

chapter A-16

SOCIAL AID ACT

*Chapter A-16 is replaced by the Act respecting income security (chapter S-3.1.1). (1988, c. 51, s. 92).
1988, c. 51, s. 92.*

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REPEAL SCHEDULE

DIVISION I

DEFINITIONS

1. In this act and in the regulations, unless the context indicates a different meaning, the following expressions and words mean:

(a) “social aid” : any benefit granted under this act;

(b) “family” : the consorts or the surviving consort and a dependent child of theirs, a consort separated judicially or in fact and a dependent child of that consort, consorts having no dependent child or an unmarried person and a dependent child of that person;

(c) “adult” : an individual or, in the case of a family, the member or members of that family other than a dependent child;

(d) “consorts” : a man and a woman who are married and cohabit, or who live together as husband and wife;

(e) “dependent child” : an unmarried child who is less than 18 years of age or, if he is 18 years of age or more, regularly attends an educational institution and depends for his subsistence on his father or mother or, in the cases prescribed by regulation, another adult;

(f) “individual” : any person who is not a member of a family;

(g) “Minister” : the Minister of Manpower and Income Security;

(h) “regulation” : any regulation made under this act by the Government.

1969, c. 63, s. 1; 1970, c. 42, s. 17; 1970, c. 44, s. 1; 1974, c. 39, s. 52; 1978, c. 71, s. 1; 1981, c. 9, s. 35; 1982, c. 53, s. 57; 1984, c. 27, s. 11.

DIVISION II

THE RIGHT TO SOCIAL AID

2. The Minister is authorized to grant social aid in the cases contemplated by this act to every family or individual entitled thereto under this act and the regulations.

1969, c. 63, s. 2.

3. Social aid shall be granted on the basis of the deficit which exists between the needs of, and the income available to, a family or individual, provided that such family or individual is not excluded therefrom by reason of the value of the property which it or he owns.

1969, c. 63, s. 3.

4. Social aid shall be furnished in money, in kind or in the form of services, of a loan or of a guarantee of the repayment of a loan in accordance with the regulations.

1969, c. 63, s. 4.

5. The needs of a family or individual are either ordinary or special.

Ordinary needs are food, clothing, household and personal requirements and any other costs relating to the habitation of a house or lodging.

All other needs are special needs.

1969, c. 63, s. 5.

6. *Social aid shall meet the ordinary and special needs of any family or individual lacking means of subsistence.*

1969, c. 63, s. 6.

7. *Social aid shall not be granted to an individual who attends an educational institution at the college or university level as a full time student or to a family where an adult attends an educational institution at the college or university level as a full time student, except where such aid is necessary to prevent such individual or such family from being faced with a situation which endangers to health or threatens to lead to the complete destitution of such individual or family.*

1969, c. 63, s. 7; 1978, c. 71, s. 2; 1981, c. 12, s. 37.

8. *Social aid shall not be granted to an individual who, within the meaning of the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1), has lost his employment in consequence of a stoppage of work attributable to a labour dispute or to a family where an adult has lost his employment in similar circumstances.*

The adult who could not or was not declared eligible for benefits by the Canada Employment and Immigration Commission under the Unemployment Insurance Act due to the fact that he has lost his employment in consequence of a stoppage of work attributable to a labour dispute, is considered to have lost his employment in consequence of a stoppage of work attributable to a labour dispute.

The aid may be granted from the time that the individual or the adult of a family could be declared eligible by the Canada Employment and Immigration Commission for the benefits contemplated in the second paragraph, or sooner when the Minister may conclude that the labour dispute may be considered to be ended according to the criteria determined by regulation.

However, the aid that was already being paid to that individual or to that family and would have continued to be paid even if the adult had remained in his employment may continue to be paid to him to the same extent and on the same conditions.

1969, c. 63, s. 8; 1978, c. 71, s. 2; 1984, c. 27, s. 12.

