependants of either of them;

(3) the spouses, where there are no dependent children.

Notwithstanding the first paragraph, a person shall continue, shall cease to be or shall again become a member of a family in such circumstances as are prescribed by regulation, and a person who is not eligible for benefits under the last resort assistance programs pursuant to any of paragraphs 1, 3 and 5 of section 8 is deemed, for the purposes of such programs, not to be a member of a family.

## CHAPTER II

### LAST RESORT ASSISTANCE PROGRAMS

#### DIVISION I

##### FINANCIAL SUPPORT PROGRAM

**6.** The object of the financial support program is to grant benefits as last resort financial assistance.

**7.** An independent adult and a family that includes an adult member are eligible for benefits under the program provided the independent adult or the adult member of the family

(1) proves, by producing a medical report, that his physical or mental condition or in such cases and to such extent as may be prescribed by regulation, his general condition is impaired to a significant degree and will probably remain so permanently or indefinitely and that he is for that reason unable to hold employment to provide for his needs and, where applicable, for the needs of his family;

(2) proves that his resources and, if applicable, those of his family are less than what is necessary to provide for his needs or those of his family, according to the living requirements scale determined by regulation, and increased, where applicable, by the amount of the special benefits provided for in section 10 and prescribed by regulation.

**8.** The following persons are not eligible for benefits under the financial support program:

(1) a person who is not a resident of Québec or who is not legally authorized to reside in Canada;

(2) an adult who attends, within the meaning of the regulation and otherwise than within the scope of a measure provided for by the Minister in section 23, an educational institution at the college or university level and a family that includes such an adult;

(3) an adult who is a member of a religious community which has the means to provide for the needs of its members;

(4) an independent adult who is a minor;

(5) an adult who is detained in a house of detention or is otherwise deprived of his freedom, except in cases prescribed by regulation.

**9.** The benefits granted to an independent adult or to a family shall be established, for each month, on the basis of his or its situation on the last day of the preceding month. The benefits shall be equal to the deficit existing between the resources and the needs, and computed:

(1) by adding, where applicable, the amount of the special benefits to the amount determined in accordance with the living requirements scale;

(2) by subtracting from that sum the following amounts, except where they are excluded by regulation:

(a) the income from work and from property earned, in the preceding month, by the independent adult or by the members of the family, and any earnings or other pecuniary benefits of any nature realized by him or them, except those to be subtracted under subparagraph *b*;

(b) the benefits to be realized, in the period prescribed by regulation, to which the independent adult or the adult members of the family is or are entitled, as a result of an interruption of work, under the Unemployment Insurance Act, 1971 (S.C., 1970-71-72, chapter 48);

(c) until such time as the independent adult or the adult members of the family could be declared eligible for benefits under the said Act, any work income that the independent adult or the adult members of the family who has or have lost his or their employment by reason of an interruption of work or a labour dispute and who, for that reason, could not be or has or have not been declared eligible for unemployment benefits would otherwise have earned in the preceding month;

(d) the liquid assets, within the meaning of the regulation, available to the independent adult or to the members of the family in the preceding month;

(e) the amount obtained by applying the percentage determined by regulation to the value of his or their property, assessed in accordance with the method prescribed by regulation, on the last day of the preceding month.

Notwithstanding the first paragraph, the benefits granted for the month in which the application is made shall be established in accordance with the regulation.

**10.** Dental and pharmaceutical services provided for in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., chapter A-29) are granted as special benefits.

**11.** The Minister of Manpower and Income Security may, at the request of an independent adult or of an adult member of a family, propose to him one of the measures provided for in section 23.

Where the adult consents to avail himself of such a measure, the Acts listed in section 24 do not apply to him; if he meets the required conditions, the allowances prescribed by regulation shall be paid to him in addition to his benefits.

## DIVISION II

## WORK AND EMPLOYMENT INCENTIVES PROGRAM

**12.** The object of the work and employment incentives program is to grant benefits as last resort financial assistance and to promote entry unto or return to the labour market.

**13.** An independent adult and a family who or which proves that his or its resources are less than the amount necessary to provide for his or its needs, according to the living requirements scale prescribed by regulation, and increased, where applicable, by the amount of the special benefits provided for in section 22 and prescribed by regulation are eligible for benefits under the work and employment incentives program.

**14.** Adults and families who or which are not eligible for benefits under the financial support program pursuant to section 8 are not eligible for benefits under the work and employment incentives program.

**15.** The benefits granted to an independent adult or to a family shall be established, for each month, on the basis of his or its situation on the last day of the preceding month. The benefits shall be equal to the deficit existing between the resources and the needs, and computed

(1) by adding, where applicable, the amount of the special benefits to the amount determined in accordance with the living requirements scale;

(2) by subtracting from that sum the following amounts, except where they are excluded by regulation:

(a) the income from work and from property earned, in the preceding month, by the independent adult or by the members of the family, and any earnings or other pecuniary benefits of any nature realized by him or by them, except those to be subtracted under subparagraph *b*;

(b) the benefits to be realized, in the period prescribed by regulation, to which the independent adult or the adult members of the family are entitled, as a result of an interruption of work, under the Unemployment Insurance Act, 1971;

(c) until such time as the independent adult or the adult members of the family could be declared eligible for benefits under the said Act,

the work income that the independent adult or the adult members of the family who has or have lost his or their employment by reason of an interruption of work due to a labour dispute and who, for that reason, could not be or has or have not been declared eligible for unemployment benefits would otherwise have earned in the preceding month;

(d) the liquid assets, within the meaning of the regulation, available to the independent adult or the members of the family in the preceding month;

(e) the amount obtained by applying the percentage determined by regulation to the value of his or their property, assessed in accordance with the method prescribed by regulation, on the last day of the preceding month;

(f) the amount determined by regulation in the cases where an independent adult or a family who or which shares a dwelling unit with another person, unless that other person is deemed to receive parental contribution from that adult or family;

(g) the amount determined as parental contribution, according to the method of computation prescribed by regulation, for the three years following the first of the following dates:

— the date on which the adult who is deemed to receive parental contribution has received his first benefits under a last resort assistance program;

— the date on which the adult would have been declared eligible but for the net incomes of his father and mother taken into account in determining the contribution.

