



LEGISLATIVE SUMMARY

BILL C-15: AN ACT RESPECTING CANADA EMERGENCY STUDENT BENEFITS (CORONAVIRUS DISEASE 2019)

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(Legislative Summary)

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LEGISLATIVE SUMMARY OF BILL C-15: AN ACT RESPECTING CANADA EMERGENCY STUDENT BENEFITS (CORONAVIRUS DISEASE 2019)

1 BACKGROUND

Bill C-15, An Act respecting Canada emergency student benefits (coronavirus disease 2019) (short title: Canada Emergency Student Benefit Act), was introduced in the House of Commons by the Honourable Carla Qualtrough, Minister of Employment, Workforce Development and Disability Inclusion, and read for the first time on 29 April 2020. The bill also received second reading, was referred to the Committee of the Whole, was concurred in at report stage, and received third reading that same day. On 1 May 2020, the bill was similarly considered in the Senate and passed without amendment. It received Royal Assent that same day.¹

Bill C-15 enacts the Canada Emergency Student Benefit Act (the Act), authorizing the payment of emergency benefits to students who have lost work and income opportunities due to the coronavirus disease 2019 (COVID-19). It was shared with opposition parties prior to its introduction in the House of Commons; as a result, it was amended prior to being tabled, including by adding

- an end date for the benefit;
- a requirement that the responsible minister make information about employment opportunities available to eligible students; and
- a requirement for parliamentary review.²

This Legislative Summary provides a brief overview of related support measures for students and recent graduates. It then provides a description of the main measures proposed in the bill by summarizing the substance of each clause.

1.1 SUPPORT FOR STUDENTS AND RECENT GRADUATES

The Canada Emergency Student Benefit (CESB) was first announced by the Government of Canada on 22 April 2020 as part of a \$9-billion support package for students and recent graduates, many of whom are not eligible for Employment Insurance (EI) or the Canada Emergency Response Benefit (CERB) (the federal income support measure for workers who lose income due to COVID-19).³

On 29 April 2020, Employment and Social Development Canada announced that students or recent graduates unable to secure employment would be offered \$1,250 monthly, with an additional \$750 offered to applicants with dependents or disabilities, through the CESB.⁴ The benefit will also be available to students earning \$1,000 or less in before-tax income every four weeks.⁵

Only citizens and permanent residents are eligible to receive the CESB; international students do not qualify.⁶ However, international students may be eligible for the CERB,⁷ and there have been measures that have benefited international students indirectly. For example, it was announced on 22 April 2020 that the 20-hour cap on weekly hours worked while classes are in session would be removed for international students working in essential services such as health care and critical infrastructure.⁸

Other support measures for students, announced alongside the CESB, include:

- *Canada Student Service Grant*: This grant will offer up to \$5,000 to students who volunteer during the COVID-19 pandemic, to be applied to their education costs in the fall.⁹
- *Student financial assistance*: Under the Canada Student Loans Program, the federal government will increase the maximum weekly amount that a student can receive in 2020–2021 from \$210 to \$350. It will also double the Canada Student Grants for eligible full-time and part-time students in 2020–2021, providing up to \$6,000 for the former and up to \$3,600 for the latter, also doubling grants for students with disabilities or dependents. Further, it will broaden eligibility for financial assistance by removing the requirement that the student – and, if applicable, the student’s spouse – contribute a prescribed amount toward the costs of their education.¹⁰
- *Distinctions-based support*: The federal government will provide an additional \$75.2 million in funding for support for Indigenous post-secondary students for 2020–2021. Support will be distinctions-based, meaning that it will reflect the unique rights, interests and circumstances of First Nations, the Métis Nation and Inuit.¹¹
- *Research*: The federal government will provide \$291.6 million to federal granting councils in order to extend expiring graduate research scholarships and postdoctoral fellowships, and to supplement existing federal grants. Work opportunities for graduate students and postdoctoral fellows will be enhanced through the National Research Council of Canada.
- *Job and training opportunities*: Federal employment, skills development, and youth programming (e.g., the Youth Employment and Skills Strategy and the Student Work Placement Program) will be expanded to create up to 116,000 jobs, placements, and training opportunities for students.¹²

Prior to the announcement of the \$9-billion support package, the federal government had announced several other measures to support students and recent graduates during the pandemic. For example, the *COVID-19 Emergency Response Act* (formerly Bill C-13), which came into force on 25 March 2020, provided for the suspension of loan repayments and interest on Canada Student Loans and Canada Apprentice Loans from 30 March 2020 to 30 September 2020.¹³

On 8 April 2020, the federal government announced temporary modifications to the Canada Summer Jobs Program, an initiative that provides wage subsidies to private, public and not-for-profit employers who create summer employment positions for individuals aged 15 to 30.¹⁴ The changes will allow employers to receive a wage subsidy of up to 100% of the provincial or territorial minimum hourly wage for each employee, extend the end date for employment from 28 August 2020 to 28 February 2021 and hire staff on a part-time basis.¹⁵

2 DESCRIPTION AND ANALYSIS

Bill C-15 contains 16 clauses. This Legislative Summary addresses key provisions of the bill but does not review every clause.

