

Private Members' Business

community services to continue to receive unemployment insurance benefits while carrying out those functions.

The hon. member has already informed us that no Canadian should be penalized for undertaking such civic duties as serving on juries or firefighting or things of that nature. I fully agree; no one should be penalized for carrying out his civic duty.

It is not the unemployment insurance system that is penalizing people for fulfilling their civic duty but the provincial justice system. It is true that people serving on juries are not eligible to receive UI.

An hon. member: Oh, oh.

Mr. Shields: I wonder if the hon. member could, instead of speaking, open his ears and listen and maybe he will learn something. I was very quiet and listened to the words of my hon. friend across the way. I will be prepared to sit and listen to the words of this hon. gentleman. Perhaps he will just listen to what I have to say.

It is true that people serving on juries are not eligible to receive UI benefits for the time they sit on the jury. This is because they cannot be considered available for work at that time. I will have more to say about that in a brief moment or two.

I would like to point out that it is also true that the fees paid to people for serving on juries in this country are extremely low. For this reason someone receiving UI benefits who serves on a jury is very likely to face financial hardship when he or she is disentitled from UI benefits. But it should also be noted that I do not believe that any judge in the land would ignore a plea to be excused from jury duty when one is seeking employment and on unemployment insurance. That should be underlined.

I have had occasion to be in court rooms when judges will excuse people from jury duty for a number of reasons. If I were unemployed and was called for jury duty and I went before the judge and explained that I was looking for a job and that my UI would be cut off if I had to serve, he would excuse me from jury duty.

Let us briefly explore how the act applies to this question. The Unemployment Insurance Act of 1971 was enacted June 23, 1971. Although numerous changes have been made to it, this act forms the basis of the current legislation. Under the act claimants attest to their entitlement to benefits on a bi-weekly reporting card. Here they indicate that they are unemployed, that they are capable of and available for work and unable to find suitable employment. Those are the basic criteria for receiving unemployment insurance.

This process of determining the claimant's eligibility is not limited to when they file their initial or renewal application for benefits but continues throughout the benefit period. Once a benefit period has been established, claimants serve a two-week waiting period before benefits start. Claimants must also show that no conditions or circumstances exist that would disqualify or disentitle that individual from benefits.

UI legislation requires claimants who are receiving regular UI benefits to prove that they are capable of and available for work and that nothing prevents them from immediately accepting any suitable offer of employment. This is really the crux of the matter, and I would repeat that again. The legislation requires claimants who are receiving regular unemployment insurance benefits to prove that they are capable of and available for work and that nothing prevents them from immediately accepting any suitable offer of employment.

This is the test laid out in section 14(a) of the Unemployment Insurance Act. This requirement is mandatory under the legislation and there is no discretion to waive or vary. It imposes on each individual claimant the burden of proving availability for each and every day of employment. The claimants primary preoccupation on a daily basis is to become re-employed. To that end a claimant must be continually seeking work and be immediately available to accept an offer of suitable employment.

If a claimant is unable to accept employment immediately because he or she is serving on a jury there is a strong presumption, I would submit, of non-availability. However, as in all cases availability is evaluated on the individual's circumstances. The decisions will vary according to the particulars of the specific case.