*Unemployment Insurance Act*

**Mr. Maltais:** Thank you, Mr. Speaker. The Minister of Employment and Immigration has asked his Department to speed up its review so as to be able to better respond to the concerns expressed by the Hon. Member.

At the moment, it is impossible to grant benefits to adopting parents before this wide ranging study is completed. First, we must define clearly how the Act will apply to adopting parents, since there are a great number of possible solutions. There are many ways to meet the objective suggested by the Hon. Member. We would have to define clearly how such benefits would be provided. Would both parents be entitled to them at the same time? This is an important question since we are speaking about adoption. We are not dealing with pregnancy as such. If both parents work and one of them stays home, for instance the father, would the benefits be sent to the father, the mother or the child? What should we do?

Perhaps we might review the documents and reconsider the possibility of paying benefits for adopted children under the age of 6, in other words those who have not yet started school. This limit could be raised to cover older children because, as I pointed out earlier, a child can be adopted when he or she is one day old, or at the age of 8, 9 or 10. There is also the possibility of paying benefits only in cases where, in conformity with the requirements of the adoption agency, one of the parents has to stay home to look after the child; in other words, it would be a matter of establishing the cause and effect relationship between the child and the adopting parent. There is a strong possibility of excluding adoption through marriage as well as any other situation not directly related to adoption or birth.

Mr. Speaker, another aspect of the study has to do with cases where benefits could not be paid to the parents before the arrival of the child; then, the rules concerning regular or health benefits would apply to the natural mother during the period before delivery. It can readily be seen that this does indeed raise a few questions.

I think that this calls for serious consideration before we take a final decision and introduce a sound piece of legislation.

Mr. Speaker, we will have to consider as well the need to repeal the rule which restricts the maternity benefits to the first 15 weeks of the benefit period because, obviously, we are talking about adoption and not pregnancy. In the case of adopting parents, we will also have to re-examine the 10-week rule which might be irrelevant since then it would no longer be a matter of being unavailable for health reasons because there would have been no childbirth.

● (1810)

Finally, any change to include the adopting parents would be affected by existing conditions concerning maternity benefits. A full review of the Bill would be required so as to avoid any contradiction between conditions concerning natural parents and those concerning adopting parents. The Hon. Member has spelled out very specific provisions in his Bill. I think that Members on both sides of the House will agree on that. But still, the questions I raised earlier deserve more careful consideration because if we extend the general coverage of the law to all kinds of situations, the legislator will not be in a position to make all kinds of exceptions once the law has been adopted. We must therefore look into every aspect and every possibility to be quite sure that the law will still be operative under practically all circumstances. However, Mr. Speaker, the way it is worded I think that, in light of the questions I raised earlier, there will be a great many exceptions which will have to be examined if the Bill is adopted as is. And what the Department is recommending at this stage, is that its own studies be completed, and I think that it might then be useful that such information be made available to Hon. Members, to see whether actually the Hon. Member's concerns have indeed come up in the course of the studies currently in progress. It might also be important at that stage that departmental information be made available to Hon. Members so they know what is going on within the Department.

In that area the Government might be well advised to have Hon. Members involved to a greater extent in the studies and analyses carried out within the Department, because it is very difficult for any Hon. Member to draft a Bill all by himself, with very limited resources, when for ten years the whole Department has been studying and reviewing a problem that is indeed fundamental. It is so fundamental, Mr. Speaker, that the Canadian Rights and Freedoms Commission already has ruled that there is discrimination in adoption cases where no benefits are extended. Therefore, the Hon. Member's concerns are quite legitimate, but the Department might be urged to expedite matters, because increasingly adoption is becoming a wonderful fact of social life, and many foster families would like to suggest as a goal the implementation of the Hon. Member's proposals. There is however the problem of how to proceed with this. Where should the line be drawn between the plans for maternity and the plans for adoption? And where should the line be drawn between unemployment insurance as job insurance, and a social measure that would provide extra income to foster families?

So at this stage there are three important distinctions to be made, and, honestly, the Department would like, before taking a final position on the Hon. Member's proposal, to ensure that the Act can be reviewed in depth to allow to draw the lines between those three cases. Certainly the Hon. Member will recognize at this point in time that fairness is very hard to achieve on these three distinctions. And for the benefit of Hon. Members who have a genuine concern about this matter, it should be pointed out that when an overall assessment is made of the regulations to be applied in maternity cases, we see there is a very close link with the mother's health. That is why people are allowed to choose, either to quit working for a number of weeks before confinement or to keep working