2.1 THE CANADA EMERGENCY STUDENT BENEFIT (CLAUSES 2 AND 4 TO 6)

As mentioned above, the CESB provides emergency financial relief to students and recent graduates whose job prospects have been impacted by COVID-19, as well as to those who are working but not making more than \$1,000 every four weeks.¹⁶

Students have until 30 September 2020 to make a CESB application in relation to any four-week period falling within the period prescribed by regulation, in accordance with clauses 5(1) and 5(3) of the bill.

The term “student” is defined under clause 2 as someone who is a Canadian citizen, a person registered as an Indian under the *Indian Act*,¹⁷ or a permanent resident or protected person as defined in the *Immigration and Refugee Protection Act*.¹⁸ This person must also meet one of the following requirements:

- be enrolled, at any time between 1 December 2019 and 31 August 2020, in a post-secondary educational program leading to a degree, diploma or certificate;
- be a secondary school graduate from 2020 who has applied for and intends to enroll in a post-secondary educational program scheduled to start before 1 February 2021; or
- be a member of a class of persons prescribed by regulation.

According to the eligibility criteria outlined in clause 6(1)(a), students are eligible for the CESB if, in relation to the four-week period for which they apply for the benefit and for reasons related to COVID-19, they

- are unable to work;
- are seeking work but are unable to find it (in which case they must provide an attestation to that effect, pursuant to clause 5(2)); or
- are working but are getting paid less than the amount prescribed by regulations.

According to clause 6(1)(b), students are not eligible for the CESB if, in relation to any part of the four-week period, they receive

- subject to the regulations, income from employment or self-employment (clause 6(1)(b)(i));
- EI benefits (including the EI emergency response benefit) (clause 6(1)(b)(ii));
- provincial benefits for pregnancy or in respect of the care of a newborn or newly adopted child (clause 6(1)(b)(iii));
- an income support payment under the *Canada Emergency Response Benefit Act*¹⁹ (clause 6(1)(b)(iv)); or
- any other income prescribed by regulation (clause 6(1)(b)(v)).

Pursuant to clause 4, the Minister of Employment and Social Development (the minister) is required to pay the CESB to eligible students who have applied for it. The minister is also responsible for making employment opportunities-related information available to eligible students through a government-managed job posting system, in accordance with clause 6(3).

2.2 COLLECTION OF INFORMATION AND DOCUMENTS (CLAUSES 5, 10 AND 11)

Clauses 10 and 11 of the bill allow the minister to collect and use information or documents, including an applicant's social insurance number, to assist in the administration and enforcement of the Act.²⁰ For their part, CESB applicants are required under clause 5(4) to provide the minister with any information that may be required in relation to their application.

2.3 CERTAIN RESTRICTED ACTIONS (CLAUSE 12)

Clause 12 of the bill prevents CESB payments from being subject to bankruptcy or insolvency laws (clause 12(a)); used as a security (clause 12(b)); retained by way of deduction, set-off or compensation under any piece of federal legislation other than this Act (clause 12(c)); and garnished under the *Family Orders and Agreements Enforcement Assistance Act* (clause 12(d)).²¹

2.4 RETURN OF ERRONEOUS PAYMENT OR OVERPAYMENT (CLAUSES 13 TO 15)

Clause 13 of the bill requires individuals who receive an erroneous CESB payment or an overpayment to repay the excess amount (amount owing) as soon as is feasible (clause 13(1)). The amount owing constitutes a debt to the Crown that may be recovered by the minister (clause 13(2)) and registered with the Federal Court (clause 13(3)). Registration of the certificate of default in the Federal Court has the same effect as a judgment of that court for the amount owing and all related registration costs. According to clause 15 of the bill, however, the amount owing is not subject to interest fees.

Clause 14 indicates that the amount owing may be recovered by way of deduction from or set-off or compensation against any sum of money that may be due or payable by the Crown to the individual. This includes a CESB payment but not amounts related to the Canada child benefit (clause 14(2)).²² Any action or proceeding to recover the debt must take place within six years from the day on which the money became due (clause 14(1)), subject to conditions related to acknowledgment of liability (clauses 14(3) to 14(5)) and any suspension periods (clause 14(6)). This clause, however, does not apply to proceedings regarding the execution, renewal or enforcement of a judgment (clause 14(7)).

2.5 REGULATIONS (CLAUSES 3 AND 5 TO 9)

The bill empowers the minister, with the consent of the Minister of Finance, to make regulations regarding various aspects of the CESB, including

- the meaning of the term “post-secondary educational program” and the classes of persons who may be considered “students” for the purpose of the CESB (clause 3);
- the period during which a CESB application may be made (clause 5(5));
- the amount of money an individual can earn from employment and still be eligible for the CESB (clause 6(2)(a));

- the types of income that would make a person ineligible for the CESB (clause 6(2)(c));
- the amount of the CESB for a week (clause 7); and
- the maximum number of weeks for which a student may receive the CESB (clause 8).