9. *Social aid shall not be granted to an individual who is a member of a religious community capable of providing for the needs of its members or receives a public assistance allowance granted under the Public Charities Act (Revised Statutes, 1964, chapter 216).*

1969, c. 63, s. 9; 1978, c. 71, s. 2.

10. *A family or individual to whom social aid has been granted may continue to receive such aid after such family or individual has recovered sufficient means to meet its or his needs, for the purpose of ensuring the complete and permanent rehabilitation of such family or of such individual in accordance with the regulations.*

1969, c. 63, s. 10; 1978, c. 71, s. 2; 1981, c. 12, s. 38.

11. *The Minister may propose a recovery plan to a family or individual who is receiving or who applies for social aid.*

The recovery plan may include, in particular, the participation of an individual or a member of a family in a program of work activities or a training program established in view of developing the recipient's qualifications for an employment.

The criteria of eligibility to a program established under the second paragraph may take the recipient's age into account.

1969, c. 63, s. 11 (part); 1978, c. 71, s. 2; 1984, c. 5, s. 1; 1984, c. 47, s. 2.

11.0.1. *Notwithstanding section 7, the Minister may continue to grant social aid to a family that includes only one adult where that adult is attending an educational institution at the college or university level as a full time student under a training program designated by regulation.*

1984, c. 47, s. 3.

11.1. *The Government, by regulation, shall designate to which work activities programs or training programs sections 11.2 to 11.4 apply.*

1984, c. 5, s. 2.

11.2. *In the case of an individual or a family having no dependent child, needs relating to a recipient's participation in a designated program are special needs to the extent determined by regulation for each program.*

In all other cases, needs described in the first paragraph are special needs to the extent determined by the Minister for each recipient, but not in excess of the amount determined by regulation.

1984, c. 5, s. 2.

11.3. *The Labour Code (chapter C-27), the Act respecting collective agreement decrees (chapter D-2), the Civil Service Act (chapter F-3.1), the Public Service Act (chapter F-3.1.1) and the provisions in respect of wages in the Act respecting Labour Standards (chapter N-1.1) do not apply to a recipient doing work under a designated program.*

1984, c. 5, s. 2.

11.4. *(Repealed).*

1984, c. 5, s. 2; 1985, c. 6, s. 484.

12. *Social aid may be refused, discontinued, suspended or reduced in the case of any adult who, without sufficient reason:*

- (a) refuses or abandons any employment which he could have held or continued to hold;*
- (b) refuses or neglects to avail himself of the appropriate training or rehabilitation measures indicated by the Minister except to the extent prescribed by the regulations;*
- (c) refuses to accept a recovery plan proposed to him under section 11 or ceases to comply with it after he has accepted it;*
- (d) refuses or neglects to exercise his rights and recourses;*
- (e) refuses or neglects to avail himself of the advantages which he may receive under any other law;*
- (f) refuses or neglects to furnish the information and documents required for the consideration of his application.*

It may also be refused, discontinued, suspended or reduced in the case of any person who does not comply with this act or the regulations.

The first paragraph does not apply to a recipient who refuses or ceases to participate in a program designated pursuant to section 11.0.1 or 11.1.

1969, c. 63, s. 12; 1978, c. 71, s. 3; 1981, c. 12, s. 39; 1984, c. 5, s. 3; 1984, c. 47, s. 4.

13. *An individual or a family shall repay the social aid received while awaiting the exercise of a right, up to the sums of money or the value of the property received, whether or not the individual or family is receiving social aid at the time of the event that gives rise to the exercise of the right.*

Unless the Minister has elected to be subrogated to the rights of the individual or family, the first paragraph applies of right from the date of the event giving rise to the exercise of the right to the date it is exercised, whether or not it is a personal right.

1969, c. 63, s. 13; 1977, c. 5, s. 14; 1980, c. 21, s. 18; 1984, c. 27, s. 13.

