



INFORMATION ABOUT
Social Assistance Program and
Social Solidarity Program





Individual
and family
assistance

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Social Assistance Program and
Social Solidarity Program



Québec 

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- ◆ Elsewhere in Québec, toll-free
1 888 643-4721

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This brochure, available in local employment centres (CLEs), completes the information in the general brochure entitled Individual and Family Assistance – General Information regarding two last-resort financial assistance programs, namely, the Social Assistance Program and the Social Solidarity Program.

The purpose of this brochure is to inform the people concerned of the various rules, set out in the Individual and Family Assistance Act and the attendant regulation, used to determine eligibility for last-resort financial assistance and for calculating the amounts granted.

This document explains the concepts that have an effect on benefits, such as changes in an individual's or a family's circumstances, ownership (liquid assets or property), earnings or other income, and parental contribution.

It also covers certain rules regarding issuance of financial assistance, recipients' rights and obligations, establishing a claim, recovery of an amount received, and the process for appealing a decision.

Lastly, it provides information about the services offered by the Ministère de l'Emploi et de la Solidarité sociale to its clientele.

Please note

This brochure cannot be used for legal interpretation purposes. The information it contains is valid at the time of writing (July 2008).

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Introduction

Emploi-Québec services

The Ministère de l'Emploi et de la Solidarité sociale, through Emploi-Québec, is tasked to contribute to employment and workforce development and to combat joblessness, exclusion and poverty with a view to economic and social growth. This is why the *Individual and Family Assistance Act* and the *Individual and Family Assistance Regulation* are aimed at encouraging people to engage in activities that promote their social integration, entry on the labour market and active participation in society.

Individuals who want to obtain an Emploi-Québec service are offered reception, assessment and referral by an officer. Assessment makes it possible to determine their interests in undertaking steps to enter the labour market and their eligibility for financial assistance. The officer then, according to their situation, refers them to either public employment services or social solidarity services.

PUBLIC EMPLOYMENT SERVICES

Persons wanting to take steps to enter the labour market meet with an employment assistance officer who works with them to determine the measures or services that match their needs. Next, the officer can draw up an action plan to be carried out as part of an Individualized Integration, Training and Employment Plan.

Employment services and measures

CLEs offer various services to persons who want to enter the labour market directly. These include labour market information and placement, either self-serve or with assistance. The services are also available to all Quebecers.

In addition, the Government of Québec allows certain individuals to increase their income through, for example, the Child Support measure, which enables low-income families with a child or children aged less than 18 years old to receive a quarterly amount. The government also offers the Work Premium tax credit, a tax measure to encourage workers to stay in the labour market. The amount granted is based on family income and takes into account the individual's family circumstances.

10 ◆ Information about Social Assistance Program and Social Solidarity Program

In its 2008-2009 budget, the Government of Québec announced two new measures to help people enter the workforce. The first, the Adapted Work Premium, a refundable tax credit applied for when an individual files his or her provincial tax return, is designed for persons with a severely limited capacity for employment. It will be in effect as of fiscal 2008.

The second, the Work Premium Supplement, is for long-time last-resort assistance recipients who enter the workforce. Under this Supplement, applicants may receive an individual amount for up to 12 consecutive months. The amount is granted every month in which the worker earns less than \$200. This measure has been in effect since April 1, 2008.

However, people who face particular challenges in entering the labour market (not knowing which job they should be looking for, feeling they do not have the required job skills, not knowing how to go about getting a job, or trouble keeping a job, etc.) can obtain a number of public employment services and measures. They can, for example, obtain specialized career counselling services, skills-development activities, training, and individualized job-search assistance. They may also be given a hand with expenses related to their entering the labour market.

SOCIAL SOLIDARITY SERVICES

Emploi-Québec's social solidarity services focus on the following: individual assistance, social assistance and support, and financial assistance.

Individual assistance and financial assistance

Social solidarity services consist of personalized support or referral to specialized external resources for customized action aimed at helping individuals in their efforts to achieve social and professional integration and self-sufficiency. Social solidarity services also consist of financial assistance to an individual or a family to cover basic needs as provided for in the Regulation or the expenses involved in participating in a measure or program.

1 Basic concepts

The following concepts are enshrined in the Individual and Family Assistance Act¹. Here is a quick recap.

1.1 Last-resort financial assistance programs

SOCIAL ASSISTANCE PROGRAM

Under the Social Assistance Program, last-resort financial assistance is provided for independent adults and families **without a severely limited capacity for employment**. The program is also aimed at encouraging these people to engage in activities to foster their entry on the labour market, their social participation, or active participation in society and the community.

SOCIAL SOLIDARITY PROGRAM

Under the Social Solidarity Program, last-resort financial assistance is provided for adults **with a severely limited capacity for employment**. The program is also aimed at encouraging these people to engage in activities to foster their social participation and their active participation in society by giving them the required support.

1.2 Individuals and families

ADULTS

Adults are persons other than dependent children.

DEPENDENT CHILDREN

Dependent children are persons who depend on an adult for their subsistence and are:

- ◆ Under 18 years of age, are not married, and have no dependent children;

OR

- ◆ 18 years old and over, attend an educational institution, are neither married nor the spouse of another person, and are not the parents of a child who is their dependent.

Children are usually entrusted to their mother and father or one of the two.

1. See the brochure entitled *Individual and Family Assistance – General Information*.

12 ◆ Information about Social Assistance Program and Social Solidarity Program

However, children may be in the charge of a brother, sister, uncle, aunt, grandparent or adult who has custody of the child under an order, except in the case of a foster family.

In cases of shared custody, the children may also be considered to be dependants of the father, mother or other adult if custody arrangements provide for at least **40%** custody.

Spouses

Spouses are:

- ◆ Two persons who are joined by marriage or civil union or who cohabit;

OR

- ◆ Persons, of the opposite or the same sex, who cohabit and who are the parents of the same child, unless they establish that their cohabitation is temporary and results from exceptional circumstances related to a serious health problem of one of them or of one of their children;

OR

- ◆ Persons of full age, of the opposite or the same sex, who cohabit in a de facto union and, at any one time, cohabited for a period of at least one year.

FAMILIES

Under the Act, a family is composed of:

- ◆ An adult and the adult's dependent children;
- ◆ Spouses and their dependent children or the dependent children of either spouse;
- ◆ Spouses who have no dependent children.

When persons are members of the same family, a monthly benefit is granted to the single parent or jointly to the two adults, or, at their request, to one of the two, for every member of that family.

CHANGES IN FAMILY COMPOSITION

When a person is **added** to a family, financial assistance is adjusted to take into account the new composition of the family. In general, when an **adult** is added to a family, the financial assistance is adjusted **the month after the event**, e.g. if an adult gets married in May, the benefit is adjusted for June.

When a **dependent child** is added to a family, the financial assistance is adjusted **the month of the event**, e.g. if a child is born in May, the amount of the benefit already granted for May is adjusted accordingly.

When a person is **no longer** part of a family, financial assistance is adjusted to take into account this change in the composition of the family. In general, families are given a grace period to adapt financially when an adult or a dependent child cease to be part of the family, notably due to death, or, in the case of an independent adult, incarceration or shelter in a health services and social services institution. In all of the above cases, financial assistance is decreased as of the **fourth month after the event**.

1.3 Rules regarding the status of individuals

QUÉBEC RESIDENTS

To qualify for a last-resort financial assistance program, an adult must be a Canadian citizen, a permanent resident, or have been granted asylum in Canada. An Indian registered as an Indian under the Indian Act also qualifies, unless this person is eligible for financial assistance from Indian and Northern Affairs Canada.

The following adults also qualify: adults who have applied for asylum, adults whose application has been turned down but who are allowed to remain in Canada and, under certain conditions, persons whose application for permanent residence is made

on humanitarian grounds or by reason of the public interest.

To qualify, adults must live in Québec. They are considered as no longer living in Québec after a **full calendar month of absence**, unless they are away in order to:

- ◆ Receive treatment required by their physical or mental condition;
- ◆ Participate in an employment-assistance measure;
- ◆ Carry out remunerated work if the other members of the family continue residing in Québec.

