



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 173
(2018, chapter 11)

**An Act mainly to introduce a basic
income for persons with a severely
limited capacity for employment**

**Introduced 14 March 2018
Passed in principle 19 April 2018
Passed 15 May 2018
Assented to 15 May 2018**

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EXPLANATORY NOTES

This Act first amends the Individual and Family Assistance Act mainly to introduce the Basic Income Program, whose goal is to grant enhanced financial assistance to persons with a severely limited capacity for employment and who are recipients of the Social Solidarity Program.

As regards the Basic Income Program, the Act provides, in particular

(1) that the eligibility conditions for the program are to be determined by regulation;

(2) that an eligible person may elect not to take advantage of the program or elect to take advantage of it subsequently under the conditions determined by regulation;

(3) various specific rules, including the possibility for an eligible person to own certain property or liquid assets, as determined by regulation;

(4) that the basic income is established and paid monthly and is calculated according to the method prescribed by regulation; and

(5) that the basic income may be increased by the amount of special benefits.

Second, other amendments are made to the Individual and Family Assistance Act as regards, in particular

(1) the introduction of a work income supplement for recipients of a last resort financial assistance program;

(2) the potential adjustments to the social solidarity allowance for recipients under the program; and

(3) the possibility of increasing the amount of personal expense allowance paid to a person being sheltered who receives financial assistance under the Social Solidarity Program or the Basic Income Program.

Lastly, the Government is empowered to make the necessary regulations for the purposes of the Basic Income Program, and amending, transitional and final provisions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01);
- Code of Civil Procedure (chapter C-25.01);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25).

REGULATION AMENDED BY THIS ACT:

- Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

Bill 173

AN ACT MAINLY TO INTRODUCE A BASIC INCOME FOR PERSONS WITH A SEVERELY LIMITED CAPACITY FOR EMPLOYMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

INDIVIDUAL AND FAMILY ASSISTANCE ACT

- 1.** Section 1 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by adding the following sentence at the end of the second paragraph: “It is also designed to foster their social participation.”
- 2.** Section 2 of the Act is amended by adding the following sentence at the end: “The measures, programs and services are also established to contribute to those persons’ economic inclusion.”
- 3.** Section 15 of the Act is amended by replacing “or the Social Solidarity Program” in the first paragraph by “, the Social Solidarity Program or the Basic Income Program”.
- 4.** Section 25 of the Act is amended by adding the following paragraph at the end:

“Subparagraphs 2 and 3 of the first paragraph do not apply within the framework of the Basic Income Program.”
- 5.** Section 30 of the Act is amended by adding “or an application made under the Basic Income Program” in the second paragraph after “financial assistance”.
- 6.** Section 33 of the Act, amended by section 25 of chapter 25 of the statutes of 2016, is again amended by replacing “last resort financial assistance program” in paragraph 2 by “financial assistance program provided for in Chapter I, II, V or VI of Title II”.

7. Section 45 of the Act is amended by replacing “To foster the objectives” by “In order to foster the achievement of the objectives”.

8. Section 47 of the Act, amended by section 27 of chapter 25 of the statutes of 2016, is again amended by inserting “or the Basic Income Program” after “Solidarity Program”.

9. Section 55 of the Act, amended by section 28 of chapter 25 of the statutes of 2016, is again amended by adding the following paragraph at the end:

“Moreover, when the amount obtained under the first paragraph is greater than zero, the benefit is increased, in the cases and under the conditions determined by regulation, by a work income supplement, the amount of which is calculated in accordance with the method provided for in that paragraph.”

10. Section 56 of the Act is amended by replacing “paragraph 2 of section 55” in the first paragraph by “subparagraph 2 of the first paragraph of section 55”.

11. Section 72 of the Act is amended

(1) by inserting the following paragraph at the beginning:

“The Government may, by regulation, prescribe for recipients under the program the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determine the cases in which and the conditions under which those amounts are to be granted.”;

(2) by inserting “also” after “The Government may” in the second paragraph.

12. Section 81 of the Act is amended

(1) by replacing “or the Social Solidarity Program” by “, the Social Solidarity Program or the Basic Income Program”;

(2) by replacing “either of those last resort financial assistance programs, to the extent that they are also eligible under those last resort programs” by “any of those financial assistance programs, to the extent that they are also eligible under those programs”.