Notwithstanding the first paragraph, the benefits granted for the month in which the application is made shall be established in accordance with the regulation.

**16.** An adult is deemed to receive parental contribution if none of the following situations apply to him:

(1) he has provided for his own needs and resided elsewhere than at the place of residence of his father or mother for at least two years, excluding any period during which he attended an educational institution on a full-time basis;

(2) he has, for at least two years, held remunerated full-time employment or received, for such employment, benefits under the Unemployment Insurance Act, 1971;

- (3) he is or was married;
- (4) he has been living with another person as husband and wife for at least one year;
- (5) he has or has had a dependent child;
- (6) he holds a bachelor's degree from a university.

**17.** The following scales are established:

- (1) a scale based on unavailability;
- (2) a scale based on participation;
- (3) a scale based on availability;
- (4) a mixed scale.

**18.** The scale based on unavailability applies where an independent adult or an adult member of the family

(1) proves, by producing a medical report, that his physical or mental condition or, in such cases and to such extent as may be prescribed by regulation, his general condition prevents him from availing himself, for a period of at least one month, of a measure that may be proposed to him under section 23;

(2) applies therefor by reason of pregnancy, from the sixteenth week preceding the expected date for the delivery, certified by a medical report, to the fifth week after delivery;

(3) has the care of a dependent child who does not attend school because he has not reached the age of mandatory school attendance or by reason of a physical or mental handicap;

(4) is 55 years of age or over and applies therefor.

**19.** The scale based on participation applies where an adult avails himself of a measure proposed under section 23.

**20.** The scale based on availability applies where none of the scales provided for in sections 18 and 19 applies.

**21.** The mixed scale applies where different scales would apply if the spouses were not considered spouses.

**22.** Dental and pharmaceutical services provided for in sections 70 and 71.1 of the Health Insurance Act are granted as special benefits.

**23.** The Minister shall assess the situation of the independent adult or of the adult member of a family, offer him information and counselling services and provide him, where applicable, with instructions for seeking remunerated employment.

The Minister may also propose to the said person that he avail himself of temporary measures to promote entry unto or return to the labour market. Such measures include, among others, job support measures, training measures and measures for participation in community service.

The Minister may, in respect of certain measures, enter into an agreement in writing with the participant and, if applicable, with the person for whom the work is performed; in the agreement, the Minister may include conditions of employment and may require the person for whom the work is performed to consult with the association of employees legally recognized to represent the members of the bargaining unit concerned before the date of employment of the participant.

**24.** The Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) do not apply to an adult who performs work within the scope of a measure proposed under section 23.

### DIVISION III

#### GENERAL PROVISIONS

**25.** The Minister may grant benefits to an independent adult or to a family not eligible for benefits under a program or who or which, although eligible, would not be entitled to such benefits, if he is of opinion that, without the benefits, the adult or the members of such family would be in a situation that could endanger his or their health or safety or lead to complete destitution.

He may also, in such circumstances and according to such conditions as are prescribed by regulation, grant benefits to a beneficiary who ceases to be eligible for benefits under a program to allow the independent adult or adult members of the family to achieve full and complete entry on or return to the labour market.

The Minister shall include a statement of the benefits granted under the first paragraph and the grounds on which payment thereof is based in the annual report he is required to produce under section 5 of the Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1).

**26.** Benefits shall be paid on a monthly basis in accordance with the terms and conditions prescribed by regulation.

They are paid to the spouses jointly or, at their request, to one of them.

**27.** Where an independent adult or the adult members of a family are unable, due to particular circumstances or in view of their past conduct in the administration of their property, to administer the benefits granted to them, the Minister may pay the benefits to a person he designates or, subject to the conditions prescribed by regulation, pay his or their lodging, electricity or heating expenses and remit the remaining amount to him or to them.

The person designated by the Minister shall administer the benefits in conformity with the rules established by regulation and make a report thereon to the Minister.

#### DIVISION IV

##### OBLIGATIONS

**28.** Every adult who is able to hold employment and to whom sections 18 and 19 do not apply must take such steps as are appropriate in his situation in order to find a remunerated employment or follow the instructions given by the Minister for that purpose.

**29.** No adult who is able to hold employment may abandon or refuse, without valid reason, an employment in order to become eligible or, where applicable, in order to render his family eligible for benefits under a program, or in order to receive greater benefits than those which would otherwise be granted to him or to them.

**30.** Independent adults and the members of a family must exercise their rights or avail themselves of the benefit to which they are entitled under another Act where the exercise of such rights or the realization of such benefit would affect their eligibility for benefits under a program or would reduce the amount thereof.

In matters of support, the Minister may exercise the rights of the creditor if he is of opinion that the exercise of such rights is endangered by the situation of the creditor.

**31.** The creditor of support must, where he or, as the case may be, his family applies for or receives benefits, promptly inform the Minister of any judicial proceedings brought in respect of such support.

In any proceeding for fixing, varying or cancelling support payments, the court may, of its own initiative, implead the Minister, or the Minister may, of his own initiative and without notice, intervene at any time and take part in the inquiry and hearing.

In no case may the creditor enter into an agreement to fix, vary or cancel support payments without having obtained prior authorization from the Minister.

The Minister may apply to the court, by way of a motion, to obtain that any agreement entered into without his authorization be changed or cancelled.

**32.** In the three years preceding an application for or the payment of benefits, independent adults or adult members of a family must not have waived their rights, must not have disposed of property or of liquid assets without just cause, or must not have squandered them in order to become eligible or in order to render their family eligible for benefits under a program or in order to be granted greater benefits than those which would otherwise have been granted to them.

**33.** In the case of contravention of any provision of sections 28 to 30, the first and third paragraphs of section 31 and section 32, the Minister may refuse to grant an application, reduce the benefits of an independent adult or of a family or cease to pay such benefits.

In cases prescribed by regulation, the Minister shall impose the measure prescribed therein.