STUDENTS

As a rule, adults enrolled full time in a vocational program at the secondary level or in postsecondary education, and all the members of their family, do not qualify for last-resort financial assistance because they are presumed to receive student loans and bursaries.

The same applies to adults enrolled in postsecondary programs:

- ◆ For more than two courses or for courses with more than six credits or units per term;
- ◆ For a course or courses with credits or units corresponding to a total of more than 6 periods or hours of instruction per week, including laboratories and supervised practical work;
- ◆ For enrolment for more than 6 credits per term for a Master's thesis or doctoral dissertation.

Adults enrolled part time are not eligible for last-resort financial assistance if they are **presumed to study full time** within the meaning of the Act respecting financial assistance for education expenses. Under

this legislation, adults in a special situation are presumed to be studying full time, e.g. person who is at least 20 weeks pregnant, person with a major functional deficiency.

Adults between periods of study do not qualify for last-resort financial assistance if they are **presumed to be enrolled** in an educational institution within the meaning of the Act respecting financial assistance for education expenses. For the purpose of calculating the amount for which adults are eligible under the Loans and Bursaries Program, they are considered as being enrolled at an educational institution even if they are in a special situation, e.g. situation that could lead to complete destitution, person at least 20 weeks pregnant.

However, students who attend school within the framework of an employment assistance program or measure, or a social assistance program or measure pre-authorized by Emploi-Québec may qualify for last-resort financial assistance. Under certain circumstances, the spouse of a student may also qualify.

MEMBERS OF A RELIGIOUS COMMUNITY

Adults belonging to a religious community that has the means to provide for its members do not qualify for benefits.

INCARCERATED ADULTS OR ADULTS REQUIRED TO RESIDE IN A HALF-WAY HOUSE

Adults incarcerated in a penitentiary or detained in a house of detention or any other prison do not qualify for benefits.

However, there are exceptions for:

- ◆ Adults on conditional release and who are required to live in a foster home, group home or half-way house associated with the Ministère de la Sécurité publique in order to foster their social reintegration;
- ◆ Adults on parole.

PERSONS ADMITTED TO A SHELTER

Persons admitted to a shelter can qualify as independent adults if they are sheltered in a hospital centre or a residential and long-term care centre.

If the liquid assets owned by independent adults or families on the day of the application exceed the amounts established in the Regulation, the applicants do not qualify and must re-apply, but only as of the first working day of the following month.

1.4 Special rules

FILING AN APPLICATION

To receive benefits, applicants must complete the form for this purpose. The form is available at local employment centres or at the Ministère de l'Emploi et de la Solidarité sociale Web site at www.mess.gouv.qc.ca.

Any documents needed for assessing the application or determining benefit amounts must be sent with the form. The documents that are generally requested are indicated in the form. If applicants are required to produce any other documents, they are given additional time.

A person may be mandated by an applicant to produce the application. Furthermore, the Department will assist anyone who is having trouble filling in the form.

Financial assistance can be granted as of the date of receipt of the application by the Department. **This is why it is important to send in the application as soon as possible.**

ELIGIBILITY TEST FOR LIQUID ASSETS

When independent adults or families apply for social assistance benefits, their liquid assets (cash and assets, etc.) cannot exceed the amount established under the *Individual and Family Assistance Regulation*. This amount varies depending on family composition. However, certain kinds of liquid assets owned on the date of the application are excluded.

2 Needs

Benefits are granted in the amounts established under the *Individual and Family Assistance Regulation* to independent adults or families whose resources are insufficient to meet recognized needs².

2.1 Recognized needs

The amounts for recognized needs vary according to independent adults' or families' circumstances.

2.2 Basic benefit

The basic benefit granted under the Social Assistance Program or the Social Assistance Program³ varies depending on the number of persons considered adults and whether the person is:

- ◆ The spouse of a student;
- ◆ Admitted to a shelter or is required to live in an establishment for social reintegration purposes.

The basic benefit under the Social Assistance Program is reduced when independent adults or adult family members live with their mother or father. **However, this basic benefit does not apply when:**

- ◆ The mother or father is a recipient under a last-resort financial assistance program;
- ◆ The mother or father is receiving the maximum Guaranteed Income Supplement amount under the Old Age Security Act;
- ◆ The family is a single-parent family;
- ◆ Independent adults or family members live with their mother or father in order

2. Information about the amounts in effect for the year underway are found in the leaflet entitled *Benefit Amounts Under the Social Assistance Program and the Social Solidarity Program*, available at local employment centres and at the Department Web site at www.mess.gouv.qc.ca.

3. The basic benefit under the Social Solidarity Program is a social solidarity allowance.

to receive constant care from him or her because of their state of health.

Other amounts can be added to the basic benefit in the form of adjustments, a support allowance, and special benefits and, in the case of the Social Assistance Program, a temporarily limited capacity allowance.

2.3 Adjustments

QUÉBEC SALES TAX ADJUSTMENT

An adjustment to the basic benefit is usually granted as an advance on the Québec Sales Tax credit. The adjustment amount varies according to:

- ◆ The number of adults in the family;
- ◆ Whether the adult shares a dwelling with another family or another adult who is not his or her spouse.

ADJUSTMENT FOR DEPENDENT CHILDREN

Adjustments for dependent children of minor or major age may be added to the basic benefit. In general, adjustment amounts vary according to the child's age and school level.

Recipient families with dependent **minors** who do not receive the maximum amounts granted under the Régie des rentes du Québec's child assistance program or the federal government's National Child Benefit Supplement may obtain an adjustment, depending on the above amounts.

Furthermore, the Department grants recipient families additional financial assistance to cover the needs of dependent children aged **18 years old and over** because these dependants do not qualify for child assistance or the National Child Benefit Supplement.

2.4 Temporarily limited capacity allowance

Under the Social Assistance Program, a temporarily limited capacity allowance can be added to the basic benefit for adults who:

- ◆ Produce a medical report establishing that, due to their physical or mental condition, they will be unable, for a period of at least one month, to engage in a job preparation, integration or retention activity;
- ◆ Are at least 20 weeks pregnant or gave birth fewer than five weeks previously;
- ◆ Provide childcare to a dependent child under age 5 on the previous September 30 or a child who is 5 years of age on that date and no full-time kindergarten class is available to him or her;
- ◆ Provide childcare to a dependent child who has disabilities;
- ◆ Are 55 years of age and over and have applied for the allowance;
- ◆ Provide constant care to an adult whose autonomy is significantly reduced because of a physical or mental condition;
- ◆ Are responsible for a family-type resource recognized under the *Act respecting health services and social services*;
- ◆ Are placed in a foster home within the meaning of the *Act respecting health services and social services*;
- ◆ Are responsible for a foster home;
- ◆ Are victims of violence who take refuge in a shelter or other similar place for a maximum of three consecutive months from the date of admission.

2.5 Support allowance

The Department may grant a support allowance to participants in one of the social assistance and support programs presented in the brochure entitled *Individual and Family Assistance – General Information*.

This allowance amount is added to the basic benefit of adults or families admitted to the Social Assistance Program or the Social Solidarity Program.

An organization can grant financial assistance to persons who participate in activities similar to those carried out under a social assistance and support program, which the Department may recognize as a support allowance, without increasing the basic benefit.

2.6 Special benefits

A special benefit is an amount added to the amount for independent adults' or families' recognized needs.

2.6.1 Certain requirements

To obtain a special benefit, the following requirements must be met:

> *Prior authorization*

Before purchasing a good or paying for a service, prior authorization for a special benefit must be received from a local employment centre.

Under the Social Solidarity Program, prior authorization for a special benefit is **not required, except for the following benefits:**

- ◆ Purchase, replacement or re-lining of a dental prosthesis;
- ◆ Purchase of eyeglasses or contact lenses;

- ◆ The cost of moving for health or sanitation reasons.

NOTE: When prior authorization is not required, the application for payment must be filed no later than **30 days** after the goods have been purchased or the services provided or as soon as possible if the person is not able to act within the 30-day deadline. In the case of transport by ambulance, the deadline is **90 days**.