13.0.1. *A person who receives social aid when he has been declared ineligible for allowances or benefits payable under an Act in force in Québec or elsewhere, for a reason that, under this Act, would allow the application of subparagraph a of section 12, or whose allowances or benefits so payable have been withheld to repay an overpayment or as a penalty, must repay such aid up to the amount of the allowances or benefits that have been denied to him.*

1981, c. 25, s. 1.

13.1. *If social aid is paid to a creditor of support before or after such support has been granted to him by judgment, the Minister is subrogated of right in the rights of the creditor up to the amount of the aid granted and the amounts due by the debtor, unless the creditor elects to exercise his recourse himself.*

The Minister may, to exercise the subrogation, take any proceeding that the creditor himself could have taken.

If the amount of the support is greater than the amount of the aid, the creditor may mandate the Minister in writing, if he is subrogated, to collect the difference on his behalf.

1980, c. 21, s. 18; 1981, c. 12, s. 40.

13.2. *A beneficiary may authorize the collector of support payments who acts for his benefit under article 659.3 or 661.1 of the Code of Civil Procedure (chapter C-25), or the prothonotary of the district in which the seizure is effected, to pay to the Minister part of the sums that he collects.*

However, the collector of support payments or the prothonotary of the district in which the seizure is effected must, on demand, remit to the Minister the amounts collected where they represent arrears of support payable for a period during which the beneficiary received social aid.

1980, c. 21, s. 18; 1981, c. 12, s. 41.

13.3. *No individual who may become eligible for benefits under the Unemployment Insurance Act, 1971 following a cessation of work, or family of which an adult is in such a situation, may receive social aid from the date of the cessation until the expiry of the period determined by regulation, except when such aid is necessary to prevent the individual or the family from finding himself or itself in a situation that endangers his or its health or may cause him or it to become totally destitute.*

Notwithstanding the foregoing, social aid may be granted during the period contemplated in the first paragraph, to the extent that an individual or a family remains eligible therefor, taking into account the unemployment insurance benefits due for the said period.

1984, c. 27, s. 14.

DIVISION III

CONDITIONS OF SOCIAL AID

14. No person ceases to be a member of a family for the sole reason that he is temporarily away from the family home, except in the cases determined by regulation.

1969, c. 63, s. 14; 1978, c. 71, s. 4.

15. No member of a family shall receive social aid in an individual capacity.

1969, c. 63, s. 15.

16. No person less than eighteen years of age may receive social aid as an individual.

Such a person shall be considered an adult forming a family with another person only if he is married to that person or is the father or the mother of a dependent child.

1969, c. 63, s. 16; 1978, c. 71, s. 5.

17. The Minister may designate any person or body to act as trustee for any person who receives social aid, and to receive as such any sums of money or other things furnished under this act. Every trustee so designated shall render account to the Minister at his request and remit any balance to him, if necessary.

1969, c. 63, s. 17.

18. Social aid must be granted without discrimination, exclusion or preference based on the race, colour, sex, religion, language, national extraction, social origin, morals or political convictions of the person applying therefor or of the members of his family.

1969, c. 63, s. 18.

19. Any person who wishes to receive social aid must apply therefor in the manner prescribed by the regulations.

1969, c. 63, s. 19.

20. Within the shortest possible delay, the Minister shall study each applicant's case to decide as to his eligibility for social aid and to determine the most appropriate form of aid.

1969, c. 63, s. 20.

21. The Minister may guarantee total or partial repayment, in capital and interest, of any loan made to a person entitled to receive social aid, up to the amounts which he is so entitled to receive.

1969, c. 63, s. 21.

22. The benefits paid as social aid shall terminate with the payment for the month during which the recipient ceases to meet the conditions of eligibility, subject to section 10.

1969, c. 63, s. 22.

23. All property assigned or transferred by a person who has applied for social aid or by a person who is a member of a family for which social aid has been applied for, within the three years preceding the date of the application shall be presumed to have been assigned or transferred for the purpose of rendering such person or such family eligible for social aid or for benefits higher than those which would otherwise have been granted to him or it.

1969, c. 63, s. 23.

