

MINISTER OF SOCIAL DEVELOPMENT
AND POVERTY REDUCTION

BILL 7 – 2024

**SOCIAL DEVELOPMENT AND POVERTY REDUCTION
STATUTES AMENDMENT ACT, 2024**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Employment and Assistance Act

1 Section 1 of the Employment and Assistance Act, S.B.C. 2002, c. 40, is amended

(a) by adding the following definitions:

“**client needs assessment**” means an assessment, in such form as the minister determines, that is completed by the minister under section 9 [*client needs assessment and employability plan*];

“**employability plan**” means a plan, in such form as the minister determines, that is entered into by the minister and a recipient or dependent youth under section 9; , **and**

(b) by repealing the definition of “employment plan”.

2 Section 9 is repealed and the following substituted:

Client needs assessment and employability plan

- 9**
- (1) Each recipient in a family unit must, when required to do so by the minister,
 - (a) participate, to the minister’s satisfaction, in the completion of a client needs assessment, and
 - (b) enter into an employability plan with the minister.
 - (2) The minister may, in an employability plan, specify conditions with which a recipient must comply.
 - (3) A dependent youth may request that the minister complete a client needs assessment for the youth.
 - (4) If the minister completes a client needs assessment at the request of a dependent youth under subsection (3), the youth may request that the minister enter into an employability plan with the youth.
 - (5) The minister may at any time amend, suspend or cancel an employability plan.

(6) A decision of the minister in respect of any of the following matters is final and conclusive and not open to review by a court on any ground or to appeal to the tribunal under section 17 (3) [*reconsideration and appeal rights*]:

- (a) a requirement that a person participate in a client needs assessment;
- (b) a requirement that a person enter into an employability plan;
- (c) the specification, in an employability plan, of conditions with which a recipient must comply;
- (d) the amendment, suspension or cancellation of an employability plan.

3 Section 10 is amended

(a) by repealing subsection (1),

(b) by adding the following subsections:

(1.1) The minister may, for the purpose of determining or auditing eligibility for income assistance, hardship assistance or a supplement, do one or more of the following:

- (a) direct an applicant or recipient to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by an applicant or recipient;
- (c) direct an applicant or recipient to supply verification of any information the applicant or recipient supplied to the minister.

(1.2) The minister may, for the purpose of assessing employability and skills or assessing compliance with the conditions of an employability plan, do one or more of the following:

- (a) direct a recipient or dependent youth to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by a recipient or dependent youth;
- (c) direct a recipient or dependent youth to supply verification of any information the recipient or dependent youth supplied to the minister. ,
and

(c) by repealing subsections (3) and (5).

4 Section 11 is repealed and the following substituted:

Reporting requirements

11 For a family unit to be eligible for income assistance or hardship assistance, a recipient must submit a report to the minister in accordance with the regulations.

5 Section 13 is repealed and the following substituted:

Consequences of not meeting specified obligations

- 13** (1) The minister may, in any of the following circumstances, impose on a family unit one or more of the consequences that are prescribed by the Lieutenant Governor in Council:
- (a) a recipient does not, to the satisfaction of the minister, participate in the completion of a client needs assessment when required to do so by the minister;
 - (b) a recipient does not enter into an employability plan when required to do so by the minister;
 - (c) a recipient does not, to the satisfaction of the minister, comply with the conditions of an employability plan.
- (2) The Lieutenant Governor in Council may specify by regulation categories of recipients or family units in respect of which one or more consequences prescribed under subsection (1) do not apply.

6 Section 15.1 is repealed.

7 Section 17 is amended

(a) by repealing subsection (1) (e) and substituting the following:

- (e) a decision under section 9 (2) [*client needs assessment and employability plan*] to specify conditions of an employability plan. , **and**

(b) in subsection (3) by striking out “sections 9 (7) [*employment plan*]” and substituting “sections 9 (6) [*client needs assessment and employability plan*]”.

8 Section 19 (5) is amended by striking out “in the time and manner and at the rates prescribed by the Lieutenant Governor in Council”.

9 Section 21 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) A person who has a right of appeal to the tribunal must commence the appeal within the prescribed time limits and in accordance with the prescribed rules. , **and**

(b) in subsection (2) by striking out “period specified under subsection (1)” and substituting “applicable time limits”.

