

INFORMATION GUIDE

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About the Voluntary Declaration Program

The Voluntary Declaration Program is an incentive measure for the voluntary declaration of irregular situations and is for anyone who is receiving or has received financial assistance under the Individual and Family Assistance Act and who:

- ▶ Failed to declare his or her actual situation, in whole or in part
- ▶ Provided an incomplete or incorrect statement of his or her situation

This program makes it possible for clients of the Ministère du Travail, de l'Emploi et de la Solidarité sociale to correct their situation on their own initiative, freely and voluntarily. If the Ministère finds that a voluntary declaration meets the applicable conditions, the declarant will benefit from relief measures with respect to the financial consequences of his or her omissions or misrepresentations.

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Relief measures granted under the Voluntary Declaration Program

A voluntary declaration makes it possible for a declarant to avoid the financial consequences usually imposed when an amount is claimed for a misrepresentation (false declaration). Consequently, if the irregularity involves undeclared income, the exclusions related to work income set out in sections 114 and 162 of the Individual and Family Assistance Regulation can be applied.

In addition:

- ▶ Interest charged on a debt will be similar to the interest charged where there is no misrepresentation (section 193 of the Regulation).
- ▶ The recovery charge of \$100 that is usually applied in the case of misrepresentation will not be applied.
- ▶ The minimum repayment required to reimburse the debt will correspond to that required where there is no misrepresentation (\$56 a month for financial assistance paid monthly and \$13 a week for assistance paid weekly).
- ▶ The Ministère will, on its own initiative, renounce its right to provide the file related to the voluntary declaration to the Director of Criminal and Penal Prosecutions for possible prosecution.

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Eligibility conditions

A person's eligibility for the Program is established once the analysis of his or her file shows that the voluntary declaration meets all the conditions mentioned below. Then, the person can benefit from the relief measures granted to him or her under the Program.

However, if the person's eligibility for the Program is called into question, for example, if new information is brought to the Ministère's attention, we reserve the right to withdraw the relief measures granted in the initial decision.

Where a person wishes to correct his or her situation by participating in the Program, the Ministère will consider that the declaration meets the conditions if it is spontaneous, complete and verifiable.

I. A declaration is not spontaneous if:

- ▶ On the date the duly completed form is received, there exists an objective and demonstrable fact suggesting that the declarant knew that the Ministère had already begun or was about to begin a verification or investigation of his or her situation. However, if it is reasonable to believe that the control measures envisaged would not have uncovered the information provided in the declaration, the declaration is considered spontaneous.
- ▶ Misrepresentations were made by the declarant in the course of a control measure (verification or investigation), current or past, bearing in whole or in part on the omissions or facts being declared.
- ▶ Control measures being applied to another person with whom the declarant has a dependence, kinship or business relationship have made it possible for the Ministère to become aware of the omissions or facts being declared.

II. The declaration must be complete.

A declaration is complete where the person discloses all the facts and provides all the relevant information and documents making it possible, as the case may be, to determine the amounts of financial assistance that can be granted or the ineligibility for one of the Ministère's financial assistance programs.

The declarant must correct his or her situation in its entirety (address, marital and family status, property, liquid assets, income, etc.) for the period covered by the declaration, including whether the other adult, if any, knew or did not know the facts or irregularities.

III. The declaration must be verifiable.

A declaration is considered to be verifiable where the declarant or his or her representative* provides to the Ministère, in the time granted, all the information and documents needed to analyse the accuracy of the facts presented as well as to determine the amounts of financial assistance that can be granted or the determination of ineligibility for any of the Ministère's financial assistance programs, as applicable.

The full and complete cooperation of the declarant(s) or representative, if any, is essential. They must be diligent in providing the information and documents needed to process the voluntary declaration.

A voluntary declaration is subject to the powers of verification and investigation provided for by law.

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Persons who can make a voluntary declaration

A declaration can be made by:

- ▶ An independent adult
- ▶ An adult who is part of a couple
- ▶ A couple
- ▶ A representative

However, if an adult who is part of a couple wishes to make a declaration solely in his or her own name, the other adult must not be aware of the irregularities in the declarant's file. In such case, the lack of knowledge must be shown; otherwise the voluntary declaration will be deemed to be a joint declaration by the two adults who form the couple.