13. The Act is amended by inserting the following section after section 83.5, enacted by section 31 of chapter 25 of the statutes of 2016:

“83.5.1. Section 58 applies to the Aim for Employment Program.”

14. The Act is amended by inserting the following after section 83.14, enacted by section 31 of chapter 25 of the statutes of 2016:

“CHAPTER VI

“BASIC INCOME PROGRAM

“83.15. The purpose of the Basic Income Program is to grant enhanced financial assistance to persons with a severely limited capacity for employment. A further purpose is to foster their social participation and contribute to their economic inclusion.

“83.16. In order to foster the achievement of the objectives of the Basic Income Program, the Minister may, in accordance with Title I, offer employment-assistance and social assistance and support measures, programs and services to persons eligible under the program and, where applicable, adapt them to meet the particular needs of the persons concerned by the program.

“83.17. A person is eligible under the Basic Income Program if, during the period determined by regulation, the person has a severely limited capacity for employment within the meaning of section 70 and is a recipient under the Social Solidarity Program, and if the person meets the other conditions determined by regulation.

Despite the first paragraph, a person is also eligible under the Basic Income Program if, in the cases and under the conditions determined by regulation, the person has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely.

The provisions of this chapter apply by operation of law to any person who meets the eligibility requirements of the program.

“83.18. A person may not receive an allowance granted under the Social Solidarity Program if he or she is eligible under the Basic Income Program.

Despite the first paragraph, an eligible person may elect not to take advantage of the Basic Income Program in the cases and under the conditions determined by regulation.

However, the person may at any subsequent time apply to take advantage of the program in accordance with the conditions determined by regulation.

“83.19. A person who is no longer eligible under the program becomes eligible again in the cases and under the conditions determined by regulation.

“83.20. The benefit granted under the program takes the form of a basic income.

“83.21. The basic income is established monthly and calculated in accordance with the method determined by regulation.

For the calculation of the basic income, the regulation may, among other things,

(1) establish the amount of the applicable basic income, in the cases and under the conditions it determines;

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

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

The basic income is increased by any special benefit amount granted under the Social Solidarity Program, in the same cases and under the same conditions, subject to the exceptions determined by regulation.

“83.22. In the cases and under the conditions determined by regulation, a person eligible under the program may own certain property or liquid assets in order to foster the person’s social participation and economic inclusion.

“83.23. The basic income is paid monthly according to the terms determined by regulation.

“83.24. Sections 49 to 51, 58, 59, 63, 64 and 69 apply to the Basic Income Program.

“83.25. When there is failure to fulfil any of the obligations imposed by sections 30, 31, 36, 63 and 64, the Minister may, as the case may be, refuse or cease to pay financial assistance or reduce it.

Decisions made by the Minister under this section must include reasons and be communicated in writing to the person concerned.”

15. Sections 87 and 88, the first paragraph of section 90, section 91, the first paragraph of sections 92 to 94 and the second paragraph of section 107 of the Act are amended by inserting “or the Basic Income Program” after “last resort financial assistance program”.

16. Section 114 of the Act, amended by section 35 of chapter 25 of the statutes of 2016, is again amended by replacing “II or V” in the second paragraph by “II, V or VI”.

17. Section 132 of the Act is amended by inserting the following paragraph after paragraph 15:

“(15.1) prescribing the method for calculating the amount of the work income supplement, and determining the cases in which and the conditions under which it is granted;”.

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

“(2) prescribing, for the purposes of the first paragraph of section 72, 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; and

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

19. The Act is amended by inserting the following sections after section 133.1, enacted by section 38 of chapter 25 of the statutes of 2016:

“**133.2.** For the purposes of the Basic Income Program, the Government may make regulations

(1) prescribing, for the purposes of the first paragraph of section 83.17, the period during which a person must have a severely limited capacity for employment and be a recipient under the Social Solidarity Program, as well as the other eligibility requirements for the program;

(2) prescribing, for the purposes of the second paragraph of section 83.17, the cases in which and the conditions under which a person who has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely is also eligible under the Basic Income Program;

(3) prescribing, for the purposes of the second paragraph of section 83.18, the cases in which and the conditions under which a person may elect not to take advantage of the program;

(4) prescribing, for the purposes of the third paragraph of section 83.18, the cases in which and the conditions under which a person may apply to take advantage of the program;

(5) prescribing, for the purposes of section 83.19, the cases in which and the conditions under which a person who is no longer eligible under the program becomes eligible again;

(6) prescribing, for the purposes of section 83.21, the method for calculating the basic income;

(7) prescribing, for the purposes of the third paragraph of section 83.21, the exceptions to the cases in which and the conditions under which a special benefit is granted;

(8) prescribing, for the purposes of section 83.22, the cases in which and the conditions under which a person may own certain property or liquid assets; and

(9) prescribing, for the purposes of section 83.23, the terms for payment of the basic income.