The decision of the Minister must be in writing and include the reasons on which it is based and be transmitted to the adults concerned.

## DIVISION V

### RECOVERY OF BENEFITS

**34.** The following amounts, except the sums determined by regulation, shall be reimbursed to the Minister:

(1) any amount of benefits and allowances a person or, as the case may be, his family has unduly received, except where it has been paid by reason of an administrative error that the person could not reasonably have seen;

(2) up to the value and from the realization of a right, the amount of benefits received following an event giving rise to the exercise of a right to the extent that the realization of the right at the time of such event would have subsequently resulted in the cancellation or reduction of the benefits, whether or not the right is a personal right, and whether or not the person or his family is receiving benefits at such time.

**35.** Recovery of such an amount is prescribed by three years from the date of the payment unduly received or from the realization of the right, as the case may be. In the event of bad faith, it is prescribed by three years from the date on which the Minister has become aware of it, but not later than 15 years from the payment unduly received or from the realization of the right.

**36.** Spouses shall be jointly and severally liable for the reimbursement of benefits unduly paid to their family unless either spouse proves that the ground giving rise to the claim is an act or omission of the other spouse and it was impossible for him to be aware of it.

The spouse of a person to whom benefits payable to an independent adult or to an adult who is the sole adult of a family have been unduly paid shall be jointly and severally liable for the reimbursement of the benefits unless he proves that it was impossible for him to know that his spouse was receiving the benefits or that he has not received the notice provided for in section 38.

**37.** Any recovery resulting from the application of paragraph 2 of section 34 shall be exigible only from the creditor of the right realized or from the adult having charge of the child who is the creditor thereof.

Where the claim is support determined by judgment, the Minister is subrogated of right in the rights of the creditor for all payments of support which are due or which will become due during the period for which the benefits were granted. The Minister may require, on behalf of the creditor, the collector of support payments to intervene as provided in the Code of Civil Procedure (R.S.Q., chapter C-25), whether or not his request is made under oath by the creditor.

In other cases, the Minister may request the debtor of the claim to remit the amount thereof to him up to the amount of the benefits which are recoverable upon becoming exigible; such remittance is deemed to be a payment validly made to the creditor.

**38.** The Minister shall send a formal notice to the debtor of recoverable benefits, indicating therein the amount and the reasons for which the debt is exigible and the debtor's right to apply for a review of such decision.

A formal notice under this section interrupts the prescription.

**39.** The debtor shall reimburse any amount due within the periods and according to the terms and conditions prescribed by regulation, unless otherwise agreed upon between him and the Minister.

The debtor is liable for the payment of interest in the cases determined by regulation, at the rate fixed therein.

**40.** Where the debt is not paid in full, the Minister may, at the expiry of the time prescribed to apply for a review or to file an appeal, or, as the case may be, at the expiry of 30 days after a decision of the Commission des affaires sociales confirming all or part of the Minister's decision, issue a certificate setting forth the surname, given name and address of the debtor and the amount of the debt.

**41.** After issuing such a certificate, the Minister may effect compensation up to the monthly amount fixed by regulation in respect of any benefits granted to the debtor or, as the case may be, to his family, unless the debtor authorizes the Minister to effect compensation for a greater amount.

The debt may also be compensated out of a reimbursement due to the debtor by the Minister of Revenue in accordance with section 31 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

**42.** Upon the deposit of a certificate, accompanied with a copy of the final decision establishing the debt at the office of the competent court, the decision becomes executory as in the case of a final judgment, not subject to appeal, of that court, and has all the effects of such a judgment.

## CHAPTER III

## WORK INCOME SUPPLEMENT PROGRAM FOR PARENTS

## DIVISION I

## OBJECT

**43.** The object of the work income supplement program for parents is to grant benefits as a work income supplement.

## DIVISION II

## ELIGIBILITY

**44.** An adult is eligible for benefits under the work income supplement program for parents if he meets the following conditions:

(1) on the date of receipt of the application

(a) he is legally authorized to reside in Canada and is a resident of Québec;

(b) he is a member of a family that includes at least one dependent child;

(c) he does not own property, assessed in accordance with the method prescribed by regulation, or liquid assets, within the meaning of the regulation, the value of which, combined with the value of the property and liquid assets of his spouse and of dependent children, exceeds the amount determined by regulation;

(d) he performs work for which he is remunerated;

(2) in the month of the application

(a) he earns income from an office or employment or income from a business, computed in accordance with the regulation, the amount of which, combined with the income of his spouse, is greater than the amount prescribed by regulation;

(b) the amount of the income described in paragraph 2 of the fifth paragraph of section 48 earned by the adult and his spouse is not greater than the amount determined by regulation.

**45.** Any application received before the eleventh day of any month is deemed to have been received in the preceding month if the adult

met the conditions of eligibility during that month. In cases where the said months are not in the same year, it is deemed received in each of such months during which the adult meets the conditions of eligibility.

**46.** The spouse of an adult who has been declared eligible for benefits under the program is, if he also becomes eligible for benefits under the program in the same year, deemed to be eligible from the same date as his spouse.

### DIVISION III

#### COMPUTATION OF BENEFITS

**47.** Subject to sections 49 and 51, the benefits granted to an adult for a year shall be equal to the amount obtained

(1) by determining the amount by which the amount determined according to the family requirements scale prescribed by regulation exceeds the aggregate of the following amounts:

(a) the amount obtained by applying the percentage determined by regulation to that part of the aggregate of the net work income, computed on an annual basis, of the adult and his spouse for the year which does not exceed the amount determined under the scale;

(b) the amount obtained by applying the percentage determined by regulation to that part of the aggregate of the net work income of the adult and his spouse, computed on an annual basis, which exceeds the amount determined under the scale;

(c) the amount obtained by subtracting from the total income of the family for the year the aggregate of the net work income of the adult and his spouse and the benefits received by the adult or his family in the months of eligibility under a last resort assistance program;

(d) the greater of the following amounts:

— the amount obtained by subtracting from the aggregate of the amounts determined for each month according to the requirements scale applicable to an adult or his family under a last resort assistance program, whether or not he was eligible, the total income of the family for the year computed in accordance with section 48, without, however, subtracting the income received under paragraph 2 of the fifth paragraph;

— the aggregate of the benefits received by the adult or, as the case may be, his spouse for the months during which the adult was eligible for benefits in the year under a last resort assistance program;

(2) by multiplying the excess amount obtained under paragraph 1 by the quotient obtained after dividing the number of months of eligibility of the adult in the year concerned by 12;

(3) where a child's support is shared by two adults who are not spouses, by multiplying the amount obtained under paragraph 2 by the percentage established in accordance with the regulation.

