

*Government Orders*

Those UI workers are very concerned about what the impact of this bill is going to be on those Canadians who are facing unemployment. In particular, I want to address my remarks to the just cause for quitting a job section and being fired for cause.

The question in the booklet is: "What are just causes for quitting a job?" The response, and I again point out this is from unemployment insurance workers who are the front line workers: "Just cause is defined in the UI act as having no reasonable alternative to immediately leaving the employment. You will not be disqualified from UI benefits if you have just cause for quitting your job: you quit because of a hostile attitude toward you created by your employer or supervisor; you quit because your employer is breaking the law, for example, you were not being paid and you reported the employer to the provincial or territorial authorities; you quit because your employer is harassing you for your union activities; you quit because your boss forced you to quit or be fired, forced early retirement or buy-out package.

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Just cause is not limited to these reasons. For example, just cause might exist if: you quit because you had been working away from home for a long time and it is causing family problems; you quit because you were working away from home and had to return because of an illness in the family. However you may be disentitled for not being available for work".

There is an example listed.

"Suppose, before the changes to UI, you were being sexually harassed at work. You did not tell the person harassing you to stop; you did not go to the union steward or to the employer. You just wanted to get out of there so you quit. You probably would not have shown just cause and you would have been disqualified for seven to twelve weeks because you did not do everything possible to avoid quitting. The changes to UI mean that you will not receive UI benefits at all because you did not do everything possible to avoid quitting".

In other words, as a woman who is being sexually harassed you must confront your harasser and your employer before you are eligible for unemployment insurance benefits.

The question then becomes: What does misconduct mean? Misconduct means you have been fired from your job because you have done something improper or unacceptable for an employee to do. It can be either criminal or non-criminal.

That brings me to another matter that is under discussion or that would draw a nice analysis between this bill and the justice system in Canada. What is the difference between a UI claimant in Canada and an accused criminal in Canada? Under the criminal justice system the onus of proof is on the system. For a UI claimant the onus of proof is on the claimant.

Under the criminal justice system the person is innocent until proven guilty. Under the unemployment insurance system the claimant is guilty until proven innocent.

Under the criminal justice system criminal justice is guided by laws that must be changed by statute. It is a rigorous process. UI is guided by directives that can be changed by the commission at any time and that can be interpreted loosely or severely.

Under the criminal justice system all witnesses are treated equally before the law. Under UI, employers have more power through the separation slip and through the approach recommended by the UI directives than does the claimant.

Under the criminal justice system decisions are made first by police for information gathering, then by the Crown attorney's decision to proceed with charges and then by judges and/or juries. Under the UI system the UI agent is a police officer, lawyer and judge usually with the responsibility for making the decision all alone.

I could go on. There is a whole page full of these analogies but I think I have made my point on that.