10 Section 23 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) If, at any time before a panel makes a decision under section 24 [*decision of panel*], the person who commenced the appeal notifies the tribunal or the panel chair that the person wishes to withdraw the appeal, the appeal is deemed to have been dismissed by the panel. , **and**

(b) by adding the following subsection:

- (1.1) The chair must notify the minister if an appeal is deemed to have been dismissed under subsection (1).

11 The following Part is added:

PART 3.1 – AGREEMENTS RESPECTING THE *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT*

Definitions for this Part

26.1 In this Part:

“decision-making agreement” means an agreement negotiated and entered into under section 7 [*decision-making agreements*] of the *Declaration on the Rights of Indigenous Peoples Act* relating to statutory powers of decision under this Act;

“Indigenous governing body” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“Indigenous peoples” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“minister’s duty” means a duty, responsibility or function given by law to the minister respecting the administration or enforcement of this Act, but does not include a statutory power of decision;

“minister’s power” means a power or right given by law to the minister respecting the administration or enforcement of this Act, but does not include a statutory power of decision;

“power or duty agreement” means an agreement entered into under section 6 of the *Declaration on the Rights of Indigenous Peoples Act* relating to one or both of the following:

- (a) the exercise of a minister’s power, or the performance of a minister’s duty, jointly by
 - (i) an Indigenous governing body, and
 - (ii) the minister or a delegate of the minister;
- (b) the consent of the Indigenous governing body before the exercise of a minister’s power or the performance of a minister’s duty;

“statutory power of decision” has the same meaning as in the *Judicial Review Procedure Act*.

Interpretation and administration of Act

26.2 This Act must be interpreted and administered in accordance with the principle that Indigenous peoples have inherent rights of self-government and self-determination that are recognized and affirmed by section 35 of the *Constitution Act, 1982* and the United Nations Declaration on the Rights of Indigenous Peoples.

Agreements in relation to the *Declaration on the Rights of Indigenous Peoples Act*

- 26.3** (1) If, for the purposes of this Act, the minister enters into a power or duty agreement, the minister must publish a copy of the power or duty agreement, and any amendments to the agreement, on a publicly accessible website maintained by or on behalf of the government.
- (2) An agreement or amendment referred to in subsection (1) is not effective until the later of
- (a) the date the agreement or amendment is published, and
 - (b) any commencement date specified in the agreement or amendment.
- (3) A single agreement may contain both a decision-making agreement and a power or duty agreement.

Required conditions in agreements

26.4 A decision-making agreement or power or duty agreement must include conditions on the use, disclosure and security of information that is provided under the agreement to an Indigenous governing body.

Effect of agreements

26.5 If a decision-making agreement or power or duty agreement has been entered into,

- (a) the statutory power of decision, minister’s power or minister’s duty, as applicable, must be exercised or performed in accordance with the agreement,

- (b) a reference under this Act to the statutory power of decision, minister’s power or minister’s duty is to be read as a reference to the statutory power of decision, minister’s power or minister’s duty as exercised or performed in accordance with the agreement, and
- (c) the following terms of the agreement have the force of law:
 - (i) terms identifying the person who is exercising or performing, or providing consent in relation to, a statutory power of decision, minister’s power or minister’s duty in accordance with the agreement;
 - (ii) terms relating to the criteria or procedures for the exercise or performance of, or consent in relation to, a statutory power of decision, minister’s power or minister’s duty in accordance with the agreement.

12 Section 30 is amended

(a) in subsection (1) by adding “Part 3.1 and” before “subsections (2) and (2.1)”, and

(b) in subsection (2.1) (b) by striking out “aboriginal” and substituting “Indigenous”.

13 Section 31 is amended

(a) in subsection (1) by striking out “section 10 (1), (2) or (3) [information and verification], section 11 [reporting obligations]” and substituting “section 10 (1.1), (1.2) or (2) [information and verification], section 11 [reporting requirements]”, and

(b) by repealing subsection (2) and substituting the following:

- (2) A person does not commit an offence under subsection (1) if
 - (a) the person is a dependent youth, or
 - (b) at the time the information was supplied, the person did not know it was false or misleading and, with the exercise of reasonable diligence, could not have known it was false or misleading.

