

*Unemployment Insurance Act*

**Mr. Dionne (Kamouraska):** I have on hand the text of various decisions given by an umpire. Please note that this means that the claimant has been subjected to a number of annoyances, and that he has tried to meet the requirements of civil servants who administer a legislation far too complicated. He has waited a long time, several months before his case was put to the umpire, and very often, and I have proof of that, the decisions taken by the UIC officials are being amended by the umpire. All this proves beyond any doubt that complications deriving from a badly drafted legislation are bound to bring about wrong decisions. The term "available" as defined in dictionaries does not imply the responsibility to look for work, it implies that one is willing to work.

For instance, the fireman is available for work, his main job is to help fight fires. But he is not expected to look for fires to extinguish and much less to cause some. Therefore, the fireman is available, is waiting, according to the definitions found in dictionaries.

The power granted to the Unemployment Insurance Commission to make certain regulations concerning the proof required is derived from section 58 of the act.

Proof that he meets the requirements entitling him to receive benefit or continue to receive benefits . . .

It is a well known principle in law that a regulation cannot exceed the scope of the act. What is complicating things in the unemployment insurance is the fact that once the act has been passed, regulations have also been established at irregular intervals that amend the act or give a different scope to the text of the act.

In section 25 three conditions are set: capability of work, availability for and incapability of work. Regulation 145(9) by associating availability and incapability of obtaining employment and by requiring as evidence of those two conditions usual and reasonable inquiries to find employment extends the scope of section 25a), because the word "availability" by its own definition does not include the idea of proceedings or inquiry, it is rather for incapability obtaining employment that evidence of proceedings to obtain employment must be given.

There is quite a difference in the interpretation of the definition. Another important restriction is made in section 25 of the bill by deleting in regulation 145(9) the word "suitable" before "employment". To obtain employment or to obtain suitable employment are two different things. Suitable employment is that which can be reasonably expected as a result of one's own qualifications. The word employment, without qualifier, does not take into account the qualifications of the claimant.

In my opinion, it is not necessary to consider the incapability of obtaining employment and the capability of work.

Section 145 of the regulations extends the meaning of the word "available" as used in section 25 of the bill. It is defined as follows in Webster:

Available: that is accessible or may be obtained

Used momentarily without effective service. According to that definition "available" means that is accessible or may be obtained. It does not infer reasonable proceedings unless they are taken by the commission and that the claimant is ready to accept employment proposals. In my opinion, such a condition only applies to prove the incapability of obtaining suitable employment. I feel that the evidence required in section 145(9) of the regulations is outside the scope of section 58 of the legislation for the word "available" appearing in section 25. "Available" according to the Webster definition implies an expectancy, a state of passivity. This is, in my opinion, contrary to reasonable and usual efforts.

● (1540)

[English]

**The Acting Speaker (Mr. Turner (London East)):** Order, please. I regret to interrupt the hon. member, but his time has expired. The hon. member may continue if he has the unanimous consent of the House. Is there unanimous consent?

**Some hon. Members:** Agreed.

[Translation]

**Mr. Dionne (Kamouraska):** I thank my colleagues for giving me the opportunity to continue my explanations about the difficulties that result from this complicated legislation for the unemployed. The proof required under section 145 of the regulations does not apply to availability because otherwise the regulations would be stricter than the act under clause 25. So they wanted to complicate everything and the legislation is drafted in a style that is not understandable to workers. I mentioned this on more than one occasion and the very clear proof I bring today is likely to clarify the problem.

If unemployed workers are disqualified by officers when they submit their claims and then manage to meet the required formalities and wait out the delay set out to go before the board or referees, then the decision of the officer is maintained. If he is lucky to be supported by a member of the union or a member of Parliament who is rather well disposed towards the unemployed that guy will go up to the umpire. In many cases, the umpire decides to amend the decision of the members of the board of referees and the decision of the officer who let the unemployed suffer during six or seven months. So that is the kind of legislation we do not want to pass; that is the kind of legislation we want to see amended because it results in too many hardships for unemployed workers.

As I said yesterday, the unemployed are not responsible for the unemployment that exists now. So, since they are not responsible for it the administration, the government in the final analysis supports the cause of the difficulties generated by unemployment; it must at least try to find a formula to help, through understanding legislation, workers who are faced with this problem. Why does that exist? Hundreds of officers in all unemployment insurance offices are there to accept claims for benefits, check and then send letters and all sorts of reports—there are 20 to 25 forms prepared in advance, and it is only a matter of adding the name of the claimant. Those forms include restrictions most of the time.

I have the opportunity to discuss those problems when I am actively involved in them rather regularly; I would not want by the facts that I am mentioning people to have the impression that the officers at offices in my area—Rivière-du-Loup and Lévis—are worse than others. I get along rather well, my relationship with those employees of the