

*Government Orders*

Despite those minor improvements, and they are improvements, the bill is still not acceptable because the penalty is still excessive. It is still an excessive and harsh penalty when we consider that just cause is not always clear. It is very often a grey area. It is very hard to prove and it is time consuming. It takes at least two to three months in the appeal process to prove that one has just cause when one leaves a job.

There was a case in Montreal in which it took up to two years of pursuing the appeal process before the applicant won his case and proved just cause.

In effect, this is a situation in which the application, the employee, is presumed guilty until he proves his innocence. It is presumed that when people leave a job they are leaving without just cause, that they simply want to goof off, and that most people who leave jobs simply want to goof off. It is presumed that they are guilty and that they are in that position. They must go through the whole process of proving: "No, I did not just goof off. I had just cause". That is not an easy job.

The individual must put together the proof, must get witnesses and documents and go before a board of referees or an arbiter to prove that it did have just cause. It is time consuming, expensive, and extremely difficult. Meanwhile, the individual has no income even though he or she may have just cause during the whole period of time that he or she is trying to prove just cause.

We are saying that to totally deny benefits to these individuals is an excessive, unreasonable, and harsh penalty, which was never in the law before. We in this party are not saying that there should not be a penalty for those who leave their jobs without just cause. There has always been a penalty in the law. The Liberal Party started the unemployment insurance program. For years we had in the law a penalty of one to six weeks, which was discretionary depending on the seriousness of the case.

The officials in the department could assign a penalty of one to six weeks. It was usually an average of two to three weeks in addition to the two-week waiting period for those people who left their jobs without cause. This was a reasonable penalty considering that many cases are difficult to prove and so on.

In 1990 the government changed that penalty to one of seven to twelve weeks. We opposed it at the time saying that it was an excessive penalty. At the time we said that we would have accepted extending the range from one to

twelve weeks but not setting the minimum at seven weeks because there were cases in which it may be desirable to give a two or three-week penalty. However, the government moved from a penalty of one to six weeks to one of seven to twelve weeks.

That was only two years ago. Now all of a sudden the government is proposing an absolute denial of benefits. There will be no range of penalties but simply a total denial of benefits when a person leaves a job without just cause.

One might have expected that maybe the government would have once again extended the range, let us say from a seven-week penalty to perhaps a total denial of benefits, and then the officials and board of referees could make a decision as to what was a just penalty in the case before them.

However, the government has eliminated any possibility of discretion and has not allowed the board of referees of the department to say: "Well, yes you left but this case is in a grey area. You have not been able to totally prove just cause so we will give you a five or eight-week penalty".

The government has to totally deny benefits in situations which are not always clear cut, which are very difficult to prove, very time consuming and expensive. Meanwhile, the individual is left without benefits.

In this debate the government has completely forgotten that there is another rule in the Unemployment Insurance Act, which is that in order to keep collecting unemployment insurance people must always be ready and available for work. If they show that they are not ready and available for work then they are cut off from unemployment insurance benefits.

We in the Liberal Party are not protesting that rule. It has been in the act for years and years. The government is presuming that if people quit their jobs for good reasons they are just going to sit at home and not try to get work. That is not the case. The law requires that once people are on unemployment insurance, once they receive it and have been proven eligible, and if they have suffered a temporary penalty if required, then during the period they are receiving unemployment insurance they must be searching for work. They must be ready and available for work. They cannot say: "I have retired. I do not want to work. I am going on a holiday to Florida" or "I am just going to sit home and write books".