

Government Orders

tion. They get time off instead. These agents are sitting there and listening to people who have come for assistance and they have to make decisions. As well, these agents are restricted in what they can do. They cannot cross-examine. They are limited as to how they can approach these people and try to help people.

• (1140)

The sexually harassed person has to appear before such an agent, bear his or her soul and explain in detail what happened. The agent under the new and improved legislation will now do his job behind closed doors. That was not in the old legislation. This is not backtracking, but it is in the new bill. That is fine and is very much appreciated.

The problem is that the agent cannot take the word of the claimant because it is not good enough. Now the agent has to go to the employer. The employer is the one who has been sexually harassing the claimant. The agent will go to the employer and seek to determine whether or not the person was sexually harassed. What employer in his or her right mind will say: "Oh, yes, I did it. I sexually harassed this person. Give her the benefits"? I do not know too many employers who will do that.

Mr. Heap: That will be the day.

Mr. Samson: Of course the employer is going to deny it. Where is the benefit of the doubt? The agent has the claimant's word and the employer's word. Let us bring in a witness. Keep in mind that all related parties will be excluded from the interview with the agent. During the interview the agent will be alone with one person.

If I were a claimant I would certainly want to be present when somebody is saying something about me. I have that right. That information will not only be available to me. It will also be available to the employer and to the witnesses in writing. Transcripts will be available.

Then the agent brings in a witness who works for the employer and was there at the time the harassment took place. Do we think for one minute, given the conditions we work under today, that witness will put his or her job in jeopardy by siding with the claimant and saying: "Yes, the employer sexually harassed the claimant"?

Mr. Heap: Fat chance.

Mr. Samson: Fat chance for sure. They are going to take the side of the employers to protect their own jobs because jobs are hard to get. There are no jobs. Of course they are going to say: "I didn't see anything. Oh, gosh, I don't remember that. No, I don't think it was that bad". Or, they may even say: "Hey, listen, this person has been after the boss for I don't know how long. It is not his fault; it is her fault".

This is a lop-sided, sick piece of legislation. The claimant is the one who is going to lose. The hands of the agent are tied. When we look at the document it clearly says that the agent at no time will cross-examine to determine who is right or who is wrong.

If agents are to become police persons, lawyers and judges, how can they arrive at an answer if they cannot do all these things: do the investigation and do the cross-examination? How will they establish who is right and who is wrong? How will they establish if the claimant has a right to benefits or not? How will they establish benefit of the doubt for the claimant? They cannot. It is impossible.

There is something drastically wrong with this legislation. It implies that persons who are sexually harassed must tolerate the situation as long as they can. They must try to exhaust all other avenues, including asking for a transfer. That is a good one. While they are asking for a transfer because they are being sexually harassed, the spouse—he or she—may be in trouble. Unless they exhaust all other alternative measures to move with the other spouse, they have to go through this whole process too if both spouses are working. They have to prove that they tried to do everything they could in order for them not to move. They have to try to find alternative transportation measures. They have to try to find all kinds of things. The whole process is sick. It really is.

The government is saying that the unemployed have to realize they have to be part of the deficit reduction to get the economy going again. The answer is get people to work. Put people to work.