

which was discretionary depending on the seriousness of the case. In 1990, the government changed the penalty to seven to 12 weeks. Furthermore, it appears, this government has forgotten that there remains the rule in the Unemployment Insurance Act that one must always be ready and available for work. If they show they are not ready and available for work, then they are cut off from unemployment insurance benefits.

Is this bill the first step towards the privatization of the unemployment insurance program? The Conservative approach is purely ideological: All forms of privatization are seen as good without evaluating their socio-economic impact, region by region. I fear for the fishermen and the fish plant workers down in my province and in the Atlantic region in particular.

I oppose these amendments, honourable senators, and I urge you to join with me in voting against this bill.

**Hon. Noël A. Kinsella:** Would the honourable senator entertain a question?

**Senator Bonnell:** Yes.

**Senator Kinsella:** With reference to the comments on the Human Rights Act and the problem of sexual harassment, would the honourable senator give a further explanation of the problem there? Is the honourable senator saying that the Human Rights Act would not have oversight of a situation of sexual harassment?

**Senator Bonnell:** My thoughts about this bill, honourable senators, would be that if a sweet young lady was harassed by her boss, whether it is in the Human Rights Commission or wherever she works, she would have to go before a council and prove her case. That might take anywhere from four weeks to 20 weeks, or perhaps even a year. In the meantime, she has a small child at home who has nothing to eat; she is receiving no unemployment insurance cheque and she cannot receive welfare because she is supposed to receive unemployment insurance. That is the type of situation that is bothering me. I do not believe people in those situations should have to go through that sort of harassment. That is my first point.

Second, I do not believe that the new commissioner should be able to say, dictatorially, that she cannot appear and give evidence, or that she cannot bring in a witness without consulting.

**Senator Kinsella:** Honourable senator, you would agree, therefore, that a man or a woman who is victimized by sexual or racial harassment in the workplace should have the right to leave that poisoned work environment and, for that reason of harassment, be entitled to the insurance benefits which the program covers? This is what the program is there for. The

bill presently before us allows the worker to leave that place, and that is a justifiable reason, is it not?

**Senator Thériault:** But when is it justified? Six weeks down the road after you are hungry? Who decides?

**Senator Kinsella:** Honourable senators, it is absolutely justifiable to leave a poisoned work environment.

**Senator Thériault:** But one still does not get benefits.

**Senator Kinsella:** Secondly, the honourable senator will know that there is a safety protection that Bill C-113 has built into it that one does not have to stay in that work situation and tolerate harassment. Under the Canadian Human Rights Act, one also has the opportunity to file a complaint and, more importantly, in the Canadian Human Rights Act there is an anti-retaliation provision for anyone who is retaliated against in the workplace because they have filed a complaint of sexual harassment under the Human Rights Act. Therefore, in a sense, there are three fall-back protection levels.

**Senator Thériault:** I am sorry, you do not understand what it is all about.

**Senator Bonnell:** Honourable senators, my good friend Senator Kinsella is a great human rights man, but he does not understand. I do not know how he had that job for so many years in New Brunswick. These men and woman who are harassed, whether it is racial or sexual harassment, have to be able to prove their point. They are guilty and they have to prove their innocence. At the present time, the law puts the onus on the employee to prove sexual harassment. Most will take the penalty and do without unemployment rather than go through the whole court system to prove it.

[Translation]

**Senator Hébert:** Honourable senators, for more than eight years, from session to session, from one disastrous piece of legislation to the next, we have seen the gradual disintegration of the social safety net Canada created during previous decades. As Senator Thériault said so forcefully last night, the present government seems intent on finding new ways to crush the neediest in our society while letting the rich get richer.

The main reason we were proud to be Canadians was that our country, by and large, was known for its compassion for the poor, the unemployed, the sick and children, at home and also in some of the most disadvantaged countries in the world. Our medicare, family allowance and unemployment insurance programs have long been the envy of countries even richer than ours, like the United States, while our commitments in the Third World and our open-door policy for refugees — the new outcasts — were held up as an example to the rest of the world.