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## Legal Brief\*

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### The Role of a Legal Aid Lawyer in Administrative Law - Last Resort Financial Assistance

Legal aid offices employ lawyers specializing in administrative law. A number of fields fall under this area of law, such as those involving the CNESST, the IVAC, the SAAQ, the Canada Revenue Agency, Revenu Québec and Services Québec, including the Ministère de l'Emploi et de la Solidarité sociale (hereinafter the "MESS"), which oversees last resort financial assistance benefits.

First, it's important to know that all clients who receive last resort financial assistance benefits (social assistance) automatically qualify for legal aid, at the very least for a consultation to ensure their rights under the *Individual and Family Assistance Act* are respected.

For example, the local employment centre (i.e., Centre local d'emploi (CLE) or social assistance office) or the MESS sends you a notice denying benefits you think you are entitled to receive:

- Denial of the allowance for temporarily limited employment capacity or denial of the allowance under the social solidarity program (severely limited capacity for employment);
- Denial of special benefits related to your personal or medical situation;
- Termination or reduction of benefits in a specific program such as the Aim for Employment Program; or
- Claims for excess liquid assets, undeclared marital situation or undeclared income.

Within the 90-day time limit following your receipt of the decision, your legal aid lawyer will be able to start the process to have the decision reviewed, if necessary. This is the first recourse for protecting your rights. Some decisions are not reviewable, but may nevertheless be reconsidered if an application for reconsideration is filed within 30 days, in accordance with the last paragraph of section 108 of the *Individual and Family Assistance Act*. It is therefore important to make an appointment with a lawyer from your local legal aid office before the end of the review period, so the lawyer can receive a copy of your file from the MESS and analyze it with you.

If the review decision remains unchanged, you have one last recourse: an appeal to the Administrative Tribunal of Québec (hereinafter the "ATQ"), which must be submitted within 60 days of receipt of the review decision. While waiting for the hearing before the ATQ, steps such as a conciliation session presided over by an ATQ judge with a MESS representative present provide an opportunity to try to settle the case before the hearing, or at least learn more about the MESS's position.

In all cases, if you receive an unfavourable decision from a government department, don't hesitate to consult a lawyer at your nearest legal aid office to ensure that your rights are respected in accordance with the services covered under the *Act respecting legal aid and the provision of certain other legal services*.

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca](http://www.csj.qc.ca).

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\* The information set out in  
this document is not a legal  
interpretation.

The masculine gender is used  
to designate persons solely in  
order to simplify the text.