

### *Employment and Immigration*

The owner of the plant keeps part of his salary as dues to the various plans, whether it be unemployment insurance premiums, income tax, the Quebec Pension Plan, and just about everything which is deducted from pay cheques nowadays. Then, when things slow down in the industry, a number of people are laid off and compelled to apply for unemployment insurance benefits. The Unemployment Insurance Commission pays during three, four, five or six months. But one day the commission sends an inspector—probably more thickheaded than others; in his own way he asks a series of questions to both employer and employees and then the commission decides that those jobs are not insurable. And the workers are told: It is unfortunate but the job you had was not insurable. The income tax people then inform them of their decision. It does not take long. They are told: Your job is not insurable.

Obviously, they were already paid benefits. Then the Unemployment Insurance Commission claims amounts depending on how long the person was unemployed. What can the person do? Those workers go and see their representatives, a lawyer of the legal assistance office or anyone to find a solution. I have here a case which was submitted to me—I took only one, but I have fifteen, a whole list before me—which I will submit to you. Seven seamstresses were working at home. Why were they working at home? It is easy to understand and the judge of the federal court understood very quickly. It was because the owner had set up a sewing shop employing around fifteen persons. It was an old house he had converted into a shop. There was enough room for five or six women to work there. So he had divided the job between those women who wanted to work at home.

It was a kind of production line: one woman would make shirt sleeves, another one the front and a third one the back; then all these pieces were sent to the manufacturer to be assembled. So, various claims up to \$1,500 were made to the commission regarding these claimants, dating back to 1974. It took three years before we were able to bring this case before the Federal court. Fortunately we were able to meet the former ombudsman, Justice Marceau, who understood very quickly what the situation was. I have the decision here. The Crown attorney tried to explain that these positions were not of the kind that could be covered by unemployment insurance, using a lot of previous decisions to prove his point. The employer was there. What happened then? First, the women who were working at home have been incessantly bothered by UIC officials asking them to reimburse benefits that, according to them, had been overpaid.

Moreover, one of these women—I could name her, for I have her name here—had worked for another employer and when she became unemployed again, she submitted a claim to the UIC, but with the benefits she was once more entitled to get the UIC officials tried to reimburse what they considered as overpayment for 1974.

From 1974 to 1977 those employees went on working, but they stopped paying unemployment insurance contributions and their employer said: I am looking forward to the day when this case will be settled. A good many employers could have

deducted unemployment insurance contributions, and the court case heard on March 24 finally put an end to all this nonsense. I have heard of 20 or 22 similar cases. In Rivière-du-Loup, on May 20 I believe, a Monday anyway, I was before the judge at the federal court and I met the former minister of public works, Mr. Justice Dubé, who is a federal court judge and whom I was very pleased to meet. There were two cases: one was about a man who had worked during the summer for his father, harvesting and doing farm work. His father was a lumber dealer, selling and transporting lumber. It was perfectly insurable employment, but the commission blocked it all. There was another worker from Saint-Jean-de-Dieu, not from my riding this time, but it often happens that people from another riding close to mine tell me about their problems. In that case, the employment was not insurable. He was a carpenter who was repairing the house of a farmer, a very ordinary house as all farmers have in our country, but this was not an insurable employment. Four weeks of non-insurable work, while he had already a number of insurable weeks, but as he was three weeks short these four weeks were not insurable and he was not eligible for benefits.

There are all kinds of tricks, all kinds of gimmicks, as I said earlier, and I could show you that very few unemployed people cheat. Of course there is the odd one because our legislation is full of loopholes, but most cheaters in the entire administration of the unemployment insurance are not those people. If they exist it is because the law has many gaps and allows bureaucrats to withhold benefits which are payable to unemployed people in a fix. It is the way I see our law and I challenge anyone to tell me otherwise because I can support my views with plenty of evidence I can produce any time to show that it is the way things happen.

I know another case which will show you the deficiency of this legislation. I know a man who has worked for 15 years for the same employer and who still works at the same place. Nevertheless, in 1975 he was told that his job was not insurable. He operates a tree-harvester in the bush. We went through a lot of proceedings. It is now in court and I do not know when the hearing will take place, but they seem to be a little faster these days. I was told once they were short of staff, but I suppose that with the very high rate of unemployment in Canada, there are also some unemployed professionals. They have hired some additional staff, because it seems to go a little faster now. That man had been working for 15 years at the same job which had always been considered insurable. In 1975, he made his application as usual. In winter time he is unemployed, as he is a bushworker. After the New Year, there is a period when there is not much to do in the bush, so he lives on unemployment benefits. After a while he was told: This job is not insurable. Then the income tax officials came into this. They like to protect the funds, everybody knows them, they try to get as much as they can, so the job was not insurable. The Commission asked for a refund for excess payment. The man said: I cannot pay that; I am unemployed. When I am working again, I will attend to that. He told me about it. I contended to the Commission that it was an insurable job. Then they went