> *Required documents produced*

Anyone requesting payment for a special benefit must provide the documents required to assess the request.

Depending on the situation, various documents are required, such as a medical report, death certificate, firefighters' report, or an attestation of unsanitary living conditions.

> *Amounts corresponding to the real cost of the goods or services, up to the maximum amount prescribed on the Regulation*

Before purchasing a good or paying for a service, recipients must contact a local employment centre for information about the special benefit amounts prescribed by the Regulation.

WAITING PERIOD

Under the Social Assistance Program, the following special benefits are granted only if the person has been a recipient for at least **six consecutive months:**

> *Cost of eyeglasses and contact lenses*

Before buying eyeglasses or contact lenses, recipients must have the appropriate form filled out by an officer at the local employment centre, who will check their eligibility and authorize payment subject to pre-established conditions. The optometrist or optician is paid directly by the Department.

- > *Cost of moving for health or sanitation reasons*

Under the Social Solidarity Program, **there is no** waiting period.

2.6.2 Claim slip

Claim slips, also called «drug cards,» are documents that entitle the holder, subject to various conditions, to certain goods and services covered by the Régie de l'assurance maladie du Québec (RAMQ). These include:

- > *Prescription drugs on the RAMQ list*
- > *Optometric services (eye test, ocular and visual conditions, prescription for appropriate treatment, etc.)*

CONDITION: Holders must have received last-resort financial assistance for **12 consecutive months even if admitted to the Social Solidarity Program**. The holder's claim slip must indicate YES in the «Message» section. The optometrist or ophthalmologist is paid directly by the Régie.

- > *Certain dental care services (exam, X-rays, filling, etc.)*

CONDITION: Holders must have received last-resort financial assistance for **12 consecutive months even if admitted to the Social Solidarity Program**. The holder's claim slip must indicate YES in the «Dental care covered» section. The dentist is paid directly by the Régie.

In some emergency situations, people who have been last-resort financial assistance program recipients for at least 12 consecutive months, as well as their dependants, may receive certain services free of charge.

QUALIFYING FOR A CLAIM SLIP

The claim slip is sent with the monthly benefit cheque. Independent adults or families no longer eligible for a last-resort financial assistance program may also be

granted a claim slip for reasons that include the following:

- ◆ They have work income, in which case, the claim slip is issued for no more than six consecutive months;
- ◆ They are receiving the Department's employment assistance allowance or financial assistance from a third party recognized by the Department, in which case, a claim slip is issued for the period during which amounts from these sources are granted.

In both of the above cases, only medication and dental care are covered. Independent adults or families issued a claim slip on these grounds no longer qualify for other special benefits. If their resources are such as to prevent them from meeting their basic needs, they must apply for financial assistance.

Under the Social Solidarity Program, claim slips may also be issued for a period of 48 consecutive months to independent or single-parent families who no longer qualify for financial assistance because of their earnings as an employee or self-employed worker. The holder's gross monthly earnings as an employee or net income as a self-employed worker must not exceed \$1500. However, if these earnings, gross employment-insurance benefit amounts, or parental insurance amounts exceed \$1500 a month for three consecutive months, the claim slip is discontinued. Independent adults or single-parents who are granted a claim slip on these grounds can obtain certain special benefits without applying for financial assistance.

2.6.3 Other goods and services

Other goods and services are covered by various special benefits. A sample of them is provided below, as well as at the Department Web site at www.mess.gouv.qc.ca.

To find out if a good or service that is not indicated here or on the Web site is covered by a special benefit, or for further details, contact a local employment centre officer.

The following are among the goods and services for which a special benefit exists:

> *Health and safety equipment and accessories*

There are a number of special benefits for purchasing or renting prosthetic or orthotic devices and equipment, such as hospital beds, safety rails, accessories, and bandages required for health reasons.

> *Travel and accommodation costs incurred to receive health care*

Travel and accommodation costs incurred to receive medical treatment can be reimbursed or paid directly to the service provider, e.g. transport by ambulance. However, the means of transportation chosen must be the least costly option under the circumstances.

Since transportation services differ from region to region, it is advisable to ask a CLE officer about the costs and means of transportation authorized for a given region and the means of reimbursement. A physician, midwife (when pregnancy is involved) or dentist must confirm that the good or service is needed.

> *School-related expenses*

Families granted last-resort financial assistance may receive a special benefit to help defray school-related expenses for their children.

This special benefit is granted for every eligible child **in August of each year.**

> *Supplements for pregnancy, breastfeeding or infant formula*

Pregnant women may be granted a special benefit in the form of a pregnancy supplement, which can also be granted to the parent of a pregnant dependant.

Mothers who have a baby under a year old and who breastfeed them may receive a special breastfeeding benefit paid every month until the baby is a year old.

Under certain conditions, the parent of a child may receive assistance for purchasing infant formula.

> *Funeral expenses*

The Department may grant a special benefit for the funeral expenses for an adult or a dependent child. The maximum amount per deceased person is \$2,500.

However, the benefit is reduced by the amount of the benefits payable on the death (life insurance) and the sums paid on the date of death under a prearranged funeral services contract and, in the case of an independent adult, by the amount of the adult's total liquid assets and the total value of the adult's property.

The Régie des rentes du Québec may also grant a death benefit if the deceased person paid into its plan.

Since adults or families are required to exercise their right to any benefits under other legislation, applicants must check whether the deceased person was eligible for the Régie death benefit and inform the Department accordingly. This benefit will be taken into account in calculating the special benefit.

The Department must receive the application no later than:

- ◆ 30 days after the services were provided;

OR

- ◆ In the 30 days following receipt of a Régie des rentes du Québec notice of refusal. In such cases, the Régie application must have been filed within 30 days of the death.

> *Special benefits for special situations*

Other special benefits are available to help defray costs incurred in times of difficulty or crisis, for example, fires, accidents, moving for health or sanitation reasons or further to a separation, or refuge in a shelter for victims of violence.

3 Resources

As a rule, the resources owned by every member of a family are considered in determining benefit amounts. Resources comprise all income, liquid assets and property.

3.1 Income

Within the meaning of last-resort financial assistance programs, «income» means any amount received periodically by a family member, including:

- ◆ Work income received by an employee or self-employed worker;
 - ◆ Income for room or board;
 - ◆ Income from property rental;
 - ◆ Other income, earnings and benefits, such as:
 - ▶ Income from a succession, trust, gift or private pension
 - ▶ Employment insurance or parental insurance benefits
 - ▶ Income replacement indemnities (Société de l'assurance automobile du Québec, Commission de la santé et de la sécurité du travail, etc.)
- ▶ State pensions (Régime de rentes du Québec, federal Old Age Security, etc.)
 - ▶ The part of a mortgage debt payment for a residence made under a disability insurance contract.

All income, earnings and benefits not excluded under the Regulation **are considered in calculating benefits.**

3.1.1 Child support

Unless otherwise indicated, recipients entitled to child support are obliged to apply to the court to receive child support or have child support amended.

However, the Department may act in lieu of recipients in cases where the debtor fails to make the required child support payments when due. The Department then becomes the creditor for all support due in the months during which the individual or the individual's family receive benefits.

The Department does this by contacting Revenu Québec. It, in turn, starts proceedings to recover support from the debtor.

An exclusion of up to \$100 a month for support payments is prescribed under the Regulation for families with at least one dependent child.

When creditors no longer receive last-resort financial assistance, the Department notifies Revenu Québec so that recipients can receive their support payments directly.

Creditors must advise the Department beforehand of any legal proceedings they undertake to recovery support payments⁴.