**48.** A person's income from an office or employment is the salary, wages and other remuneration, including gratuities, received by him.

A person's work income for a year is equal to the aggregate of his income from a business, after deducting business losses and the income from an office or employment, computed, as the case may be, in accordance with paragraphs i and ii of subparagraph *d* of the first paragraph of section 776.21 of the Taxation Act (R.S.Q., chapter I-3).

A person's net work income for a year is equal to the amount by which his work income for the year exceeds the child care expenses deducted by him under sections 353 and 356.0.1 of the Taxation Act for the said year.

A person's net work income for a year, computed on a yearly basis, is equal to the product obtained by multiplying his net work income for the year and the quotient obtained by dividing 12 by the number of months of eligibility of the person in the year.

A family's total income for a year is equal to the amount by which the aggregate of the total incomes of the adult, his spouse and dependent children, computed in accordance with subparagraph *d* of the first paragraph of section 776.21 of the Taxation Act exceeds the following amounts:

(1) the total income of dependent children, up to an amount determined by regulation;

(2) the aggregate of the following amounts of income received by the adult and his spouse in a month other than a month of eligibility;

(a) any amounts received as unemployment benefits under the Unemployment Insurance Act, 1971;

(b) any amounts received as compensation under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and those received as compensation under an Act of Canada or of another province respecting industrial accidents;

(c) any amounts received under a last resort assistance program and amounts received as social aid or welfare payments based on an examination of the resources and needs, under an Act of another province;

(d) any amounts received as pension or annuity under the Québec Pension Plan and the Canada Pension Plan and those received as pension and as guaranteed income supplement under the Old Age Security Act (R.S.C., chapter O-6);

(e) any amounts received under the Automobile Insurance Act (R.S.Q., chapter A-25);

(f) any amounts received by the adult or his spouse under the Crime Victims Compensation Act (R.S.Q., chapter I-6);

(g) any other amount prescribed by regulation;

(3) any amounts received under the Family Allowances Act, 1973 (S.C., 1973-74, chapter 44).

**49.** Where, following a judgment of divorce or of separation, an adult lives apart from his spouse on 31 December of a year, he may, for the purpose of computing his benefits for the year, reduce the work income of his spouse by the amount representing such part of the work income that can reasonably be attributed to the period of the year during which they lived apart.

He may, on the same conditions and in the same manner, reduce the total income of his spouse to the extent that the amount referred to in the first paragraph has not been subtracted from the work income of his spouse in accordance with the first paragraph.

**50.** A month of eligibility in a particular year is, in addition to the month in which the application is made, any month in that year, occurring after the month of the application, during which the adult meets the conditions provided for in subparagraphs *a* to *c* of paragraph 1 and in paragraph 2 of section 44 and during which he or his spouse meets the condition provided for in subparagraph *d* of paragraph 1 of the said section.

**51.** Where benefits are granted for a year to each spouse, such benefits shall be equal to one-half of the amount obtained under section 47.

**52.** The yearly benefits shall be paid by the Minister of Revenue at the same time as he transmits to the adult a notice of his decision establishing the amount to which he is entitled.

Notwithstanding the foregoing, the adult may apply to the Minister of Manpower and Income Security for advance payments. Such payments shall be made on a monthly basis in accordance with the terms and conditions prescribed by regulation, if the benefits estimated on the basis of the information furnished by the adult pursuant to sections 62 and 65 is greater than the amount determined by regulation, until the sum reaches the amount obtained by applying to the estimated benefits the percentage prescribed by regulation.

Each advance payment shall be equal to the amount so obtained divided by the potential number of months of eligibility in the year, and shall constitute an advance on the yearly benefits.

**53.** Where advance payments are granted to both spouses, they shall be paid to them jointly or, at their request, to one of them. The payments are deemed to have been received by the spouses in the proportion provided for in section 51.

**54.** Any advance payments made to two adults considered as spouses, but who have been spouses for less than 184 consecutive days in the year are deemed to have been received in the proportion provided for in section 51.

**55.** The amount of an advance payment due to an adult may be allocated, to the extent prescribed by regulation, to the payment of any amount owed by him under this Act.

In that case, the Minister shall send him a detailed statement of the allocated sums and pay to him the balance of the advance payment, if any.

The advance payment allocated to the payment of the debt is deemed to have been received by the adult on the date of the statement.

**56.** The Minister shall, not later than the last day of February, transmit to the Minister of Revenue, in the form he determines and in respect of every adult declared eligible for benefits under the program for the preceding year, the following information for that year:

(1) the surname, given name, address, social insurance number and date of birth of the adult, his spouse and dependent children;

(2) the amount determined according to the family requirements scale applicable to the adult;

(3) the number of months of eligibility;

(4) the aggregate of the amounts determined, for each month, in accordance with the requirements scale applicable to the adult or his family under a last resort assistance program, whether or not the adult was eligible for benefits under such program;

(5) the benefits received by the adult or his spouse in the months of eligibility under a last resort assistance program;

(6) the aggregate of the amounts referred to in paragraph 2 of the fifth paragraph of section 48 received by the adult or his spouse in the months other than the months of eligibility in the year;

(7) the sum of the advance payments received by the adult or his spouse;

(8) the percentage applicable to the adult where he shares the support of a child with another adult;

(9) the quotient mentioned in the fourth paragraph of section 48.

The Minister shall also inform the Minister of Revenue of any changes in such information.