24. *The sums paid or things furnished as social aid shall be inalienable and unseizable; they must be used for the purposes for which social aid has been granted.*

1969, c. 63, s. 24.

25. *Every person shall notify the Minister forthwith of any change in his situation which renders inaccurate the information which he has given with a view to obtaining social aid or, in his case, affects the benefits granted to him.*

Every person having received or receiving social aid must repay the amount or value thereof in accordance with the modalities and time limits and with interest as prescribed by regulation if

(a) the aid was granted while section 13 applied or where the aid was granted as a guarantee of repayment of a loan;

(b) the aid was granted when the person was not entitled thereto; or

(c) the aid is used for purposes other than those for which it has been granted;

(d) the aid was granted while benefits or allowances referred to in section 13.0.1 were withheld from him.

The value of the aid may be recovered at any time as a debt due to the public treasury; it may also be deducted from any future payment, in accordance with the regulations, or from a refund due by the Minister of Revenue pursuant to the application of a fiscal law in accordance with section 31 of the Act respecting the Ministère du Revenu (chapter M-31).

A person may be exempted, in accordance with the regulations, from the repayment provided for under the second paragraph if his income is less than the allowable income determined by regulation.

1969, c. 63, s. 25; 1981, c. 12, s. 42; 1981, c. 25, s. 2; 1984, c. 27, s. 15.

26. *(Repealed).*

1969, c. 63, s. 26; 1977, c. 5, s. 14; 1980, c. 21, s. 19.

DIVISION IV

REVIEW

27. *Every person who feels wronged because he or his family has been refused social aid, or because he considers the aid or the form of aid granted to be insufficient, or because he is dissatisfied with the manner in which the aid has been granted, or because, in his case, the aid has been reduced, suspended or discontinued, may apply for a review of the decision rendered.*

1969, c. 63, s. 27.

27.1. *Where legal aid is a special need, the review shall be made in accordance with sections 74 and following of the Legal Aid Act (chapter A-14).*

1982, c. 58, s. 13.

28. *Every request for review shall be made by an application in writing within sixty days after the date on which the complainant was notified of the decision which he requests to have reviewed.*

The application for review shall contain a summary statement of the reasons invoked and shall be sent to the Minister or the person appointed for that purpose by him in accordance with the regulations.

Upon receiving the application for review, the Minister or that person must verify the facts and circumstances of the case, analyse the reasons invoked and render his decision within thirty days after receiving the application for review. He shall immediately give a written notice to the person concerned of the decision rendered, the grounds upon which it was based and the right of such person to appeal therefrom in accordance with this fact.

1969, c. 63, s. 28; 1978, c. 71, s. 6.

29. *Notwithstanding section 28, the Minister may allow the complainant to apply for review after the delay contemplated in the first paragraph of section 28 if he shows that it was impossible in fact for him to act sooner. An appeal from such decision lies before the Commission des affaires sociales within fifteen days of the date on which it was notified to the complainant.*

If the Commission quashes the decision of the Minister made under this section, the Minister or the person designated by him must examine the facts and conditions of the matter, analyse the reasons invoked and render his decision within thirty days after receiving the decision of the Commission.

The Minister shall immediately give a written notice to the person concerned of the decision rendered, the grounds upon which it was based and of the right of such person to appeal therefrom in accordance with this act.

1969, c. 63, s. 29; 1978, c. 71, s. 6.

DIVISION V

APPEAL

30. *Any person contemplated by section 27 who believes he is aggrieved by a decision rendered under section 28 or under the second paragraph of section 29 may appeal therefrom to the Commission des affaires sociales.*

1969, c. 63, s. 42; 1970, c. 44, s. 4; 1974, c. 39, s. 54; 1977, c. 5, s. 14; 1978, c. 71, s. 7.