3.1.2 Excluded income

There are a number of exclusions (in full or partial) for income, earnings and benefits that apply in calculating the amounts granted under a last-resort financial assistance program. The most common are:

- ◆ Child assistance payment amounts and amounts granted as child tax benefits (except in determining eligibility for adjustments for dependent children);
- ◆ Sums received by a foster home, a foster family or a residential and long-term care centre to take in charge an adult;
- ◆ Amounts earned by a dependent child incidentally to the child's studies and the loans and bursaries and sums withdrawn from a registered education savings plan (RESP);
- ◆ Income from a succession, trust or gift devolved to a dependent child before the income can be used for the child's maintenance;

- ◆ Sums received as tax credits, such as the Supplement for Handicapped Children, the Work Premium, and amounts granted by the federal government as a Working Income Tax Benefit;
- ◆ Amounts received under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;
- ◆ Interest income;
- ◆ Dividend income, unless it is paid as remuneration;
- ◆ The monetary value of property or services given free of charge;
- ◆ Financial assistance granted under the Shelter Allowance Program;
- ◆ Income earned as an election officer in a poll.

Work income is considered in calculating benefit amounts by subtracting tax amounts and mandatory premiums for employment insurance and parental insurance. The following general exclusion is then applied to the remaining income amount:

- ◆ **\$200** for independent adults or families composed of one adult;
- OR
- ◆ **\$300** for families composed of two adults;
- OR
- ◆ **\$100** for independent adults or families admitted to the Social Solidarity Program.

This exclusion is also used for work income from self-employment and maternity or

4. The address is: Ministère de l'Emploi et de la Solidarité sociale, Centre de recouvrement, Direction des mesures légales et des pensions alimentaires, 425, rue du Pont, 2^e étage, Québec (Québec), G1K 9K5.

parental benefits paid out under the *Employment Insurance Act and the Parental Insurance Act*.

3.2 Liquid assets

The liquid assets owned by the members of a family are considered in determining the amount of financial assistance granted.

Liquid assets can be:

- ◆ Cash in hand or in a bank or credit union account;
- ◆ Securities (certificates, equities, bills, notes, bonds, shares, etc.);
- ◆ Cheques, savings bonds or term deposits.

3.2.1 Basic exclusions

Independent adults or families can own a certain amount in regular liquid assets without their benefits being affected. Exclusions vary according to which program they belong to (Social Assistance or Social Solidarity).

SOCIAL ASSISTANCE PROGRAM	SOCIAL SOLIDARITY PROGRAM
<p>\$1,500 for:</p> <ul style="list-style-type: none"> • Independent adults • Spouses of students 	<p>\$2,500 for:</p> <ul style="list-style-type: none"> • Independent adults • Spouses of students
<p>\$2,500 for:</p> <ul style="list-style-type: none"> • Families 	<p>\$5,000 for:</p> <ul style="list-style-type: none"> • Families

A supplement for dependent children may be added to these amounts.

3.2.2 Specific exclusions

TOTAL EXCLUSION FOR AN UNLIMITED PERIOD

Several kinds of liquid assets are excluded in full for an unlimited period in calculating financial assistance. These include:

- ◆ Liquid assets that a dependent child accumulates through personal work;
- ◆ The cash surrender value of a life insurance policy;
- ◆ Amounts granted in class action suits, such as:
 - ▶ Settlements for the Duplessis orphans; and
 - ▶ Settlements for persons infected by the hepatitis C virus following a blood transfusion or use of blood products in Québec.

TOTAL EXCLUSION FOR A LIMITED PERIOD

Several kinds of liquid assets are excluded in full in calculating financial assistance, but for a period of time that depends on the situation. These include:

- ◆ Liquid assets owned by a dependent child if they are managed by a tutor, a liquidator of a succession or a trustee before the rendering of accounts and were placed in a term deposit that does not allow ready access to the funds;
- ◆ Sums withdrawn from a registered retirement savings plan (RRSP) to be used under the Home Buyers' Plan provided the sums are immediately deposited in a separate account in a financial institution and used for the purposes of the plan before October 1 of the year following the withdrawal;
- ◆ A loan for the purchase of the following good if the loan is used within 30 days of receipt for the purpose for which it was obtained:
 - ▶ Movables and household effects,
 - ▶ Automobile,
 - ▶ Books, instruments and tools necessary for gainful employment or for a trade or craft,
 - ▶ Equipment adapted to the needs of an adult or a dependent child who

has functional limitations, including a retrofit vehicle not used for commercial purposes,

- ▶ The value of a prearranged funeral services contract and a prepurchased sepulture contract if those contracts are in force.

PARTIAL EXCLUSION, INCLUDING EXCLUSIONS FOR A LIMITED PERIOD

Under the Social Assistance Program, the following kinds of liquid assets are excluded, up to a total net value of **\$60,000**:

- ◆ The value of pension credits accumulated through membership in a pension plan other than the Québec Pension Plan;
- ◆ Sums accumulated in a registered retirement savings plan;
- ◆ The principal of a sum or pension credit if it is used within 30 days after it is received for the purposes of a contribution to another pension plan or retirement savings instrument;
- ◆ Principal of a grant or loan to start an enterprise or create self-employment if it is used within 6 months after it is received for the purpose for which it was obtained;
- ◆ The value of the sums accumulated in a registered education savings plan (RESP);
- ◆ Sums accumulated in an individual savings plan, up to a total amount of \$5,000 per adult, for at least one of the following projects:
 - ▶ To undergo training;
 - ▶ To purchase tools or equipment necessary for gainful employment;
 - ▶ To create self-employment or start an enterprise;
 - ▶ To purchase or repair a residence;
 - ▶ To purchase an automobile.

3.3 Property

As a rule, the value of all property is considered in determining benefit amounts unless excluded under the Regulation. Property can be an amount of money that is not considered a liquid asset until it is converted into cash in the short term (RRSP that cannot be cashed in until retirement age, term deposit, debt, etc.).

Property can also be a sum of money, e.g. capital on the sale of a residence.

The value of property consists of all movables (automobile, boat, trailer, snowmobile, etc.) and immovables (land, house, cottage, etc.) owned by an adult or a family. In general, the value of property is equal to its **market value**. However, the value of an immovable used for calculating benefits is equal to the value indicated on the municipal assessment roll.

3.3.1 Basic exclusions

Unless otherwise indicated, a basic exclusion is applied for the total value of all property for which no specific exclusions are provided. This basic exclusion, which varies according to family composition, is:

- ◆ **\$1,500** for independent adults;
- ◆ **\$2,500** for families.

If the total value of property owned by independent adults or families exceeds these exclusion amounts, an amount equivalent to **2% of this surplus** is considered in calculating the benefit.

3.3.2 Special exclusions

TOTAL EXCLUSION

Several kinds of property are totally excluded for an unlimited period. These include:

- ◆ Property that a dependent child accumulates through personal work;

- ◆ Property owned by a dependent child if it is managed by a tutor, a liquidator of a succession or a trustee before the rendering of accounts;
- ◆ Movable and household effects;
- ◆ Books, instruments and tools necessary for gainful employment or for a trade or craft;
- ◆ Equipment adapted to the needs of an adult or a dependent child who has functional limitations, including a retrofit vehicle not used for commercial purposes;
- ◆ The value of a prearranged funeral services contract and a pre-purchased sepulture contract if those contracts are in force.
- ◆ For a period of **6 months**
 - ▶ The principal from the sale of a residence if used to purchase a new residence or have a residence built;
- ◆ For a period of **2 years**
 - ▶ The value of a residence or farm belonging to an independent adult who no longer resides in the residence or operates the farm since being sheltered or taken in charge by an intermediate resource or a foster home,
 - ▶ The value of a residence belonging to an independent adult or a family who no longer resides in the residence for health reasons,
 - ▶ The value of a residence belonging to an adult who no longer resides in the residence because of a separation,
 - ▶ The principal from an indemnity paid as compensation for immovable property following expropriation, a fire or other disaster, an act of war, an attack or an indictable offence.

PARTIAL EXCLUSION

Certain kinds of property are partially excluded.

For example, the value of an automobile is excluded, up to \$10,000.

Other property is partially excluded. The value of all the following property is excluded, up to a total net value of **\$90,000**:

- ◆ The value of a residence or a working farm;
- ◆ The value of property used for self-employment or in the operation of a farm;
- ◆ For a period of **90 days**
 - ▶ The principal from an indemnity paid as compensation for movable property following a fire or other disaster, an act of war, an attack or an indictable offence;

However, property in this category (exclusion of up to \$90,000) does not qualify for the basic exclusions (\$1,500 or \$2,500). An amount equivalent to **2% of the surplus** is considered in calculating the benefit.