He shall transmit a copy of such information to the adult concerned.

**57.** An adult declared eligible for benefits under the program for a year shall, not later than 30 April of the following year, file with the Minister of Revenue a statement of reconciliation, in the form and with such attestations and information as may be determined by the latter, accompanied with a fiscal return within the meaning of section 1000 of the Taxation Act.

**58.** The Minister of Revenue shall examine, with diligence, the information, statement and return transmitted to him by the Minister of Manpower and Income Security, and determine, in accordance with section 47, the amount of the adult's benefits and transmit notice thereof to the adult concerned.

The Minister of Revenue is bound by the information transmitted by the Minister.

**59.** Where an adult has not filed, for a year, the statement of reconciliation or the fiscal return referred to in section 57, the Minister of Revenue may determine that the amount of benefits is nil and shall transmit notice thereof to the adult concerned.

**60.** Where the amount of the adult's benefits for a year is greater than the aggregate of the advance payments he has received, the Minister of Revenue shall pay to the adult the excess amount at the same time as he transmits to him a notice under section 58, and section 1052 of the Taxation Act, adapted as required, applies to such payment.

Where the aggregate of the advance payments is greater than the amount of the benefits, the adult shall reimburse the excess amount to the Minister of Revenue within 30 days after the date of mailing of the notice of the Minister, whether or not an application for review under section 75 or an appeal under section 80 has been filed.

Chapter III of the Act respecting the Ministère du Revenu applies to the excess amounts which are deemed, for that purpose, to be, respectively, a refund due to the adult under a fiscal law and, from the expiry of the period provided for in the second paragraph, a debt exigible from him under such a law.

**61.** The Minister of Revenue may reassess the amount of an adult's benefits

(1) within three years after the date of mailing of a notice under section 58 or 59;

(2) at any time, if the adult who filed the return or statement misrepresented the facts by negligence or by willful omission, or if he has committed a fraudulent act in filing such return or statement or in furnishing any other information required by law;

(3) where, following an opposition or an appeal brought by the adult, his spouse or a dependent child in respect of an assessment established under the Taxation Act, the change in the assessment also affects the total income of one of such persons.

## CHAPTER IV

### GENERAL PROVISIONS

**62.** To avail himself of a program, a person must apply therefor to the Minister and provide him with any document or information necessary to ascertain his eligibility, or that of his family, and to determine the amount of benefits and advance payments.

The Minister shall examine the application and render his decision with diligence.

**63.** No person may avail himself simultaneously of the financial support program and the work and employment incentives programs.

**64.** A person who is required to submit a medical report shall do so in the form prescribed by the Minister. He shall also, where the Minister deems it appropriate, undergo at any time a new medical examination to be performed by the physician designated by the latter to verify that he is unable to hold remunerated employment or prevented from availing himself of any of the measures proposed under section 23.

Notice of the decision of the Minister concluding that the person is able to hold a remunerated employment or to avail himself of such a measure, as the case may be, must be accompanied by a report from the physician designated by the Minister.

**65.** The beneficiary shall,

(1) without delay, notify the Minister of any change in his situation or that of his family, as the case may be, which may affect his or its benefits;

(2) at intervals fixed by regulation, provide the Minister with a statement in the form prescribed by him.

**66.** In case of contravention of any provision of the first paragraph of section 62 and of section 65, the Minister may refuse to grant an application, reduce the benefits of an independent adult or a family, or cease to pay such benefits.

In cases prescribed by regulation, the Minister shall impose the measure prescribed therein.

The decision of the Minister must be in writing and include the reasons on which it is based and be transmitted to the adults concerned.

**67.** Benefits paid under this Act are unassignable and unseizable.

**68.** The Minister may enter into a written agreement with the city of Montréal to delegate to it the exercise, on its territory and to the extent determined by him, of the functions conferred on him by this Act.

Any employee of the municipality entrusted with the application of this Act has the same powers and has access to the same information as an employee of the Ministère de la Main-d'oeuvre et de la Sécurité du revenu who exercises similar functions.

## CHAPTER V

### EXAMINATION AND INVESTIGATION

**69.** A person generally or specially authorized by the Minister to act as an examiner may, for the carrying out of this Act, require, study and make copies of any information or document.

**70.** In no case may an examiner be prosecuted for any act performed in good faith in the exercise of his functions.

**71.** The Minister or any person whom he designates as an investigator may investigate any matter contemplated by this Act or the regulations.

**72.** For the purposes of an investigation, the Minister and the investigator shall have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**73.** An examiner or an investigator shall, on request, identify himself and produce a certificate signed by the Minister attesting his capacity.

**74.** No person may hinder an examiner in the exercise of his functions, in particular mislead him by concealment or false declarations, or conceal or destroy any document which may be useful for an examination or investigation.

## CHAPTER VI

### REVIEW AND APPEAL

**75.** Every person affected by a decision of the Minister, other than a decision rendered under section 23 or 25 or under the second paragraph of section 52, or affected by a determination made under section 58 may, in writing, apply for a review of the decision and present his views within 90 days from the date of notice of the decision.

An application for review does not suspend the execution of the decision or the effects of the determination.

**76.** The application shall be heard by a person designated by the Minister or, in the case of an assessment of a person's capacity to hold employment or his availability to avail himself of a measure proposed under section 23, by a committee consisting of a physician and at least two other professionals designated by the Minister.

Such persons shall be designated for such term as will be specified in the notice of designation

**77.** An application for review cannot be refused on the ground that it was received after the time prescribed, where the applicant proves that he was unable to act earlier.

If an application is refused on the ground that it was received after the period prescribed, the decision may be appealed from to the Commission des affaires sociales within 15 days from the date on which the person was notified of the decision. If the Commission quashes the decision, the file shall be returned to the person or committee who rendered it.

**78.** The reviewed decision must be rendered within 30 days from the date of receipt of the application.

The decision must include the reasons on which it is based and be transmitted in writing.

**79.** In the case of a decision concerning legal aid services, the review shall be made in accordance with the Legal Aid Act (R.S.Q., chapter A-14).