DIVISION VI

REGULATIONS

31. *In addition to the other regulatory powers assigned to it by this act, the Government, subject to the provisions of this act, may make regulations respecting:*

(a) the income which may be excluded in computing the deficit of a family or individual for the purposes of the carrying out of section 3, and the manner of establishing the value or amount of such income;

(b) the value of the property owned by a family or individual beyond which such family or individual is excluded from social aid and the manner of establishing the amount thereof and the extent to which the property contemplated in section 23 is to be included in determining that value if the presumption of that section is not overturned;

(c) the cases in which social aid may be furnished in money, in kind or in the form of services, loans or guarantees of repayment of a loan;

(d) the costs relating to the habitation of a house or lodging which may be included among the ordinary needs of a family or individual in accordance with section 5;

(e) the extent to which the ordinary needs of a family or individual may be met through social aid and the methods whereby such needs must be proven and appraised; in determining what the aid shall be, account may be taken of the age or capacity for work of an individual or of the members of a family having no

dependent children, having had no children who are deceased, or the fact that a family or individual is living with a relative or a child;

(f) the special needs that may be met by social aid, the extent to which they may be met, the methods whereby they are to be proven and appraised, and the conditions of eligibility for social aid with respect to special needs;

(g) the cases in which the physical or mental disability of an individual or of an adult member of a family renders such individual or family eligible for social aid and the manner in which such disability is to be established;

(h) the terms on which the requirements that may be embodied in any recovery plan proposed by the Minister to a family or individual in accordance with section 11 are to be established, including the requirements respecting the consolidation of the debts of such family or individual and the training and rehabilitation measures to apply to such family or individual;

(i) the terms and conditions on which a family or individual may continue to receive social aid after recovering its or his means of subsistence, and the conditions on which such family or individual shall subsequently remain eligible for social aid;

(j) the conditions on and the extent to which social aid may be refused, discontinued, suspended or reduced in the cases contemplated in section 12, taking into account the age, the capacity for work, whether an individual or a family is concerned or the fact that there already has been refusal or abandonment, without sufficient cause, of an employment that the adult could fill or continue to fill;

(k) the circumstances in which a person ceases to be a member of a family when he is temporarily away from the family home;

(l) (subparagraph repealed);

(m) the conditions on which the Minister may designate a trustee to receive as such the sums of money or other things furnished to any person as social aid;

(n) the form and tenor of the applications for social aid, the forms which the Minister may establish and prescribe and the information and proof to be furnished by any person applying therefor;

(o) the terms of the payments of financial aid in money as social aid, the time when such payments are to commence and the frequency thereof;

(p) the terms of the loans and of the guarantees thereof made as social aid, and the delay for repayment;

(q) the notices to be given to any person applying for social aid in consequence of every decision rendered on such application, and the manner in which such person is to be notified of his recourses in review or in appeal;

(r) the formalities of review and the conditions on which social aid is re-established pending a decision following an application for review;

(s) the mode of repayment of social aid, the minimum amount of each payment claimed, the conditions on and the cases and circumstances in which the amount is increased and the time when the repayment begins;

(s.1) the conditions on which interest is payable on a repayment, the rate of the interest and the amount to which it applies;

(s.2) the cases and circumstances in which an individual or a family is exempt from the repayment of capital or interest;

- (t) the cases in which a person is deemed to be attending an educational institution;*
- (u) the cases in which the Minister may recognize an educational institution for the purposes of this act;*
- (v) the rules and terms and conditions applicable to Inuit and Indians;*
- (w) the definition of the expressions “family home” for the purposes of this act;*
- (x) the cases where a child shall be considered not to depend on an adult for his subsistence;*
- (y) the cases where a child is considered to be dependent for his subsistence on an adult other than his father or mother;*
- (z) the criteria according to which the Minister may conclude that a labour dispute may be considered to be ended;*
- (z.1) the determination of the period contemplated in section 13.3.*

Such regulations shall be published in the Gazette officielle du Québec and shall come into force on the date of such publication or on such later date as is fixed therein for such purpose.

1969, c. 63, s. 48; 1978, c. 71, s. 8; 1981, c. 12, s. 43; 1981, c. 25, s. 3; 1984, c. 27, s. 16.