OVERALL EXCLUSION (SOCIAL SOLIDARITY PROGRAM ONLY)

Generally, the basic exclusions for liquid assets and property that apply to the Social Assistance Program also apply to the Social Solidarity Program, with the exception of an overall **\$130,000** exclusion for the following resources:

- ◆ The value of the liquid assets referred to in section 3.2.2, for a maximum of \$60,000;
- ◆ The value of the property referred to in section 3.3.2 under the Social Assistance Program, for a maximum of \$90,000;

- ◆ The value of any other property to which the \$90,000 exclusion applies;
- ◆ The value of property and liquid assets received from a succession.

This exclusion includes inherited liquid assets or property administered by a third person for the recipient. Trusts for a recipient are fully excluded because they are not part of the inheritance of the trust holder. However, the principal from a trust and issued periodically to a recipient is considered income.

- ◆ The proceeds from of a life insurance policy or death benefits if paid as a lump sum.

To qualify for the two latter exclusions, the person must be a recipient or a claim slip holder in a month during which liquid assets were received.

However, property in this category (exclusion of up to \$90,000) does not qualify for the basic exclusions (\$1,500 or \$2,500). An amount equivalent to **2% of the surplus** is considered in calculating the benefit.

3.4 Proper use of amounts

Liquid assets or property to which exclusions apply for a limited time must be immediately deposited in a separate account in a financial institution and used for the purposes intended.

3.5 Parental contribution (Social Assistance Program only)

The benefit granted to an adult who qualifies for the Social Assistance Program may take a parental contribution into account unless the adult:

- ◆ Has provided for his or her own needs and resided elsewhere than at the place of residence of his or her father or mother for at least two years, excluding any period during which the adult attended an educational institution on a full-time basis;
- ◆ Has, for at least two years, held remunerated full-time employment, received benefits under the *Employment Insurance Act* for such employment, or received benefits under the *Act respecting parental insurance*;
- ◆ Is or was married or in a civil union;
- ◆ Has been living with another person of the opposite or the same sex in a de facto union and has, at one time, cohabited with that person for a period of not less than one year;
- ◆ Has or has had a dependent child;
- ◆ Holds a Bachelor's degree;
- ◆ Is at least 20 weeks' pregnant;
- ◆ Has not been a full-time student for at least seven years since ceasing to be subject to compulsory school attendance.

DETERMINING PARENTAL CONTRIBUTION AMOUNTS

- ◆ The parental contribution is determined for a 12-month reference period, from July 1 of each year.
- ◆ This amount is determined on the basis of the **gross income of both parents**. Certain amounts are subtracted from the parents' income.
- ◆ The parental contribution represents 40% of the amount obtained from this calculation, divided by 12 and then

divided by the number of adults deemed to receive a parental contribution.

- ◆ The adult's benefit is decreased by the amount of this contribution.
- ◆ The parental contribution may apply for up to three years.

4 Specifics

4.1 Payment of last-resort financial assistance

As a rule, regular benefits are paid out on the first of every month to cover needs for that month.

Except in special cases, benefits are calculated based on the circumstances of independent adults or families on the last day of the preceding month and on the resources for this month.

For example, the monthly benefit issued on May 1 covers needs for that month. However, if the recipient has earnings during May, this income is considered in calculating the amount of the monthly benefit granted on June 1.

When any changes occur in recipients' circumstances that cause the benefit amount to be modified, the Department sends out a written notice explaining the new amount.

4.2 Month of an application

For the month during which an application is filed, the amount of the basic benefit, adjustments for dependants, and the temporarily limited capacity allowance is determined according to the number of days remaining in that month.

Except in special cases, the Department subtracts the following from this amount:

- ◆ All income, earnings and benefits received or to be received during the month of the application;
- ◆ All liquid assets as at the date of the application.

Under the Social Solidarity Program, a basic exclusion is applied for liquid assets owned as at the date of the application.

If needs are greater than income, liquid assets, property and other resources,

financial assistance is granted for the month of the application. However, whether or not assistance is granted for the month of the application, the Department determines the amount to be paid out for the following month.

4.3 Replacing a cheque

A cheque that is lost, stolen or destroyed can be replaced. The local employment centre officer must be notified as soon as possible. The same applies for cheques that have not been received.

4.4 Retroactive payment

Under certain conditions, the Department may adjust the amount of financial assistance granted, for example, when information that was lacking reaches the local employment centre after the cheque has already been issued. The recipient is informed of this adjustment.

Similarly, when financial assistance is refused, reduced or cancelled because another government department or agency has issued amounts and are then claimed because of this administrative error, the benefit may be re-calculated. Recipients must request re-calculation no later than 30 days after receiving the claim.

In cases where child support payments are cancelled or reduced retroactively further to a decision by the Tribunal for a period during which a recipient received benefits, the Department, on the recipient's request, re-calculates the benefits granted for the months concerned. The application must be filed with the Department within 90 days of the date at which the decision was handed

down, unless the person can prove that he or she could not act sooner.

4.5 Direct deposit

Last-resort financial assistance payments are made by cheque. They can also be deposited directly in an account at a financial institution if the adult has filled in and signed the required form and returned it to the Department.

The form is available at the Department Web site and at local employment centres.

When a family is composed of spouses, both adults must sign the form.

Independent adults or families who use the direct deposit option are mailed their monthly statement, claim slip and notice of deposit.

In order for the cheques to be deposited where they should be, the Department must be notified if the bank account is changed.

Recipients may cancel direct deposit at any time by notifying the Department.

4.6 Conditional assistance

The Department may grant last-resort financial assistance in the form of a loan, pending realization of a right or benefit, e.g. indemnity from the Commission de la santé et de la sécurité du travail.

Recipients or applicants must exercise any right that would affect the amount of financial assistance received. Once this right has been exercised successfully, the amount must be repaid up to the value of the right.

4.7 Statements

4.7.1 Importance of declaring any changes

Recipients must declare any changes in their circumstances that could affect their eligibility or the benefit amount. Should they fail to declare such changes, they must reimburse any overpayments.

By not declaring a change, recipients could miss out on financial assistance they would normally receive. For example, failure to declare a temporary limited capacity for employment may prevent them from receiving a temporarily limited capacity allowance.

4.7.2 Monthly statement

The monthly statement is a form in which independent adults or adult members of a family indicate any changes in their family, financial or other circumstances.

Under the Social Assistance Program, independent adults or adult members of a family must file a monthly statement and return it **as soon as a change in their circumstances occurs or on the 15th day of each month**.

Under the Social Solidarity Program, independent adults or adult members of a family must file a monthly statement with the CLE **only if there are changes to declare**.

Independent adults or families with a claim slip for a limited period for their participation in an employment assistance measure or for help in re-entering the workforce must complete a monthly statement and return it to the CLE **only if there are changes to declare**.

The image shows two forms from the Québec government. The top form is a 'Monthly statement' form, and the bottom form is a 'Claim slip' form. Both forms are marked 'Spécimen' (sample) and include fields for file number, recipient information, and dates. The 'Monthly statement' form includes a 'NOT NEGOTIABLE' watermark and a 'Detach here' line. The 'Claim slip' form includes a 'Valid' stamp and a 'Detach here' line.

Monthly statement form details:

- Header: Finances Québec, B 175- 55945001
- Adm. pour: La Casse centrale Desjardins du Québec, Montréal (Québec)
- DATE: A A A A - M M - J J
- Text: THIS FORM IS TO BE FILLED IN AND RETURNED AS SOON AS THERE IS A CHANGE IN YOUR SITUATION (FAMILY, FINANCIAL OR OTHER).
- Watermark: NOT NEGOTIABLE
- Write your file number on all correspondence: File number, Month covered
- Form fields: Comp. item, Secteur, Bureau, Montant, Téléphone du prestataire (5945001)
- Telephone: Address of your centre local d'emploi
- Vertical text: Monthly statement, Employ Québec, Ministère de l'Emploi et de la Solidarité sociale

Claim slip form details:

- Header: Claim slip, Dental care covered, Reference
- Form fields: File number, Name of recipient, Message, Dependent children, Claim slip number
- Valid: From (If no. at your designated pharmacist's address below), To (At all drugstores)
- Signature: Deputy minister
- Text: This claim slip must be signed and kept by the recipient.
- Vertical text: Employ Québec, Ministère de l'Emploi et de la Solidarité sociale

MONTHLY STATEMENT BY TELEPHONE

Recipients may file their monthly statement by telephone if they:

- ◆ Are an independent adult or the head of a single-parent family;
- ◆ Have no severely limited capacity for employment or have a temporarily limited capacity for employment;
- ◆ Have changes to declare since the last monthly statement.