14 Section 35 is amended

(a) in subsection (2) (l) by striking out “employment plan” and substituting “employability plan”,

(b) in subsection (2) by adding the following paragraphs:

- (l.1) respecting the information, authorizations and verifications that must be provided by a recipient in relation to a client needs assessment;

(1.2) respecting the information, authorizations and verifications that must be considered by the minister when completing a client needs assessment; ,

(c) in subsection (2) (p) by striking out “sections 13 (2) (b) [consequences of not meeting employment-related obligations] and” and substituting “section”,

(d) in subsection (3) (a) by striking out “section 9 (5) [employment plan],”, “or (5)” and “section 13 (2) (a) [consequences of not meeting employment-related obligations],”,

(e) in subsection (3) by adding the following paragraph:

(a.1) prescribing consequences for the purpose of section 13 (1) [consequences of not meeting specified obligations]; ,

(f) by repealing subsection (3) (b.1), and

(g) in subsection (3) (i) by striking out “requirements” and substituting “rules”.

15 *Section 36 is repealed.*

16 *Section 37 is amended*

(a) in subsection (1) by striking out “and the recovery of the amount of income assistance and hardship assistance provided in place of maintenance”,

(b) by repealing subsection (1) (a),

(c) in subsection (1) (b) by striking out “are to” and substituting “may”, and

(d) by repealing subsection (2).

17 *The following section is added:*

Regulations respecting pilot projects

38.1 (1) The Lieutenant Governor in Council may make regulations establishing pilot projects to research, test and evaluate matters relating to this Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may, for the purposes of establishing a pilot project, make regulations respecting the following:

(a) persons or classes of persons to which a pilot project applies;

(b) family units or classes of family units to which a pilot project applies;

(c) the duration of a pilot project;

(d) monitoring and evaluation of a pilot project.

- (3) Without limiting subsection (1), the Lieutenant Governor in Council may, for the purposes of establishing a pilot project, exercise all of the regulation-making powers under this Act.

18 *Section 39 is amended by striking out “41, 42, 43, 44 and 45 and to regulations made under section 40 of this Act” and substituting “41 and 42”.*

19 *Sections 40 and 43 to 47 are repealed.*

Employment and Assistance for Persons with Disabilities Act

20 *Section 1 of the Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, is amended*

(a) by adding the following definitions:

“**client needs assessment**” means an assessment, in such form as the minister determines, that is completed by the minister under section 9 [*client needs assessment and employability plan*];

“**employability plan**” means a plan, in such form as the minister determines, that is entered into by the minister and a recipient or dependent youth under section 9; , *and*

(b) by repealing the definition of “employment plan”.

21 *Section 9 is repealed and the following substituted:*

Client needs assessment and employability plan

- 9**
- (1) A recipient or a dependent youth may request that the minister complete a client needs assessment for the recipient or dependent youth.
 - (2) If the minister completes a client needs assessment at the request of a recipient or dependent youth under subsection (1), the recipient or dependent youth may request that the minister enter into an employability plan with the recipient or dependent youth.
 - (3) The minister may at any time amend, suspend or cancel an employability plan.
 - (4) A decision of the minister under subsection (3) amending, suspending or cancelling an employability plan is final and conclusive and is not open to review by a court on any ground or to appeal to the tribunal under section 16 (3) [*reconsideration and appeal rights*].

22 Section 10 is amended

(a) by repealing subsection (1),

(b) by adding the following subsections:

(1.1) The minister may, for the purpose of determining or auditing eligibility for disability assistance, hardship assistance or a supplement, do one or more of the following:

- (a) direct an applicant or recipient to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by an applicant or recipient;
- (c) direct an applicant or recipient to supply verification of any information the applicant or recipient supplied to the minister.

(1.2) The minister may, for the purpose of assessing employability and skills, do one or more of the following:

- (a) direct a recipient or dependent youth to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by a recipient or dependent youth;
- (c) direct a recipient or dependent youth to supply verification of any information the recipient or dependent youth supplied to the minister. ,

(c) by repealing subsection (3),

(d) in subsection (4) by striking out “this section” and substituting “subsection (1.1)”, and

(e) by repealing subsection (5).

