

*Privilege—Mr. McGrath*

The second question is whether this regulation which was gazetted changed the current law. We have the word of the minister here in his summary, which reads as follows:

The proposal would change the basis of minimum insurability.

Further on it reads as follows:

Because the present formula allows some individuals to work very few hours a week to qualify for UI benefits, the proposal would reduce the disincentives to work.

Under the heading "Impact of the change" we find the following:

One effect will be to exclude from insurable employment those individuals who are able to earn a relatively large wage in only a few hours a week.

There are clear and repetitious references in the documents provided by the minister to the effect that the bill represents a change from the previous legislation. In addition, these documents were given to us when the bill was prepared. We see that the proposed effective date of the regulation is January 1, 1979, when in fact the regulation was already in place by order in council.

The third question with which I want to deal is the question of power. I want to deal with this just briefly because, as the minister has stated, the government relies entirely on section 4(3)(f) to make its case that the regulation which was gazetted is within its power. As was mentioned previously, that regulation said that the government could exclude any employment in which persons are employed to an inconsiderable extent or for an inconsiderable consideration. It seems to me that it is quite clear that if the regulation which was gazetted excludes one additional person who could not have been excluded under the prior act, that represents taking the law into one's own hands because the government did not have the authority to exclude that individual person.

The government has admitted that this change in clause 2 would exclude some 42,000 persons, but I would like to put forward for Your Honour's consideration the cases of two specific individuals who I do not believe could have been excluded under the previous legislation and who are clearly excluded now. I believe Your Honour can see that there is prima facie evidence that the rights of parliament and its sole right to make law have been breached.

One of the two individuals I would like to use as an example is a part-time school teacher. Typically, such a school teacher earns from \$9,000 to \$11,000 a year. That amount exceeds the average wage in the country. The dictionary definition of "inconsiderable" is "small, of little consequence or trivial". I do not think any person could agree that such a school teacher is employed for an inconsiderable consideration.

The second point is whether such a person is employed to an inconsiderable extent, because as part of his duties he would likely have to report for work at about eight in the morning. He would likely leave about one in the afternoon. He would have to mark tests and so forth in the course of carrying out his duties. He is under contract, and I do not believe any reasonable person could conceivably argue that he is working to an inconsiderable extent.

[Mr. McCrossan.]

● (1502)

Therefore, I think it is a clearcut example of a person who would be specifically excluded under clause 2 of Bill C-14, if it were passed, who is excluded under the regulation which was gazetted, and who could not conceivably have been excluded under section 4(3)(f) which the minister cites as his authority.

The second example which I would like to cite is that of the longshoremen in Toronto. We have a two employer system for the longshoremen's union in Toronto. The two employers are the Toronto Harbour Commission and the Maritime Employers' Association. It is quite possible for a longshoreman to work 38 hours a week, 19 hours for the harbour commission and 19 hours for the Maritime Employers' Association, to receive pay that is considerably higher than the average pay in the country, to work considerably longer than the average hours worked in the country, and yet be excluded under the regulation which was gazetted. I do not believe there is any conceivable way they could be excluded under the current act, and therefore it is quite clear that the regulation which was gazetted does, in fact, as indicated in the minister's explanatory notes to Bill C-14, represent a significant change from what was provided under the prior act.

The final point I want to make concerns my own question of privilege to which I should like to speak for about 30 seconds. I raised the point on November 28 of the impact of clause 2, and in the cross-examination, which is reported at pages 963 and 964 of the committee's proceedings, the deputy minister stated that when the act is amended, provisions will be introduced by regulation, which provisions could be changed from time to time. There was no hint at all that the regulations had already been introduced and that they were in force.

I refer back to the quotation cited by the hon. member for St. John's East (Mr. McGrath) from May's nineteenth edition to the effect that if there was a suppression of truth by witnesses, that constituted a breach of privilege.

**Miss Flora MacDonald (Kingston and the Islands):** Mr. Speaker, I just want to intervene briefly on this question of procedure because there is a point which I wish to make which has not been dealt with and which I feel concerns the very invidious position in which we are placed as members of parliament working on committees vis-à-vis the witnesses who appear before committees.

It is evident in this case that there is, and has been, contempt with regard to the witnesses who appeared. I want to make particular reference to two groups which appeared before the committee for a specific reason. One of the major reasons that they came before the committee was to deal with this particular clause of the bill, a matter which has been raised on a number of occasions by women in particular because it has special significance with regard to women in the work force. Some 22 per cent of women in the work force, almost one million Canadian women in the labour force, are employed on a part-time basis.

The Advisory Committee on the Status of Women and the National Action Committee on the Status of Women both