

*Government Orders*

their rights to leave that situation and be able to apply for unemployment insurance.

The question then becomes: What happens in a concern about how these issues might be dealt with? How might a woman feel going to the unemployment insurance office? One of the real improvements that is going to come about as a result of this new legislative package is that there will be—and indeed it is going on right now—an increased emphasis on the orientation and training of all the officers who deal with these issues. This legislation contains some very legislated procedures that will protect the privacy of an individual who is laying these complaints.

My own department, Status of Women Canada, has been brought in to these discussions. We have been working very closely with the Minister of Employment and Immigration and the Minister of Labour to ensure there are appropriate procedures. We have training packages which are now under way and I believe 75 per cent of the officers who deal with these cases are women. We make sure they have an understanding of the circumstances of sexual harassment, how you might deal with victims and some of the problems victims might face so they can deal with it in a very sensitive manner. I think there has been a lot of support and co-operation around that.

• (1210)

The guidelines make it very clear that the benefit of the doubt is to be given to the claimant. This is a very important point and I really do not think it has come out clearly enough at this point. In the circumstances of sexual harassment we are obviously talking about the victim. It is very clear. They are obviously not judges, but where there is conflicting information the benefit of the doubt is to be given to the claimant. I think that should really give some comfort to those who might be concerned about applying for unemployment insurance. They will be treated in a sensitive manner.

If for some reason a claim is not accepted at that first level it goes to the board of referees. As we see now in the legislation there are very specific provisions whereby the employer and the employee do not have to be in the same room. They can be separated. The hearings will be held without media or publicity which I think is very important in terms of the comfort level for victims. There is a very important strengthening of provisions that makes sense and will enable those, primarily women, to come forward in those circumstances.

The guidelines will also counsel the unemployment insurance agents to listen to claimants in a neutral and objective manner and recognize that situations such as sexual harassment may induce an employee to act out of panic or stress and there will be a lot of stress around them. They are instructed that in cases of sexual harassment the claimants will have the choice of talking to an officer of the same gender. Obviously, they may have a higher comfort level in doing that. A closed office is to be available for that interview to ensure the privacy of the information.

Again, just to re-emphasize a point, the guidelines are very clear in stating that UI agents are not in the business of determining who is right or wrong, innocent or guilty and the benefit of the doubt must be given to the claimant. In cases with conflicting information, the review process is to find in favour of the claimant. That certainly goes a long way toward dealing with these issues.

In addition to the issue of sexual harassment there are other just causes outlined in this legislation that are also very important. The obligation to care for a child was already in the old legislation but we have added as well, "or for a member of the immediate family". We are certainly aware of situations where a spouse or someone does have to leave their employment to provide that kind of care and support, and where it obviously can be considered as a just cause.

There is also the issue of antagonistic relations between an employee and a supervisor for which the employee is not primarily responsible. That is an issue of concern that has been raised by caucus colleagues. It also will give comfort to employees that in those situations they could be considered to have just cause. This list that has been enumerated in the legislation provides that in addition to the enumerated reasons for just cause, other reasonable circumstances as prescribed by the Governor in Council can be added. This really does deal with the question of fairness.

I have heard from my own constituents, as I am sure many colleagues have as well, that people are really surprised. They say: "Good heavens, you mean up until now someone could just leave their job for no reason, just because they wanted to and after a period of time collect unemployment insurance". Most people think that is totally unacceptable. Ideally no one would do that and hopefully no one will. Then we will have the best of all worlds.