23 Section 11 is repealed and the following substituted:

Reporting requirements

11 For a family unit to be eligible for disability assistance or hardship assistance, a recipient must submit a report to the minister in accordance with the regulations.

24 Sections 12 and 14.1 are repealed.

25 Section 16 is amended

(a) by repealing subsection (1) (e), and

(b) in subsection (3) by striking out “9 (7) [employment plan],”.

26 *The following Part is added:*

PART 3.1 – AGREEMENTS RESPECTING THE *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT*

Definitions for this Part

17.1 In this Part:

“**decision-making agreement**” means an agreement negotiated and entered into under section 7 [*decision-making agreements*] of the *Declaration on the Rights of Indigenous Peoples Act* relating to statutory powers of decision under this Act;

“**Indigenous governing body**” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“**Indigenous peoples**” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“**minister’s duty**” means a duty, responsibility or function given by law to the minister respecting the administration or enforcement of this Act, but does not include a statutory power of decision;

“**minister’s power**” means a power or right given by law to the minister respecting the administration or enforcement of this Act, but does not include a statutory power of decision;

“**power or duty agreement**” means an agreement entered into under section 6 of the *Declaration on the Rights of Indigenous Peoples Act* relating to one or both of the following:

- (a) the exercise of a minister’s power, or the performance of a minister’s duty, jointly by
 - (i) an Indigenous governing body, and
 - (ii) the minister or a delegate of the minister;
- (b) the consent of the Indigenous governing body before the exercise of a minister’s power or the performance of a minister’s duty;

“**statutory power of decision**” has the same meaning as in the *Judicial Review Procedure Act*.

Interpretation and administration of Act

17.2 This Act must be interpreted and administered in accordance with the principle that Indigenous peoples have inherent rights of self-government and self-determination that are recognized and affirmed by section 35 of the *Constitution Act, 1982* and the United Nations Declaration on the Rights of Indigenous Peoples.

Agreements in relation to the *Declaration on the Rights of Indigenous Peoples Act*

- 17.3** (1) If, for the purposes of this Act, the minister enters into a power or duty agreement, the minister must publish a copy of the power or duty agreement, and any amendments to the agreement, on a publicly accessible website maintained by or on behalf of the government.
- (2) An agreement or amendment referred to in subsection (1) is not effective until the later of
- (a) the date the agreement or amendment is published, and
 - (b) any commencement date specified in the agreement or amendment.
- (3) A single agreement may contain both a decision-making agreement and a power or duty agreement.

Required conditions in agreements

- 17.4** A decision-making agreement or power or duty agreement must include conditions on the use, disclosure and security of information that is provided under the agreement to an Indigenous governing body.

Effect of agreements

- 17.5** If a decision-making agreement or power or duty agreement has been entered into,
- (a) the statutory power of decision, minister's power or minister's duty, as applicable, must be exercised or performed in accordance with the agreement,
 - (b) a reference under this Act to the statutory power of decision, minister's power or minister's duty is to be read as a reference to the statutory power of decision, minister's power or minister's duty as exercised or performed in accordance with the agreement, and
 - (c) the following terms of the agreement have the force of law:
 - (i) terms identifying the person who is exercising or performing, or providing consent in relation to, a statutory power of decision, minister's power or minister's duty in accordance with the agreement;
 - (ii) terms relating to the criteria or procedures for the exercise or performance of, or consent in relation to, a statutory power of decision, minister's power or minister's duty in accordance with the agreement.

27 Section 21 is amended

(a) in subsection (1) by adding “Part 3.1 and” before “subsections (2) and (2.1)”, and

(b) in subsection (2.1) (b) by striking out “aboriginal” and substituting “Indigenous”.

28 Section 22 (1) is amended by striking out “section 10 (1), (2) or (3) [information and verification], section 11 [reporting obligations]” and substituting “section 10 (1.1) or (2) [information and verification], section 11 [reporting requirements]”.

29 Section 26 is amended

(a) by repealing subsection (2) (l),

(b) in subsection (2) (n) by striking out “sections 12 (2) (b) [consequences of not meeting employment-related obligations] and” and substituting “section”,

(c) in subsection (3) (a) by striking out “section 9 (5) [employment plan],”, “or (5)” and “section 12 (2) (a) [consequences of not meeting employment-related obligations],”, and

(d) by repealing subsection (3) (b.1).