Clause 9 of the bill stipulates that regulations made in accordance with the Act may have retroactive effect.

2.6 PARLIAMENTARY REVIEW (CLAUSE 16)

Clause 16 of the bill provides that a comprehensive review of the provisions and operation of the Act is to be undertaken by a committee of the Senate, of the House of Commons, or of both Houses of Parliament, by 30 September 2021.

NOTES

1. [Bill C-15, An Act respecting Canada emergency student benefits \(coronavirus disease 2019\)](#), 1st Session, 43rd Parliament (S.C. 2020, c. 7).
2. House of Commons, [Debates](#), 1st Session, 43rd Parliament, 29 April 2020, 1520. See also Bill C-15, cls. 5(3), 6(3) and 16.
3. See, for example, David Thurton, “[‘Cast aside’: Student job seekers say they’ve been forgotten in federal pandemic plan](#),” *CBC News*, 7 April 2020. For additional information on the Canada Emergency Response Benefit (CERB), see [COVID-19 Emergency Response Act](#), S.C. 2020, c. 5 (formerly Bill C-13); Government of Canada, [Canada Emergency Response Benefit \(CERB\)](#); and [Legislative Summary of Bill C-13: An Act respecting certain measures in response to COVID-19](#), Publication no. 43-1-C13-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 25 March 2020.
4. Employment and Social Development Canada, “[Government of Canada introduces legislation to support students in need](#),” News release, 29 April 2020. Note that in the original announcement, it was stated that students with dependents or disabilities would receive \$1,750. However, this was later raised to \$2,000 – the same monthly amount as the CERB – in a change that was called for by the New Democratic Party (NDP). See NDP, “[NDP Reaction to Government Program for Students](#),” News release, 22 April 2020.
5. Government of Canada, “[Who can apply](#),” *Canada Emergency Student Benefit (CESB)*.
6. Bill C-15, cl. 2.
7. Government of Canada, [Coronavirus \(COVID-19\): financial assistance for newcomers, temporary residents and refugees](#).
8. Immigration, Refugees and Citizenship Canada, “[Removing barriers for international students working in essential services to fight COVID-19](#),” News release, 22 April 2020.
9. Department of Finance Canada, [Support for Students and Recent Graduates Impacted by COVID-19](#), Background, 22 April 2020.
10. For further details on the contributions required of students and their spouses, see Government of Canada, [Student loans and Grants eligibility assessment thresholds](#).
11. For further information on the Government of Canada’s distinctions-based approach to its relationship with Indigenous peoples, see Department of Justice, [Principles respecting the Government of Canada’s relationship with Indigenous peoples](#).

12. Justin Trudeau, Prime Minister of Canada, "[Support for students and new grads affected by COVID-19](#)," News release, 22 April 2020; and Government of Canada, "Creating new jobs and opportunities for youth," [Canada's COVID-19 Economic Response Plan](#).
13. Government of Canada, *Canada's COVID-19 Economic Response Plan*; and *COVID-19 Emergency Response Act*, ss. 52, 54 and 56.
14. Employment and Social Development Canada, [Funding: Canada Summer Jobs – Overview](#); Justin Trudeau, Prime Minister of Canada, "[Changes to Canada Summer Jobs program to help businesses and young Canadians affected by COVID-19](#)," News release, 8 April 2020; and Government of Canada, [Canada Summer Jobs 2020 temporary flexibilities for employers](#).
15. Government of Canada, *Canada's COVID-19 Economic Response Plan*.
16. Employment and Social Development Canada, [Backgrounder: The Canada Emergency Student Benefit](#).
17. [Indian Act](#), R.S.C. 1985, c. I-5.
18. [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27, ss. 2(1) and 95(2).
19. The *Canada Emergency Response Benefit Act* (CERBA) was introduced through the *COVID-19 Emergency Response Act*. The CERBA authorizes income support payments (namely, the CERB) to workers who suffer a loss of income for reasons related to COVID-19. See *COVID-19 Emergency Response Act*, s. 8.
20. According to the government's Charter Statement on the bill, the powers given to the minister regarding the collection of information or documents in this context are consistent with section 8 of the *Canadian Charter of Rights and Freedoms*, which protects individuals against unreasonable search or seizure. See Department of Justice, [Charter Statement: An Act respecting Canada emergency student benefits \(coronavirus disease 2019\) \(C-15\)](#), 29 April 2020.
21. [Family Orders and Agreements Enforcement Assistance Act](#), R.S.C. 1985, c. 4 (2nd Supp.).
22. The Canada child benefit (CCB) is administered under section 122.61 of the [Income Tax Act](#) [ITA], R.S.C. 1985, c. 1 (5th Supp.). It should be noted that the *COVID-19 Emergency Response Act* amended this section of the ITA to introduce a non-taxable, one-time additional payment of \$300 per child eligible for the May 2020 CCB. Families already receiving the CCB will receive this additional payment without applying for it (see new section 122.61(1.01)).