

*Government Orders*

The question has to be judged by a number of activities before these quasi-judicial appeal procedures that go on within the federal government. The issue has been largely addressing one aspect of this bill, and it is far broader than the single issue of fairness. The previous speaker talked about the individual who is harassed on the job, quits, and does not qualify for unemployment insurance and then goes through an appeal process. Will that person who quits justifiably and goes before that appeal board be reinstated or provided with unemployment insurance?

The issue is whether people can obtain a fair hearing. The opposition says that on the balance of probabilities they will not because it is rigged. The government on the other side, and it is the same thing with the minister, day after day stands up and says that they will and the process is fair so let it continue.

I would just like to read into the record the report of the standing committee for regulatory scrutiny. The ninth report of that committee on May 5, 1988 discussed the process of fair procedure before the committee. It talked about these appeal boards, including the unemployment insurance appeal board. The report said: "For the reasons which follow, your committee has concluded that these regulations lack the necessary procedural safeguards to ensure that the appeal process is consistent with basic requirements for fairness and equity".

Further along in the report it said: "The committee has, on numerous occasions, requested the Public Service Commission to remedy this situation by adopting additional regulations so as to better define the rights and duties of parties taken to appeal under legislation and under government appeal boards". The committee was co-chaired by two people, one from the other place and one from here.

The question is whether people could obtain a fair hearing before a committee. I would like to just read another item into the record. It involves a case heard before the Supreme Court of Canada, court file No. 20882 in which Leila LeCorps-Tremblay was trying to deal with the appeal board of the Public Service Commission. It uses examples in this document, in the reasons for the leave to appeal. It states that:

The Federal Court of Appeal erred in failing to find that the applicant had denied to her a right to a fair trial in accordance with the principles of fundamental justice before an impartial tribunal as

a result of the Public Service Commission Appeal Board's decisions to:

- (i) proceed in the unavoidable absence of the applicant from the hearing and overrule unjustifiably the expert advice on which her absence was based;
- (ii) interfere with or permit the interference with the applicant's ability to communicate with and instruct her counsel and advisors;
- (iii) decline motions to grant an adjournment so that the applicant could adequately examine her personnel file in the department and could receive, study and confer about copies of documents necessary for reasonable disclosure of the accusations against her and disclosure of the evidence on which such accusation was based;
- (iv) instruct the applicant not to make any written record of the appeal board proceedings.

• (1600)

The notice of leave to appeal goes on to criticize the appeal board for:

- (i) expunging from the record documentary evidence submitted by the applicant and refusing to accept documents properly introduced into the record and to assign exhibit numbers to them;
- (ii) failing to conduct the proceedings in an official language comprehensible to counsel for the applicant after receiving prior written notice from the applicant of her choice of language, without reasonable cause or justification;
- (iii) unreasonably denying the applicant recesses and adjournments without apparent cause or justification;
- (iv) repeatedly interrupting the applicant in her testimony and submissions;
- (v) refusing the applicant permission to tape record the proceedings;
- (vi) permitting the respondent department access to an electronic recording of the proceedings while denying the applicant such rights;
- (vii) refusing to exclude witnesses in order to ensure the independence of testimony;
- (viii) refusing to grant the applicant's requests for scheduling of witnesses while granting similar scheduling requests to the respondent department.

It goes on and on.

The interesting thing about this is the response by the Department of Justice to this listing of reasons for leave to appeal. It never addressed any of these procedural abnormalities or denials of fair treatment. Unfortunately we have a situation in which these appeal boards do not have a fair and due process.

The argument in this House, which has gone on and on and on, about Bill C-113 is that by the time these people go to appeal where errors have been made or problems have happened, such as the case of harassment or quitting with just cause, they are in a situation in which the government has argued there will be a fair process in front of the appeal boards.