Further information can be found in the leaflet entitled *The Monthly Statement by Telephone*, available at the Department Web site or at CLEs.

4.8 Complete statement

To assess eligibility for a last-resort financial assistance program or to determine benefit amounts, the Department may require recipients to produce a complete statement. The required form, transmitted by the local employment centre, must be filled in and signed and then returned to the Department.

4.9 Waivering of rights and squandering of property or liquid assets

Individuals must not have waived their rights, disposed of property or liquid assets without adequate consideration or squandered them in order to become eligible or qualify their family for a last-resort financial assistance program or to be granted a greater amount than would otherwise have been the case.

This obligation also applies for the two years preceding an application.

The Department considers that a person has waived his or her rights or disposed of property or liquid assets when adequate consideration has not been received, for example, giving away a building or a large amount of money to another person.

The Department may take into account the value of the rights, property or liquid assets in calculating the benefit amount after subtracting an amount of \$1,500 a month for each month elapsed since the date at which disposal occurred, for no more than 2 years. The outcome is possible reduction, refusal or cancellation of financial assistance.

4.10 Benefits administered by another person

Under certain circumstances, the Department may designate a person or body to administer the financial assistance granted to independent adults or families unable to do so themselves if no tutor or curator has been appointed by the court. This is done with the consent of the person concerned.

The person or body must agree in writing to:

- ◆ Administer the financial assistance free of charge;
- ◆ Use the financial assistance reasonably, solely for the benefit of the adult or family and not derive any direct or indirect benefit from the financial assistance;
- ◆ Manage the financial assistance separately for each adult or family, so that the financial assistance can be identified and its existence can be justified (direct deposit, bank records, investments, etc.);

- ◆ Retain the vouchers for the expenses paid using the financial assistance the designated person or body administers and, at the request of the Minister, submit a report on the administration of the financial assistance to the Minister;
- ◆ Keep a book of account and make it available to the Department on request (in the case of a body).

If the adult concerned is placed in a rehabilitation centre, residential and long-term care centre or hospital centre, the designated administrator must not use the financial assistance granted by the Minister to pay expenses:

- ◆ Related to the services that the institution, intermediate resource or foster home must provide as part of its mission;
- ◆ Incurred by a person employed by the institution, intermediate resource or foster home.

However, the administrator may:

- ◆ Pay the cost of personal services that the institution, intermediate resource or foster home is required to provide, as long as the cost does not exceed the cost normally required for an equivalent service.

If the sums accumulate, they must be invested reasonably, the interest being added to the principal. A prudent administrator will ensure that there are **no surplus liquid assets** that could cause the financial assistance granted to be reduced.

The form for requesting appointment of an administrator is available at the Department Web site and at CLEs.

Persons whose assets are administered, or their representative, may request cancellation of the administration of benefits. Furthermore, the Department reserves the right to terminate the designation at any time, notably if the administrator fails to fulfil any prescribed obligations.

4.11 Discretionary power to grant benefits

The Department may grant benefits to independent adults or families if they are under circumstances that could endanger their health or safety or lead to their complete destitution.

This discretionary power applies when independent adults or families:

- ◆ Do not qualify for the Social Assistance Program or the Social Solidarity Program;
- ◆ Do not qualify for a benefit for a given period but qualify for these programs;
- ◆ Are no longer eligible under the programs.

In general, applications under this discretionary power are made to a CLE. The decision cannot be appealed. In other words, the Tribunal administratif du Québec cannot review or repeal the decision.

5 Claims and recovery

5.1 Establishing a claim

A person must repay to the Minister any amount granted under the Individual and Family Assistance Act that should not have been granted to the person or the person's family, unless it is an amount prescribed by regulation or an amount granted following an administrative error that the person could not reasonably have noticed.

The Department must ensure that the right persons or the right families receive financial assistance, and that the assistance they get corresponds with their situation. The activities carried out for this purpose respect the principle of sound management of public funds and equity among all persons.

When the Department claims an amount, it assesses whether **misrepresentation** has occurred. Recipients are considered to have misrepresented their circumstances if they have failed to provide information or have filed a statement or other document containing false, misleading or incomplete information in order to obtain financial assistance to which they are not entitled,

e.g. failure to declare work in a monthly statement.

Misrepresentation leads to severe recovery measures, such as recovery charges, monthly interest on a debt until it is repaid in full, and higher debt payments withheld from the monthly financial assistance granted.

In multiple instances of misrepresentation, the amount withheld from the social solidarity or the social assistance benefit is doubled.

AVOIDING SITUATIONS OF OVERPAYMENT

The financial assistance granted by the Department is determined on the basis of the information that recipients provide about their financial, family or other circumstances. To avoid having a claim issued to recipients, the Department urges them to:

- ◆ Provide all documents and information needed for studying the file;
- ◆ Accurately provide all information required for monthly or complete statements;

- ◆ Fulfill their obligations regarding participation in the measures laid out in their action plan for re-entering the labour market;
- ◆ Inform their CLE about any changes in their financial, family or other circumstances that could affect their benefit;
- ◆ Immediately inform their CLE of any money owed or issued by government agencies or by other sources, including child support from Revenu Québec or their debtor.

5.2 Solidarity of claims

Except in special cases, spouses are solidarily liable for claim repayment.

The total amount is claimed from both spouses, whether the recipient was receiving benefits as an independent adult or a family. Both people, whether they continue to live together as a couple or not, are liable for the claim until it has been repaid in full.

5.3 Financial assistance to a sponsored person

Sponsored persons are persons who have the right to reside in Québec because a third party (the sponsor) has agreed to assume full responsibility for them.

Sponsors are persons who, by signing a sponsorship agreement, agree to provide for the basic needs (clothing, housing, food) of the person being sponsored and to repay any social assistance or social solidarity benefits that may be paid to that person.

Sponsors assume financial responsibility for the full duration of the sponsorship agreement.

Sponsors are considered in default when they fail to comply with the sponsorship agreement and the sponsored person becomes a last-resort financial assistance recipient.

Regardless of the sponsored person's reasons for defaulting, all benefits paid to him or her become payable by the sponsor.

5.4 Recovery of financial assistance

5.4.1 Notice of claim and claim certificate

After sending a recipient a notice of claim, the Department then sends the debtor a claim certificate indicating the amount of the debt.

The certificate is received after expiry of the deadline for contesting the claim before the Tribunal administratif du Québec, namely, 98 days after issuance of the notice of claim if no recourse is sought. If the debtor has filed for a review, the certificate is sent 60 days after the review decision, or 30 days after the Tribunal administratif du Québec decision to fully or partly uphold the claim.

A claim certificate is a legal document informing debtors that their debt is due and must be repaid. Should debtors default on payment, the claim certificate empowers the Department to use any legal means at its disposal to recover overpayments.

5.4.2 Terms and conditions of repayment

Claims issued to individuals granted conditional financial assistance pending payments from another organization, such as the Commission de la santé et de la sécurité du travail or the Société de l'assurance automobile du Québec, are payable immediately and in full.

Otherwise, the following repayment methods apply:

> *If the debtor is receiving financial assistance from the Department*

An amount is withheld (monthly for last-resort financial assistance program recipients or every two weeks for employment-assistance allowance recipients) from the amount granted by the Department. The amounts withheld are indicated in the table below.

For recipients who receive more than one financial assistance amount under a Department program, only one is subject to withholding.