“133.3. Despite any provision to the contrary, the Government may, on the joint recommendation of the Minister of Employment and Social Solidarity and the Minister of Health and Social Services, prescribe by regulation the cases and the manner in which the amount of personal expense allowance referred to in the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2) or section 161 of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be increased for a person who receives financial assistance under the Social Solidarity Program or the Basic Income Program.”

OTHER AMENDING PROVISIONS

ACT TO PROMOTE ACCESS TO JUSTICE THROUGH THE ESTABLISHMENT OF THE SERVICE ADMINISTRATIF DE RAJUSTEMENT DES PENSIONS ALIMENTAIRES POUR ENFANTS

20. Section 15 of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02) is amended by inserting “or the Basic Income Program” after “last resort program” in the second paragraph.

HEALTH INSURANCE ACT

21. The Health Insurance Act (chapter A-29) is amended by replacing “last resort financial assistance program provided for in” in the fourth paragraph of section 67 and in sections 70 to 71.1 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

22. Section 15 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by replacing “last resort financial assistance program provided for in” in paragraph 2 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

23. Section 17 of the Act is amended by replacing “last resort financial assistance program provided for in” in the definition of “person suffering from a functional impairment” in paragraph 1 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

CODE OF CIVIL PROCEDURE

24. Article 449 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “or social solidarity” by “, social solidarity or basic income”.

25. Article 698 of the Code, amended by section 40 of chapter 25 of the statutes of 2016, is again amended by replacing “or a social solidarity allowance” in subparagraph 3 of the second paragraph by “, a social solidarity allowance or a basic income”.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

26. Section 118 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended by replacing “last resort financial assistance program provided for in” in the first paragraph by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

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

27. Section 43 of the Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25) is amended by replacing “by the Minister under section 84 of the Individual and Family Assistance Act before the date of coming into force of section 83.1 of that Act” in the first paragraph by “by the Minister of Employment and Social Solidarity in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) before the date of coming into force of section 83.1 of the Individual and Family Assistance Act”.

INDIVIDUAL AND FAMILY ASSISTANCE REGULATION

28. Section 177.23 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), introduced by section 24 of the Regulation to amend the Individual and Family Assistance Regulation, enacted by Order in Council 1085-2017 dated 8 November 2017, is amended by replacing “an amount calculated” in the second paragraph by “a work income supplement, the amount of which is calculated”.

29. Section 177.28 of the Regulation, introduced by section 24 of the Regulation to amend the Individual and Family Assistance Regulation, enacted by Order in Council 1085-2017 dated 8 November 2017, is amended by striking out “additional” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

30. In any agreement entered into by the Minister of Employment and Social Solidarity in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) before the date of coming into force of section 83.15 of the Individual and Family Assistance Act (chapter A-13.1.1), enacted by section 14, a provision relating to the Social Assistance Program or a last resort financial assistance program also applies to the Basic Income Program from that date unless, in the year following that date, one of the parties notifies the other party in writing of its intention not to include that program, in whole or in part, in the agreement.

The first paragraph ceases to apply to an agreement on the day the first amendment made to the agreement by the parties after the date of coming into force of section 83.15 of that Act, enacted by section 14, becomes effective.

The first paragraph applies despite section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

31. Sections 6, 21 to 23 and 26, insofar as they concern Chapter V of Title II of the Individual and Family Assistance Act, and sections 13 and 27 to 29 have effect from 1 April 2018.

32. The provisions of this Act come into force on the date or dates to be determined by the Government, except

(1) section 7, which comes into force on 15 May 2018; and

(2) sections 9 to 11, 17 and 18, and section 19 where it enacts section 133.3 of the Individual and Family Assistance Act, insofar as the latter section concerns the Social Solidarity Program, which come into force on 1 January 2019.