32. (Replaced).

1976, c. 28, s. 1; 1979, c. 16, s. 50.

33. (Replaced).

1976, c. 28, s. 1 (part); 1979, c. 16, s. 50.

34. (Replaced).

1976, c. 28, s. 1; 1979, c. 16, s. 50.

DIVISION VII

MISCELLANEOUS

35. *With the authorization of the Government, the Minister may enter into any agreement with the Government of Canada or any body thereof, and with any other government, body or person, in accordance with the interests and rights of Québec, to facilitate the carrying out of this act.*

1969, c. 63, s. 49.

36. *The officers and employees of the Ministère de la Main-d’oeuvre et de la Sécurité du revenu shall lend their assistance to any person who requires it, to help him receive the social aid benefits to which he is entitled, especially by assisting him in drawing up an application for social aid or for review or a declaration in appeal contemplated by this act.*

Such obligation shall also devolve upon the officers and employees of any body or person with which or whom an agreement has been made in accordance with section 35.

1969, c. 63, s. 50; 1970, c. 42, s. 17; 1977, c. 5, s. 14; 1981, c. 9, s. 35; 1982, c. 53, s. 57.

36.1. *The Government may generally or specially authorize an officer of the Ministère de la Main-d’oeuvre et de la Sécurité du revenu to conduct an inquiry on any matter respecting the application of this Act or a regulation.*

That person is vested, for the purposes of his inquiry, with the powers and immunity granted to commissioners appointed pursuant to the Act respecting Public Inquiry Commissions (chapter C-37), except the power to impose imprisonment.

1981, c. 25, s. 4; 1982, c. 53, s. 57.

37. *Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Minister may obtain from any government department or body any information that he considers necessary respecting the benefits of any kind which such department or body has paid, is paying or would be authorized to pay to any person who receives or applies for social aid.*

1969, c. 63, s. 51; 1986, c. 95, s. 13.

37.1. *(Repealed).*

1981, c. 25, s. 5; 1984, c. 27, s. 17.

38. *Every officer or employee of the Ministère de la Main-d'oeuvre et de la Sécurité du revenu, every trustee designated under section 17 and every person participating in the carrying out of this act under the provisions thereof, the regulations or an agreement contemplated in section 35 who, without being duly authorized thereto, reveals anything which has come to his knowledge in the carrying out of this act, shall be guilty of an offence and liable, on summary proceeding, in addition to the other penalties which may be imposed upon him, to a fine of not less than \$100 nor more than \$1 000 and to payment of the costs.*

Proceedings taken under this section shall be authorized by the Minister.

1969, c. 63, s. 52; 1970, c. 42, s. 17; 1977, c. 5, s. 14; 1981, c. 9, s. 35; 1982, c. 53, s. 57.

39. *Subject to section 38, the following shall be liable, on summary proceeding, in addition to payment of the costs, to a fine not exceeding \$200 or to imprisonment for not more than six months, or to both penalties together:*

(a) any person who infringes any provision of this act or of the regulations;

(b) any person who fraudulently or in bad faith obtains or receives social aid to which he is not entitled or

(c) any person who knowingly assists or abets another person in obtaining or receiving social aid to which he is not entitled.

Every person convicted of an offence contemplated in subparagraph b or c may in addition be condemned to a fine which shall not exceed the amount obtained fraudulently or without right.

1969, c. 63, s. 53.

DIVISION VIII

FINAL PROVISIONS

40. *The Minister of Manpower and Income Security shall have charge of the carrying out of this act.*

1969, c. 63, s. 72; 1970, c. 42, s. 17; 1981, c. 9, s. 35; 1982, c. 53, s. 57.

41. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 63 of the statutes of 1969, in force on 31 December 1977, is repealed, except sections 11 (part), 48b (part), 58, 59, 66 to 71, 73 and 74, effective from the coming into force of chapter A-16 of the Revised Statutes.