**80.** Every person who believes he has been wronged by a reviewed decision may appeal therefrom to the Commission des affaires sociales within the period and according to the procedure provided for in the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34).

**81.** In review or in appeal, no amount established by the Minister of Revenue for the purpose of computing the total income of an adult, his spouse or a dependent child may be contested.

**82.** The Commission des affaires sociales shall suspend the hearing of an appeal where, at the request of the Minister or the appellant, it is established that the appellant, his spouse or a dependent child has filed an opposition or an appeal in respect of an assessment for the year under the Taxation Act which is the subject of the appeal.

A suspension under the first paragraph shall continue until a final decision upholding the assessment is rendered or, as the case may be, until the Minister of Revenue, following a final decision cancelling or varying the assessment, re-determines the benefits of the appellant.

## CHAPTER VII

### PENAL PROVISIONS

**83.** Every person who knowingly makes a misleading or false statement in order to become or, as the case may be, render his family eligible for benefits under a program or in order to change the amounts of the benefits which would have otherwise been granted is liable, in addition to costs, to a fine of not less than \$250 nor more than \$1 500.

The maximum amount provided for in the first paragraph may be made equal to the amount of benefits so obtained if proof is made that such benefits have been granted as a result of the offence.

**84.** Every person who contravenes a provision of the third paragraph of section 31 is liable, in addition to costs, to a fine of not more than \$1 000.

**85.** Every person who contravenes a provision of section 74 is liable, in addition to costs, to a fine of not less than \$250 nor more than \$1 000.

**86.** Every person who, by his act or omission, assists another person in committing an offence under this Act is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would likely result in aiding the commission of the offence.

**87.** Every person who, by his encouragement, advice or order, induces another to commit an offence under this Act is guilty of the offence if he knew or should have known that such encouragement, advice or order would likely result in the commission of the offence.

**88.** Proceedings under this Act are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

**89.** Penal proceedings under this Act may be instituted by the Attorney General or by any person generally or specially authorized by him for that purpose.

## CHAPTER VIII

## REGULATIONS

**90.** The Government may, by regulation,

(1) determine, for each program, in which cases a child is deemed not to be the dependent of a person;

(2) determine, for each program, in which cases a child is the dependant of an adult other than his father or mother and designate such adult;

(3) determine, for each program, in which cases a person continues, ceases to be, or again becomes a member of a family;

(4) determine, for each last resort assistance program, in which circumstances and to what extent the Minister must consider the general condition of an adult in assessing his capacity to hold employment or his availability for a measure provided for in section 23;

(5) prescribe a scale of needs establishing the monthly amounts allocated for the purposes of the last resort assistance programs which may vary according to the programs, according as an independent adult or a family is concerned, according to the situation of the independent adult or the family or according as the independent adult or the adults of a family are sheltered or detained in an establishment or reside in a subsidized lodging;

(6) determine the elements constituting the situation of a family;

(7) prescribe, for each last resort assistance program, the amounts of the special benefits intended for certain specific needs and determine in which cases they are granted;

(8) define, for the purposes of section 8, what constitutes the attendance of an educational institution of college or university level;

(9) determine in which cases an adult who is detained in a house of detention or otherwise deprived of his freedom is not ineligible for benefits under a last resort assistance program;

(10) exclude, for the purposes of computing the benefits granted under the last resort assistance programs, all or part of the income from work or from property, of the earnings, pecuniary benefits, liquid assets and other valuables; such exclusion may vary according to the resources, the property or the programs;

(11) prescribe, for the purposes of computing the benefits, the methods used to compute the income, earnings and pecuniary benefits and prescribe in which cases such income, earnings and pecuniary benefits may be spread and the time they are deemed to be received;

(12) determine, for each last resort assistance program, the period during which unrealized unemployment benefits are considered in computing the amount of the benefits;

(13) determine, for each program, the elements constituting the liquid assets;

(14) determine, for each last resort assistance program, the method used to establish the value of the property and determine the percentage applicable to that value;

(15) prescribe, for each last resort assistance program, the method used to compute the amount of the benefits granted for the month of the application;

(16) prescribe, for the purposes of the financial support program, the allowances given to participants who avail themselves of measures provided for in section 23;

(17) determine the amount to be subtracted for the purposes of computing the benefits of an independent adult or family sharing a dwelling;

(18) determine the amount of parental contribution to be considered in computing the benefits of an adult from a basic amount and from the net incomes, within the meaning of section 28 of the Taxation Act, of his father and mother for the last fiscal year and prescribe in which cases the Minister may determine the amount of the contribution by substituting for the net incomes those of the current year or the net income of only one parent;

(19) determine, for each last resort assistance program, under which circumstances and on which conditions a beneficiary may continue to receive benefits after ceasing to be eligible therefor;

(20) prescribe the terms and conditions for the payment of benefits granted under a last resort assistance program or of advance payments made under the work income supplement program for parents;

(21) determine the conditions on which the Minister may pay the lodging, electricity or heating expenses of a beneficiary;

(22) determine the rules to be observed by a person who administers the benefits of a beneficiary;

(23) prescribe, for the purposes of sections 33 and 66, in which cases the Minister must impose the measure determined therein;

(24) prescribe the recoverable amounts or parts of recoverable amounts which the debtor is not bound to reimburse;

(25) determine the periods and the terms and conditions of reimbursement of the recoverable amounts;

(26) determine the cases where the debtor is required to pay interest, and fix the rate thereof;

(27) determine the monthly amount up to which the Minister may effect compensation for a debt out of any benefits;

(28) determine the method used to establish the value of the property of the adult, his spouse and dependent children and determine the maximum amount of that value, combined with that of the liquid assets, that may be available to them to be eligible for benefits under the work income supplement program for parents;

(29) determine, for the purposes of section 44, the method of computing income from a business;

(30) determine the minimum amount of income from an office or employment and from a business that the adult and his spouse must have earned in the month of the application in order to be eligible for benefits under the work income supplement program for parents;

(31) determine the maximum amount of income referred to in paragraph 2 of the fifth paragraph of section 48 that an adult and his spouse may realize to be declared eligible for benefits under the work income supplement program for parents;