> *If the debtor is not receiving financial assistance from the Department*

The debtor’s monthly payment must be high enough to cover repayment in 36 months at

most. The monthly payment cannot be less than the amount withheld from a monthly benefit.

For debtors who cannot afford the mandatory monthly payment, a repayment agreement may be drafted based on their real ability to repay the amount owed.

For example:

- ◆ A claim in amount of \$1,800 in a case that does not involve misrepresentation requires repayments of at least \$56 a month.
- ◆ A claim in amount of \$3,600 in a case that involves misrepresentation requires repayments of at least \$112 a month.

There are several options for debt repayment:

- ◆ Electronic payment through pre-authorized debit;

AMOUNTS WITHHELD

	LAST-RESORT FINANCIAL ASSISTANCE (PER MONTH)	EMPLOYMENT ASSISTANCE ALLOWANCE (PER WEEK)
No misrepresentation	\$56	\$13
Misrepresentation	\$112	\$26
More than one instance of misrepresentation	\$224	\$52
Special cases*	\$22	—

* *Special cases:*

- *Independent adults in a shelter or foster home;*
- *The spouse of a student;*
- *Adults required to live in an establishment with a view to their reintegration into society;*
- *Sheltered minors with a dependent child.*

- ◆ Cash payments through a financial institution;
- ◆ By cheque or a series of postdated cheques sent to the:

Centre de recouvrement
Case postale 16300, Terminus postal
Québec (Québec) G1K 8Y4

- ◆ By postal money order to the above address.

Every two months, the Department sends debtors a statement of account to help them keep track of the amount to be repaid.

Any agreement reached and respected is better than legal action and prevents costly recovery charges from being applied. Furthermore, if the claim does not involve misrepresentation and the agreement is respected, no interest is charged.

> *Other means of recovery*

The Department has other ways of recovering the amounts claimed, namely, amounts withheld by Revenu Québec, and legal measures.

> *Amounts withheld by Revenu Québec*

All amounts issued by Revenu Québec, such as a tax return or the Québec Sales Tax credit, can be withheld as repayment of amounts owed to the Department.

> *Legal measures*

The Department is empowered to use the following legal recourse if debtors fail to comply with the prescribed rules of repayment:

- ◆ Legal hypothec;
- ◆ Salary seizure;
- ◆ Seizure of bank accounts and financial investments;
- ◆ Seizure of movable and immovable property.

5.4.3 Recovery charges

Recovery charges (interest charges, administrative fees and legal fees) may be added to the amount owing.

> *Interest charges*

In some cases, interest is charged as of the 98th day after the date indicated in the notice of claim. The rules for applying interest charges are as follows:

	RECEIVING FINANCIAL ASSISTANCE	NOT RECEIVING FINANCIAL ASSISTANCE
Claim involving misrepresentation	Interest charged until the debt is repaid in full	Interest charged until the debt is repaid in full
In other cases	No interest	No interest provided there is compliance with the payment agreement

> *Administrative fees*

The following administrative fees are added:

- ◆ \$100 for a claim of \$100 or more in a case involving misrepresentation;
- ◆ \$35 for any repayment cheque refused and returned by a financial institution;
- ◆ \$50 when the Department must file a claim certificate with the Court in order to protect its claim or have legal action taken;
- ◆ \$175 when the Department must take legal action.

> *Legal fees*

All legal fees, e.g. court costs, bailiff, incurred by the Department in taking legal action are added to the amount owed.

5.4.4 Cancellation of recovery and refund of debt payments

Under exceptional circumstances, the Minister may either fully or partially cancel recovery of an amount owing, or fully or partially refund the amount paid by a debtor. An application for such action must be filed with a CLE.

6

Other information

6.1 Review of a decision

Persons dissatisfied with a decision handed down by the Department can apply for a review.

An application for review must be made in writing in the **90 days** following receipt of the notice of decision sent by the Department. The *Application for Review form*, available at local employment centres or at the Department Web site, must be completed and then returned to the CLE, which will carry out the initial processing.

On request, the Department can help applicants to fill out the review application form.

Review offices are completely separate from the office that handed down the first decision. The application for review does not suspend execution of the contested decision, for example, a decision to reduce a benefit. However, when a social assistance or a social solidarity benefit (other than a special benefit) is reduced by more than half, it is re-instituted until the review decision is

made if this decision has not been handed down in the ten working days after:

- ◆ The day when the recipients concerned are ready to present their observations in support of the application, or, where applicable, provide the documents needed to complete their file if they have been given a deadline to do so;
- ◆ In other cases, the day of receipt of the application for review, or the day when the decision comes into force, whichever comes last.

6.2 Recourse before the Tribunal administratif du Québec

If an application for review is turned down because it was not filed within 90 days of receipt of the notice of decision, it may be contested before the Tribunal administratif du Québec in the **15 days** after the date at which the applicant was advised. If the Tribunal accepts the application, it is returned to the review office for a further decision.

Persons dissatisfied with a review decision may contest it before the Tribunal administratif du Québec in the **60 days** after the date of receipt of the notice of decision. The appropriate form is available at Tribunal offices. Tribunal decisions cannot be appealed.

Persons may also approach the Tribunal administratif du Québec if the review office failed to hand down its decision in the **90 days** following:

- ◆ The day of receipt of the application for review;

OR

- ◆ The day of the decision returned by the Tribunal if the Tribunal concludes that the application for review was not filed late or was admissible even if filed after the prescribed deadline;

OR

- ◆ The day on which applicants who requested an extension present their observations or provide documents.

If, under a review decision or a Tribunal decision, applicants are granted assistance initially refused or receive an amount greater than that initially granted, the Department may be required to pay interest.

Further information is found in the brochure entitled *Reviewing a Decision*, available at local employment centres or at the Department Web site at www.mess.gouv.qc.ca.

6.3 Income tax slips

Before the end of February of each year, the Department must send independent adults or families who receive last-resort financial assistance or who made payments during the fiscal year a relevé 5 slip and a T5007 slip.

The Government of Québec's relevé 5 slip indicates the payments made by and to the Department between January 1 and December 31. The relevé 5 slip includes the January benefit, if issued in December, and any Québec Sales Tax credit adjustments.

The Government of Canada's T5007 slip indicates the payments made by and to the federal government department between January 1 and December 31. The T5007 slip includes the January benefit, if issued in December.

Amounts entered in the relevé 5 slip must be declared in the Québec income tax return. Those entered in the T5007 slip must be declared in the federal income tax return. Explanations on where to enter these amounts is given on the reverse side of the slips.

Independent adults or families who received financial assistance under more than one Department measure or service may receive more than one provincial and federal slip.

Further information is found in the leaflet entitled *Relevé 5 Slip and T5007 Slip, Documents Required for Your Income Tax Returns*, available at local employment centres or at the Department Web site.

6.4 Information exchange

For the purposes of managing programs and granting financial assistance, certain information entered in the files of independent adults or families may be verified or cross-matched with other computer files.

The Department has signed agreements covering exchanges of information with the following government departments and agencies:

- ◆ Ministère de l'Éducation, du Loisir et du Sport;

- ◆ Ministère de la Justice;
- ◆ Ministère de l'Immigration et des Communautés culturelles;
- ◆ Revenu Québec;
- ◆ Ministère de la Sécurité publique;
- ◆ Ministère des Affaires municipales et des Régions;
- ◆ Ministère des Ressources humaines et du Développement social Canada;
- ◆ Commission de la santé et de la sécurité du travail;
- ◆ Directeur de l'état civil;
- ◆ Régie de l'assurance maladie du Québec;
- ◆ Régie des rentes du Québec;
- ◆ Société de l'assurance automobile du Québec;
- ◆ Agence du revenu du Canada.

These agreements are submitted to and approved by the Commission d'accès à l'information, which is responsible for applying the *Act respecting access to documents held by public bodies and the protection of personal information*.

Even though the Department may have the information needed to establish benefits through these information-sharing arrangements, applicants and recipients are nonetheless required to provide all requested information and documents. All personal information obtained is confidential.

6.5 The Department's client services

6.5.1 Bureau des renseignements et plaintes

The Bureau des renseignements et plaintes is the Department's main provider of information about legislation, programs, measures and services.