30 Section 27 is amended

(a) in subsection (1) by striking out “and the recovery of the amount of disability assistance and hardship assistance provided in place of maintenance”,

(b) by repealing subsection (1) (a),

(c) in subsection (1) (b) by striking out “are to” and substituting “may”, and

(d) by repealing subsection (2).

31 The following section is added:

Regulations respecting pilot projects

- 28.1** (1) The Lieutenant Governor in Council may make regulations establishing pilot projects to research, test and evaluate matters relating to this Act.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may, for the purposes of establishing a pilot project, make regulations respecting the following:
- (a) persons or classes of persons to which a pilot project applies;
 - (b) family units or classes of family units to which a pilot project applies;

- (c) the duration of a pilot project;
- (d) monitoring and evaluation of a pilot project.

(3) Without limiting subsection (1), the Lieutenant Governor in Council may, for the purposes of establishing a pilot project, exercise all of the regulation-making powers under this Act.

32 *Section 29 is amended by striking out “31, 32, 33, 34, 35 and 36 and to regulations made under section 30 of this Act [transitional regulations]” and substituting “31, 32 and 33”.*

33 *Sections 30 and 34 to 36 are repealed.*

Poverty Reduction Strategy Act

34 *Section 2 of the Poverty Reduction Strategy Act, S.B.C. 2018, c. 40, is amended by adding the following subsections:*

- (3) The minister must, when reviewing and updating the strategy, consider actions and progress measures respecting the reduction and prevention of poverty that are recommended by Indigenous peoples.
- (4) The minister must post updates made to the strategy in accordance with section 9 (a).

35 *Section 3 is amended*

(a) by adding the following subsection:

- (1.1) The strategy must include initiatives intended, over the 10-year period beginning on January 1, 2024, to reduce the poverty rate for 2034 below the poverty rate for 2016 by at least
 - (a) 60% among all persons,
 - (b) 75% among persons under 18 years of age, and
 - (c) 50% among persons 65 years of age and older. ,

(b) in subsection (3) by striking out “subsection (1)” and substituting “subsections (1) and (1.1)”, and

(c) by adding the following subsection:

- (5) The minister must review the targets set in subsection (1.1)
 - (a) before December 31, 2028, and
 - (b) before December 31, 2033and, after doing so, may in each case lay a report before the Legislative Assembly respecting future targets for the reduction of poverty.

36 *Section 5 (1) (a) is amended by striking out “and depth” and substituting “, depth and systemic causes”.*

37 *Section 5 (3) is repealed and the following substituted:*

(3) Without limiting subsection (1), the minister must consider the following groups:

- (a) children and young adults;
- (b) women;
- (c) First Nations, Métis and Inuit peoples;
- (d) Black persons;
- (e) persons of colour;
- (f) persons whose gender identity or expression is not cisgender;
- (g) persons living with disabilities;
- (h) persons living in rural and remote communities;
- (i) immigrants;
- (j) refugees;
- (k) 2SLGBTQIA+ persons;
- (l) seniors;
- (m) persons and families working and earning low incomes;
- (n) persons receiving social assistance;
- (o) persons with experiences of abuse and trauma;
- (p) persons living with mental illness or addiction;
- (q) any prescribed group.

38 *Section 5 is amended by adding the following subsection:*

(4) Without limiting subsection (1), the minister must consider the ways in which membership of more than one of the groups under subsection (3) may result in

- (a) unique experiences of poverty, and
- (b) an increased risk of poverty.

39 *Section 9 is amended*

(a) in paragraph (a) by adding “, updates to the strategy” after “post the strategy”, and

(b) in paragraph (b) by adding “, updates to the strategy” after “make the strategy”.

40 Section 14 is amended

(a) by renumbering the section as section 14 (1), and

(b) by adding the following subsection:

- (2) Without limiting subsection (1), the Lieutenant Governor in Council may prescribe groups for the purposes of section 5 (3) (q).

Commencement

41 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 10	By regulation of the Lieutenant Governor in Council
3	Sections 13 and 14	By regulation of the Lieutenant Governor in Council
4	Sections 20 to 25	By regulation of the Lieutenant Governor in Council
5	Sections 28 and 29	By regulation of the Lieutenant Governor in Council