

Employment and Immigration

An hon. Member: About pregnancy?

Mr. Rodriguez: No, he was not applying for pregnancy benefits. He had been down to the UIC office after being called in for an interview. He happened to have in his hand a Slazenger satchel, which is a little carrying bag. He was being interviewed, and the officer said, "Do you play sports?" He said, "Oh, yes. Usually after I finish looking for work in the afternoon when I am up town, I go to the YMCA and work out." They arrived at the decision that this man was obviously not available to work because he was prepared to go and play sports, and he was taken off unemployment benefits. This man was forced to come to a federal member of parliament. He had to go through the process of trying to get the decision revoked.

I have literally hundreds of incidents similar to that. One would assume that the situation is open, cut and dried. These are the same people who want the power and authority to decide if someone is deliberately misleading the UIC with their statements. They would not know a misleading statement if it came up and hit them in the face. Many of the statements they have deemed to be misleading arose from the imagination of the interviewing officers of the commission.

Mr. Young: Misleading, like your speech.

Mr. Rodriguez: The hon. member for Niagara Falls (Mr. Young) can make his own remarks, if that is what he wants to do. It is too bad he will not come out here and make his speech.

There was a time when I used to report 125 cases a month—names and social insurance numbers—to the former commissioner of the UIC, Mr. Cousineau. These were cases where decisions were based on suspicions about the behaviour of people. The commission is saying that parliament should give them the power to determine—be the judge and jury—whether information given to them was willingly and knowingly misleading. A person is entitled to an open hearing in a court to establish whether he has willingly misled or knowingly misled, or in fact gave information not knowing the information was incorrect. We have a court set-up in this country and there are also legal services available. We have legal aid in 99 per cent of the provinces of this country. Lawyers are there to assist persons who want justice in open courts.

● (2140)

I am leery, I am fearful of giving these bureaucrats power. We have seen the abuse of power by bureaucracies, and it is time we returned the decision-making regarding our people to the courts. The bureaucrats are not the people's masters, they are the servants of the people, and it is the courts which should decide whether or not a claimant has infringed the law and should suffer the penalties under the law. It should not be the decision of the bureaucrats, and least of all the bureaucrats of the Unemployment Insurance Commission. Can you imagine the mess we will have when we put Manpower and UIC together? The idea of melding those two boggles the mind. That is why we in this party prefer to eliminate this clause from the bill.

[Mr. Rodriguez.]

The Deputy Speaker: Is the House ready for the question?

Some hon. Members: Question.

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And five members having risen:

Mr. Deputy Speaker: Pursuant to section 11 of Standing Order 75, the recorded division on motion No. 20 stands deferred.

The House will now proceed to the consideration of Motion No. 21 in the name of the hon. member for Nickel Belt (Mr. Rodriguez).

Mr. John Rodriguez (Nickel Belt) moved motion No. 21:

That Bill C-27, An Act to establish the Department of Employment and Immigration, the Canada Employment and Immigration Commission and the Canada Employment and Immigration Advisory Council, to amend the Unemployment Insurance Act, 1971 and to amend certain other statutes in consequence thereof, be amended in Clause 48 by striking out line 42 at page 26 and substituting the following therefor:

"and to which he was entitled, regardless of any changes in the claimants eligibility status since that time, the Commis-"

He said: Mr. Speaker, this motion is one that I feel is extremely important. The reason that my party has put in this amendment has reference to a particular issue which came to light in the last few months.

As the house will recall, we passed a bill—historical perspective is important—Bill C-69, last session. It became effective on January 1, 1976. At that time there was a provision in the bill that anyone aged 65 or over would no longer be able to pay premiums to the Unemployment Insurance Commission nor receive benefits. There were thousands of Canadians who had established their claims prior to the coming into force of that law, but lo and behold, when the law came into effect on January 1, 1976, the bureaucrats in UIC—I am glad I just dealt with this matter to some extent a few minutes ago—promptly sent out letters to those people aged 65 and over who had established their claims saying, "now that we have passed this bill, because you are aged 65 you cannot collect unemployment benefits", and they were cut off.

You must realize that we are dealing here with people 65 years old and over, and some could have been up to 69 because 70 was the previous cut off age. Many of them having received this formal letter from the UIC said to themselves that obviously they could not fight city hall. Many of them received this letter as the official word on their claim, but 400 of them appealed the decision. That decision went all the way through to the courts of the land, and the courts ruled that these people were entitled to unemployment insurance benefits and that the