The Voluntary Declaration Program is a means to encourage good conduct. Therefore, a person who has already benefited from the relief measures granted under the Program will not generally be eligible for any subsequent participation in the Program. However, the person may be eligible if the analysis of his or her situation shows that the elements disclosed in the new declaration cannot be considered to be a repetition of the irregularities covered by the past declaration.

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Steps involved in a voluntary declaration

A voluntary declaration has 3 steps:

1. Making the declaration by duly completing and submitting the enclosed form, accompanied with the required support documents
1. Sending the declarant a written decision informing the person of whether or not he or she is eligible for the Program
1. Receipt, if any, of a notice of claim based on the information provided or collected

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Recourse

If we find that you are not eligible for the Program or if the relief measures that were granted are withdrawn, you can apply for administrative reconsideration.

- ▶ An application for administrative reconsideration must be made in writing, preferably by using the *Application for Administrative Reconsideration—Voluntary Declaration Program* form (4392A) provided for this purpose. The application must be submitted within 30 days from the date on which you received our decision.

If you wish to contest a decision rendered with respect to a claim for repayment of benefits you received or with respect to a reduction or cancellation of your benefits, you can apply for review. You can also subsequently appeal to the Tribunal administratif du Québec.

- ▶ An application for review must be made in writing, preferably on the *Application for Review* form (0023A). The application must be submitted within 90 days from the date on which you received the notice of decision.

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Where to submit an application under the Voluntary Declaration Program

If you wish to submit an application under the Voluntary Declaration Program (and any related documents), an application for administrative reconsideration under the Voluntary Declaration Program or an application for review, you can send them by mail to the following address:

**Programme de déclaration volontaire
Ministère du Travail, de l'Emploi
et de la Solidarité sociale
425, rue Jacques-Parizeau, RC-175
Québec (Québec) G1R 4Z1**

They can also be faxed, to **418-646-7440**.

If you prefer, you can also submit any documents related to the Voluntary Declaration Program at the nearest local employment centre (CLE) or Services Québec location. To obtain the address of the nearest location, use the local employment centre locator on the Ministère's website, at www.mtess.gouv.qc.ca. When you access the website, click on **Local employment centre locator** in the menu on the right.

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For more information

For information about the Voluntary Declaration Program, call 418-644-0187 (Québec region) or 1-866-750-1055 (toll free). You can also call the Centre de communication avec la clientèle, at 1-877-767-8773.

You can also find information on the Ministère's website at www.mtess.gouv.qc.ca.

* Representative means an administrator or a mandatary.

This form is for use by any person who wishes to correct his or her situation by making a voluntary declaration.

IMPORTANT

To be eligible for the Voluntary Declaration Program at the Ministère du Travail, de l'Emploi et de la Solidarité sociale, your declaration must meet the terms and conditions mentioned in the *Information Guide*. Furthermore, all the sections of the form that apply to you must be completed.

1 Information on the voluntary declaration

For the period or periods covered, this declaration is being made by:

- An independent adult or his or her representative* (complete section 2 and if applicable, section 4)
- An adult member of a couple or his or her representative (complete section 2, section 3 and if applicable, section 4)
- A couple or their representative (complete section 2, section 3 and if applicable, section 4)

2 Identification of the independent adult or the adult member of a couple (please print)

Last name				First name			
Number		Street or P.O. box			Apartment		
Address		City			Postal code		
File number (CP12)		Date of birth Y Y Y Y M M D D		Social insurance number		Sex <input type="checkbox"/> Female <input type="checkbox"/> Male	
Telephone (home)		Other telephone		Please specify		Extension	

3 Identification of the spouse concerned by the period(s) covered by the voluntary declaration, if applicable (please print)

Last name				First name			
Number		Street or P.O. box			Apartment		
Address		City			Postal code		
File number (CP12)		Date of birth Y Y Y Y M M D D		Social insurance number		Sex <input type="checkbox"/> Female <input type="checkbox"/> Male	
Telephone (home)		Other telephone		Please specify		Extension	

4 Identification of the representative, if any (please print)

Last name				First name			
Number		Street or P.O. box			Apartment		
Address		City			Postal code		
Telephone (home)		Other telephone		Please specify		Extension	

The representative of a person applying for the Voluntary Declaration Program must complete the *Power of Attorney* form (2475A) and enclose it with this declaration, unless he or she has previously submitted the form to the Ministère and it is still valid.