(32) prescribe a scale of family needs establishing the annual amounts that are allocated for the purposes of the work income supplement program for parents which may vary according to the situation of the family and according as the family shares a dwelling unit or not;

(33) determine the percentages for the purposes of subparagraphs *a* and *b* of paragraph 1 of section 47 and the percentage used where the support of a child is shared by two adults who are not spouses, for the purposes of paragraph 3 of the said section;

(34) determine the maximum amount of a dependent child's income that can be subtracted from the total income of a family under the work income supplement program for parents;

(35) determine any other amount that may be subtracted from the total income of a family under subparagraph *g* of paragraph 2 of the fifth paragraph of section 48;

(36) determine, for the purposes of section 52, the minimum amount of the estimated benefits of an adult which allows him to receive advance payments;

(37) prescribe the percentages for the purposes of section 52;

(38) prescribe, for the purposes of section 55, to what extent the amount of an advance payment due to an adult may be allocated to the payment of any sum exigible from the adult under this Act;

(39) fix, for each program, intervals for producing statements and returns.

## CHAPTER IX

### AMENDING PROVISIONS

**91.** This Act replaces the Social Aid Act (R.S.Q., chapter A-16).

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**92.** Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) amended by section 13 of chapter 19 of the statutes of 1987 is again amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a person performing work within the scope of a measure proposed under section 23 of the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*).”

**93.** Section 127 of the said Act is repealed.

**94.** Section 144 of the said Act is amended by adding, at the end, the following paragraph:

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from indemnities payable to a person under

this Act the benefits paid to that person or his family under the Act respecting income security and which may be recovered under paragraph 2 of section 34 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security."

#### LEGAL AID ACT

**95.** Section 2 of the Legal Aid Act (R.S.Q., chapter A-14) is amended

(1) by replacing the words "to whom legal aid may be granted as a special need under the Social Aid Act (chapter A-16)" in the second and third lines by the words "who receives benefits for his needs relating to legal aid under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*), or who is a member of a family receiving such benefits";

(2) by replacing the last paragraph by the following paragraph:

"The fact that a person receives benefits, other than special benefits, under the Act respecting income security or is a member of a family receiving such benefits is *prima facie* proof that he is an economically underprivileged person within the meaning of the first paragraph."

**96.** Section 62 of the said Act is amended by replacing the words "is a recipient of or eligible for social aid" in the fourth line of the second paragraph by the words "receives benefits, other than special benefits, under the Act respecting income security or is eligible therefor."

#### FAMILY ALLOWANCES ACT

**97.** Section 11 of the Family Allowances Act (R.S.Q., chapter A-17) is amended by striking out the words "except in application of section 13 of the Social Aid Act (chapter A-16)," in the second and third lines.

**98.** Section 12 of the said Act is repealed.

#### AUTOMOBILE INSURANCE ACT

**99.** Section 10 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by striking out, at the end, the words "and under the Social Aid Act (chapter A-16)".

**100.** Section 74 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The Régie shall, at the request of the Minister of Manpower and Income Security, deduct from the indemnities payable to a person pursuant to this Act the benefits which were paid to that person or his family under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) and which may be recovered under paragraph 2 of section 34 of the said Act. The Régie shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

#### HEALTH INSURANCE ACT

**101.** Section 67 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “entitled to social aid under the Social Aid Act (chapter A-16)” in the eighth and ninth lines of the third paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*).”

**102.** Section 70 of the said Act is amended by replacing the words “who is entitled to social aid under the Social Aid Act” in the third line by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security”.

**103.** Section 71 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) if such person would but for such allowance be entitled to benefits under a last resort assistance program provided for in the Act respecting income security or would be the recipient of an allowance paid under the second paragraph of section 67 of the Social Aid Act (1969, Chapter 63).”

**104.** Section 71.1 of the said Act is replaced by the following section:

**“71.1** The Minister of Manpower and Income Security shall issue a claim booklet in the form prescribed under section 72 to every person and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security, attesting that he is entitled to the services mentioned in the second paragraph of section 3, during the period provided for therein.”

**105.** Section 71.2 of the said Act is replaced by the following section:

**“71.2** The obligation imposed on the Minister under sections 70, 71 and 71.1 does not apply in respect of a person or family that may be granted, under the Act respecting income security only special benefits relating to legal aid.”

ACT RESPECTING THE BARREAU  
DU QUÉBEC

**106.** Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 53 of chapter 85 of the statutes of 1987, is again amended by replacing the words “has entered into an agreement in accordance with section 35 of the Social Aid Act (chapter A-16)” in the third and fourth lines of subparagraph 5 of paragraph *a* of subsection 2 by the words “is his delegatee as regards the administration of the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*)”.

CODE OF CIVIL PROCEDURE

**107.** Article 989 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the third paragraph by the following paragraph:

“A person who establishes that he receives benefits under a last resort assistance program provided for in the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) is not required to make the deposit.”

ACT RESPECTING THE COMMISSION  
DES AFFAIRES SOCIALES

**108.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 47 of chapter 68, by section 57 of chapter 85 and by section 149 of chapter 107 of the statutes of 1987, is again amended by replacing the words “section 30 of the Social Aid Act (chapter A-16)” in the first and second lines of paragraph *a* by the words “section 77 or section 80 of the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*)”.

**109.** Section 22 of the said Act is amended by replacing the words “section 30 of the Social Aid Act (chapter A-16)” in the third line of the second paragraph by the words “section 80 of the Act respecting income security”.

**110.** Section 26 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“In the case of an appeal, under section 80 of the Act respecting income security, from a decision relating to a person’s capacity to hold employment or avail himself of a measure proposed under section 23 of the said Act, the assessor shall be a physician.”

**111.** Section 38 of the said Act is amended by replacing the words “has entered into an agreement in accordance with section 35 of the Social Aid Act (chapter A-16)” in the third and fourth lines of the fifth paragraph by the words “is his delegatee as regards the application of the Act respecting income security”.