The Bureau provides general and specific information, in French and in English, on the programs and services offered by the Department, including information about:

- ◆ The *Individual and Family Assistance Act*;
- ◆ The *Individual and Family Assistance Act*;
- ◆ The *Act to promote workforce skills development and recognition*;
- ◆ The *Parental Insurance Act*;
- ◆ All Social Solidarity programs, measures and services;
- ◆ All public employment programs, measures and services.

The Bureau des renseignements et plaintes also provides:

- ◆ Assistance to help applicants fill in application forms and other Department documents;
- ◆ Explanations about a recipient's file pursuant to the Act respecting access to documents held by public bodies and the protection of personal information;
- ◆ Information on recipients' rights, obligations, and recourses.

The responsibilities of the Bureau des renseignements et plaintes are to:

- ◆ Inform persons of their rights and obligations under the Act and of any recourse available to them;
- ◆ Enhance the quality of services provided under the Act;
- ◆ Monitor the level of satisfaction with the measures, programs, and services provided for in the Act;
- ◆ Make recommendations to the Minister to correct prejudicial situations and prevent them from reoccurring;
- ◆ Give due consideration to clients' opinions and observations concerning the services, measures, and programs provided for under the Act;
- ◆ Check and analyze all complaints submitted to the Bureau, except those that are clearly unfounded, i.e. complaints that are not within the purview of the Bureau.

To file a complaint:

- ◆ Individuals dissatisfied with a Department decision or service can file a complaint with the Bureau des renseignements et plaintes. All complaints, which are strictly confidential, are checked to ensure compliance with decisions regarding recipients' files.

6.5.2 Centre de communication avec la clientèle

The Centre de communication avec la clientèle is a client call centre whose mission is to quickly answer all questions from the public on a variety of Social Solidarity services. CCC officers can also make certain changes to the files of last-resort financial assistance recipients (all operations are fully confidential).

The CCC is thus a gateway to the Department and responds quickly to client requests such as the following:

- ◆ Obtain information on the Social Assistance Program, the Social Solidarity Program and other social solidarity services;
- ◆ Obtain information about the status of a file;
- ◆ Receive explanations concerning a decision notice or claim;
- ◆ Receive help in completing a form;
- ◆ Report a change of address;
- ◆ File a claim for special benefits, such as eyeglasses and dental prostheses;
- ◆ Make corrections to a relevé 5 or relevé 1 slip or obtain a copy for income tax purposes;
- ◆ Get a new claim slip;
- ◆ Report a change in circumstances, such as a move or new job.

6.5.3 Local employment centres

Each CLE provides resources and services for:

- ◆ People who need employment or last resort assistance;
- ◆ Employers who have job openings and who have questions about the labour force and skills development.

All CLEs have a reception area, a multi-service room, and financial assistance services. Employment assistance services are also provided in most CLEs.

RECEPTION SERVICES

Clients can use the reference documents and cutting-edge computer equipment in the multiservice room. Staff are also on hand to provide information, help with job searches, and direct clients to the resources that best meet their needs.

For example:

- ◆ The Online Placement service, an Emploi-Québec Web site which lists job offers in Québec and elsewhere in Canada and which matches employee skills with employer needs and is accessible to employers and job seekers. Users may also post their skills profile or make changes to it.
- ◆ Online IMT, another Emploi-Québec Web site. It provides information about the labour market.
- ◆ The Sécurité du revenu bank that allows searchers to consult social solidarity decisions handed down by the Tribunal administratif du Québec (TAQ) and superior tribunals since 1998.
- ◆ Information brochures and folders on employment assistance services and social solidarity services.
- ◆ Bulletin boards where notices on job openings, training courses, and information workshops are posted.
- ◆ Telephones, faxes, and photocopiers that clients can use to contact employers and send out résumés.
- ◆ A documentation centre, which has a collection of employment lists, directories and specialized publications and that offers:
 - ▶ Information on labour requirements for a given region;

- ▶ Personal computers for drafting a resumé or cover letter or for visiting job search sites on the Web.

ASSESSMENT AND REFERRAL SERVICES

Clients whose state of health allows them to work and who want to obtain employment services or file for last-resort financial assistance are seen by an officer who assesses their employment situation, identifies their needs in terms of job search assistance and, if applicable, evaluates their application for last-resort financial assistance.

PUBLIC EMPLOYMENT SERVICES

Clients who want to obtain employment services can meet with an officer who will help them decide what services, measures, or other activities are most suitable for them. If needed, CLE staff will help them set up an action plan.

What is offered:

- ◆ Counselling on how to research a job, write up a resumé and prepare for job interviews;
- ◆ Information or referral to outside resources that offer job search assistance services;
- ◆ Career counselling services;
- ◆ Activities to help clients develop their skills;
- ◆ Information on job-site apprenticeship in a trade;
- ◆ General or vocational information to help clients upgrade and increase their skills and adapt them to new technologies;

46 ◆ Information about Social Assistance Program and Social Solidarity Program

- ◆ Information on how to start up an enterprise and support for clients in creating their own jobs.

Emploi-Québec advises and supports clients in their efforts to join the workforce and, if needed, offers financial assistance.

SOCIAL SOLIDARITY SERVICES

The reception area of Social Solidarity services is for people who:

- ◆ Have no financial resources;
- ◆ Need help from their officer;
- ◆ Want information about available services and their rights and obligations.

A list of local employment centres is located at the Department Web site at www.mess.gouv.qc.ca or in the blue pages of telephone directories.

Some terms you should know

Adjustment

The additional amount of monthly financial assistance that can be paid to an adult or a family under the Social Assistance Program or the Social Solidarity Program. There are two kinds of adjustments: the QST adjustment, and the adjustment for dependent children.

The QST adjustment is an advance on Revenu Québec's Québec Sales Tax credit. The adjustment for dependent children is an amount intended to provide for the essential needs of children in recipient families and that are not covered, or only partly covered, by other financial assistance programs, namely, the Régie des rentes du Québec's child assistance and the federal government's National Child Benefit Supplement.

Claim

Action taken by the Department to claim back, from an individual or a family, recoverable financial assistance or an amount that should not have been granted. In such cases, the person or family receives a notice of claim.

Claim slip

The claim slip, also called the "drug card," is a document that enables holders to obtain certain drugs prescribed by a physician. The claim slip also entitles them to certain services, such as eye tests and dental care.

A claim slip is issued to adults or families admitted to the Social Assistance Program or the Social Solidarity Program. Under certain circumstances, claim slips may also be given to adults who find a job or who participate in an active Emploi-Québec measure, or to adults or families who do not receive last-resort financial assistance but have high drug-related costs.

Employment assistance allowance

Financial assistance paid to participants in an active employment assistance measure that entitles them to such assistance.

Employment Insurance (program)

Under this federal government program, commonly called «unemployment insurance,» temporary financial assistance is granted to persons without jobs or who are ill.

Income

Amounts considered in determining eligibility for financial assistance and the benefit amount granted. Sources of income include earnings, a Régie des rentes du Québec pension, or income replacement from the Commission de la santé et de la sécurité du travail or the Société de l'assurance automobile du Québec.

Liquid assets

Amounts of money to which an independent adult or a family has access in the short term. In general, liquid assets include cash in a bank account or credit union account that an individual or a family has in hand, as well as other assets that can be converted into cash, such as savings bonds, term deposits, or shares.

Parental contribution

Assistance that parents are supposed to provide to their children to meet their needs. Parental contributions apply to the Social Assistance Program and the Social Solidarity Program and are considered resources that may lower benefit amounts.

Property

All movables and immovables (furniture, motor vehicle, cottage, residence, etc.) owned by an independent adult or a family.

Recovery

Actions taken by the Department to recover overpayments.

Review

When allowed by law, an individual who is not satisfied with a decision made by the Department may request a review.

Special benefits

Under the Social Assistance Program or the Social Solidarity Program, special benefits are financial assistance amounts granted to provide for certain special needs, particularly medical ones, such as eyeglasses, or for unforeseen events, such as a fire.