- Power of Attorney* form (2475A) enclosed
- Power of Attorney* form (2475A) previously submitted

* Representative means an administrator or a mandatary.

6 Signatures

The independent adult, an adult in a couple, the couple or the representative (if any) who makes the voluntary declaration must sign the section provided for that purpose.

6.1 Declaration of the independent adult, the adult in a couple or the representative (if any) who is making the voluntary declaration

I declare, in conformity with point I of section 3 of the *Information Guide*, that I am not aware of any verification or investigation now being made or to be made by the Ministère that concerns me or if applicable, my spouse with respect to the facts declared in this form.

I understand that:

- ▶ My voluntary declaration is subject to the verification and investigation powers provided for in the *Individual and Family Assistance Act*, and I agree to provide the Ministère with all the information and documents needed to verify the facts declared, at any time in the processing of my file.
- ▶ I will be able to benefit from the relief measures under the Voluntary Declaration Program only if my declaration meets the conditions mentioned in section 3 of the *Information Guide* and the first step described in section 5 of the *Information Guide*.
- ▶ If I withdraw my voluntary declaration or if it is refused by the Ministère or if the Ministère determines that I am no longer eligible for the Voluntary Declaration Program, the information that I have declared may nevertheless result in the issuance of a notice of claim requiring payment of the recovery charge related to misrepresentation, with any or all the consequences provided for in the *Individual and Family Assistance Regulation*, if applicable.

I declare that I have read all the information above and that all the information provided in this form and in any enclosed document is true and complete.

Date	Last name, First name (please print)	Signature
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If this declaration is made by an adult member of a couple, he or she must indicate whether the other spouse concerned by the period or periods covered knew or could have known about the situation or situations declared in this document. If the response is "yes", the other spouse must sign section 6.2 of this form.

- Yes** We are both responsible for the situation or situations described in this declaration.
- No** I am the only person responsible for the situation or situations described in this declaration.
I agree to provide all the documents that may be needed to verify my sole responsibility, at any time during the processing of my file.

Date	Last name, First name (please print)	Signature
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6.2 Declaration of a spouse who is also making this voluntary declaration or his or her representative, if any

I declare, in conformity with point I of section 3 of the *Information Guide*, that I am not aware of any verification or investigation now being made or to be made by the Ministère that concerns me or if applicable, my spouse with respect to the facts declared in this form.

I understand that:

- ▶ My voluntary declaration is subject to the verification and investigation powers provided for in the *Individual and Family Assistance Act*, and I agree to provide the Ministère with all the information and documents needed to verify the facts declared, at any time in the processing of my file.
- ▶ I will be able to benefit from the relief measures under the Voluntary Declaration Program only if my declaration meets the conditions mentioned in section 3 of the *Information Guide* and the first step described in section 5 of the *Information Guide*.
- ▶ If I withdraw my voluntary declaration or if it is refused by the Ministère or if the Ministère determines that I am no longer eligible for the Voluntary Declaration Program, the information that I have declared may nevertheless result in the issuance of a notice of claim requiring payment of the recovery charge related to misrepresentation, with any or all the consequences provided for in the *Individual and Family Assistance Regulation*, if applicable.

I declare that I have read all the information above and that all the information provided in this form and in any enclosed document is true and complete.

Date	Last name, First name (please print)	Signature
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Protection of personal information

The personal information collected on this form is required by the Ministère du Travail, de l'Emploi et de la Solidarité sociale in order to carry out its responsibilities. Access to the information is restricted to persons who are authorized to consult it as part of their employment duties. Neglecting to provide information may result in the refusal of your application. You are entitled to be informed about the information concerning you held by the Ministère, to receive such information and to request corrections, by submitting a written request to the person in charge of access to documents and the protection of personal information at the Ministère.