ACT RESPECTING COLLECTIVE  
AGREEMENT DECREES

**112.** Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by adding, at the end, the following paragraph:

“At the request of the Minister of Manpower and Income Security, the committee shall also deduct from that amount the benefits paid to the employee or his family under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) and which may be recovered under paragraph 2 of section 34 of the said Act. The committee shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

ACT TO SECURE THE HANDICAPPED  
IN THE EXERCISE OF THEIR RIGHTS

**113.** Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing the words “as defined in paragraph *b* of section 1 of the Social Aid Act (chapter A-16)” in the fourth and fifth lines of the first paragraph by the words “within the meaning of section 5 of the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*)”.

ACT RESPECTING THE MINISTÈRE DE LA MAIN-D'OEUVRE  
ET DE LA SÉCURITÉ DU REVENU

**114.** Section 1 of the Act respecting the Ministère de la Main-d’œuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1) is amended by striking out the words “social aid,” in the last line of the second paragraph.

## ACT RESPECTING LABOUR STANDARDS

**115.** Section 121 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding, at the end, the following paragraph:

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from that amount the benefits paid to the employee or his family under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) and which may be recovered under paragraph 2 of section 34 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

ACT RESPECTING THE RÉGIE DE  
L'ASSURANCE-MALADIE DU QUÉBEC

**116.** Section 2 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended

(1) by replacing the words “entitled to social aid under the Social Aid Act (chapter A-16)” in the fourth and fifth lines of the fourth paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*)”;

(2) by replacing the words “entitled to social aid under the Social Aid Act” in the sixth line of the fifth paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security”.

## ACT RESPECTING THE QUÉBEC PENSION PLAN

**117.** Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is replaced by the following section:

**“145.** Benefits are unassignable and unseizable.

At the request of the Minister of Manpower and Income Security, the Board shall deduct the benefits payable to a person under this Act, the benefits paid to the person or his family under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) and which may be recovered under paragraph 2 of section 34 of the said Act. The Board shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

**118.** Section 229 of the said Act is amended by replacing the words “the amounts paid by him as social aid respecting” in the second and third lines of the first paragraph by the words “the benefits paid by him under a last resort assistance program provided for in the Act respecting income security in respect of”.

**119.** Section 231 of the said Act is amended by replacing the words “who receive social aid and who were receiving it” in the second and third lines by the words “who are eligible for benefits under a last resort assistance program under the Act respecting income security and who were receiving.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER  
MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**120.** Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by adding, at the end, the following paragraphs:

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from such reimbursement the benefits paid to the employee or his family under the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*) and which may be recovered under paragraph 2 of section 34 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security.

The Commission shall have the same obligations in respect of any amount it recovers on behalf of the employee.”

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE  
BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

**121.** Section 1 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by replacing the words “the Social Aid Act (chapter A-16)” in the third line of paragraph *r* by the words “Chapter II of the Act respecting income security (R.S.Q., chapter *insert here the chapter number of the said Act in the Revised Statutes of Québec*)”.

**122.** Section 5 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) the Act respecting income security;”.

**123.** Section 46 of the said Act is amended by striking out the second paragraph.

## CHAPTER X

### TRANSITIONAL AND FINAL PROVISIONS

**124.** Benefits paid until 31 December 1989 to an independent adult or to a family eligible for social aid during the month of December 1988 under the Social Aid Act and who or which remained eligible for benefits under a last resort assistance program pursuant to this Act shall be determined on the basis of needs recognized in sections 23 to 29, 35.0.2, 35.0.3, 35.0.6.2 and 35.0.6.3 of the Regulation respecting social aid (R.R.Q., chapter A-16, r. 1) as they read on 31 December 1988, if the application of the scales referred to in sections 7 and 13 of this Act would result in lesser benefits.

The amounts prescribed in the regulatory provisions shall in that case replace the scales referred to in sections 7 and 13 of this Act.

**125.** In no case may a change in the situation of an independent adult or of a family result, through the application of sections 23 to 29, 35.0.2, 35.0.3, 36.0.6.2 and 36.0.6.3 of the Regulation respecting social aid, in an increase of the benefits paid under section 124.

**126.** Between 1 January 1989 and 31 December 1989, the benefits provided for in sections 7 and 13 shall be determined on the basis of temporary scales fixed by regulation of the Government.

The scales may vary, in particular, according to a person's capacity to hold employment or to avail himself of a measure proposed in section 23 or to his age.

**127.** Where a person participates in the programs referred to in section 35.0.1 or 35.0.6.1 of the Regulation respecting social aid, he is deemed to be availing himself in a measure provided for in section 23 of this Act.

**128.** Subparagraphs *f* and *g* of paragraph 2 of the first paragraph of section 15 do not apply to an independent adult or to a family receiving benefits under section 124.

Any period during which a person was receiving social aid under the Social Aid Act shall be counted in computing the period prescribed in subparagraph *g* of paragraph 2 of the first paragraph of section 15.

**129.** Any person who is not entitled, for the year 1988, to any benefit under the Act respecting work income supplement (R.S.Q., chapter S-37.1), since he or his spouse had a dependent child on 31 December 1987, and whose benefit under Chapter III of this Act is, for the same year, nil or lower than an amount fixed by regulation of the Government, shall be entitled to special benefits according to criteria determined by regulation of the Government.

**130.** Any application for benefits under Chapter III received before 11 July 1988 is deemed to have been received in the first month of the year 1988 from which the applicant met the conditions of eligibility.

**131.** Until 31 December 1988, any provision included in Chapter III which refers to the scales and benefits provided for in Chapter II is deemed to refer to the ordinary needs or social aid provided for in the Social Aid Act.

**132.** Persons contemplated in the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) shall continue to receive the allowances provided for thereunder.

**133.** The Minister of Manpower and Income Security is responsible for the administration of this Act.

**134.** This Act comes into force on (*insert here the date of assent to this Act*), except the provisions of Chapter II, sections 91 to 128 and the other provisions, to the extent that they refer to programs provided for in the said chapter, which come into force on 1 January 1989.