

**Mr. Rodriguez:** There is a disincentive. Why should you stand up and argue for disincentives? Surely you think the act is good. They are phony and hypocritical: they want to suck and blow at the same time, coming out on both sides of the issue.

Clause 16 of this bill proposes to extend the period of disqualification from three to six weeks. It will, in effect, shorten a claim by six weeks. When we discussed this clause in committee I asked the minister a question. From my experience in handling unemployment insurance problems it is the appeal procedure and administration of the act which falls very heavily on the shoulders of the claimants. On Tuesday, December 2, I asked the minister the following question:

I want to know from the minister, Mr. Chairman, what provision he has in the Unemployment Insurance Commission offices to help claimants who have been hit with a three-week disqualification, and what machinery he has to help them in preparing an appeal to come before the referees.

The minister replied:

First I will make a general comment, Mr. Rodriguez. I have asked for the whole appeal system to be reviewed. Mr. Chafe and Mr. Wightman, representatives of the employee and the employer groups, are involved in that examination now, with whatever assistance they are asking for, and I think they will be able to give us a report early in the new year. And I am eager that people, particularly non-union, have a better opportunity for some form of advocacy. That is the general policy appeal system.

There it is in a nutshell. That is the reason we on this side of the House say "No" to the six-week disqualification. We do not have any objection to those who quit their jobs, refuse to look for work, or refuse to accept jobs under the same conditions, being penalized. The problem lies in the administration of the appeal procedure. In our motion we say to the minister that he should do what needs to be done first. There should be an examination of the appeal procedure and a proper advocacy system. There must first be a proper administration of the act in a wise and fair manner so that claimants get the benefit from that kind of enlightened thinking.

The minister is putting the cart before the horse. He is increasing the punishment and then, after the fact, will look at the administration of the appeal procedure and bring in changes. We in this party say that is doing it backwards. If the minister will come in with proper procedures for the administration of the act with regard to the disqualification section and proper appeal procedures, we on this side will support any increase in punishment in terms of increasing the disqualification to six weeks. This argument was made by the Canadian Labour Congress. They argued that it is the appeal procedure that creates the problem. They stated this very clearly in the brief which they presented to the committee studying this bill. I quote from the brief:

The real problem behind this amendment lies in the administrative area. Investigation officers are merely, it seems to us at least, accepting the word of the employer that a claimant voluntarily quit without cause or was fired for just cause. These cases are being inadequately investigated and the claimant is not being given the right to be heard. In a number of instances grievances have been processed and won by trade unions on dismissals, but the unfortunate claimants were denied unemployment insurance under the disqualification period.

That shows the unfairness of the present system. The minister admits there are problems with the administra-

### *Unemployment Insurance Act*

tion of this section. He admits there is lack of proper advocacy procedures in the bill. The minister also knows that those being discriminated against do not belong to a collective bargaining unit. They are non-union people. I am not as concerned about the union people with respect to this clause, because they have a form of grievance. They have the support of union officials who are well versed in the act and have connections with the Unemployment Insurance Commission. Their case is not as serious as the vast majority of Canadian workers. Only 29 per cent of the Canadian work force is organized into unions; 71 per cent are unorganized. This large group does not have the benefit of support programs and the grievance procedure with qualified union personnel to help them with their appeals. It is that group that concerns the members of this party.

● (1730)

I can give you legions of examples, Mr. Speaker. I have presented them to the Unemployment Insurance Commission and to the minister himself and related the problems they face. For example, there are many people in my constituency—and the same is true in other constituencies—who are in a service operation. If they are fired by their employer, he claims for misconduct, it is very difficult to defend yourself against that kind of dismissal. What is misconduct? In my experience, a person who does not have the support of a union official or any help from the Unemployment Insurance Commission usually decides there is no point in fighting it. They do not understand their rights or how to proceed. Indeed, they are threatened by the very office that the minister has said is there to help them. The appeal procedure before the board of referees is indeed a threatening procedure. If they do not turn to their MP, usually they do not appeal their case. Some of them appeal because it says on their notice of disqualification that they have a right of appeal. They write a letter saying they are appealing the case, but many of them never appear before the board of referees. In effect, the system has broken down. Justice must not only be seen to be done, but must indeed be done.

Let me give some specific examples of what I mean. I am not talking pie in the sky; these are concrete cases. If this sort of thing happens in one case that comes to light, the House can imagine the legion of cases that do not come to light. I had a case of a young woman who was working as a bookkeeper for Electrolux in Sudbury. She was fired by that company, and on her letter of dismissal it said she was fired. She went to the Unemployment Insurance Commission and, lo and behold, they came in with a three-week disqualification. In most cases disqualification is automatic. I always thought that a person was innocent until proven guilty, but in this case they deemed her guilty of misconduct and gave her this three-week disqualification. This young woman called me, and what did she reveal? She revealed that the manager of the Electrolux company in Sudbury had told her that she was to make certain bookkeeping entries. In her opinion those entries that were demanded of her were illegal entries. Indeed, Electrolux was up in the courts in Sudbury charged with a similar kind of abuse. She refused to make the entries that she was told to make, so they fired her.

It so happens that this young woman has a little more education than many others who get laid off or fired, and