If Manpower Centres are not sufficiently efficient, they are very quick to report to the Unemployment Insurance Commission any job refusal on the part of a claimant. And not much care is taken to find out why he refused the job.

There is another way for the officials of the commission to disqualify a claimant, and that is on the basis of a presumption. And the definition given by the dictionary of the word "presumption" is as follows:

PRESUMPTION: The taking of something for granted; the inference that a fact exists, based on the proved existence of other facts.

It is therefore urgent to curb the habit of the commission to send disqualification notices to claimants based on insufficient evidence, including presumptions.

The following situation is not uncommon: A claimant receives two notices from the Unemployment Insurance Commission, the first one disqualifying him under section 41 (1) because he voluntarily quit his job. The second notice is one of disentitlement under section 25A, namely that because the claimant voluntarily left his job it is an indication that he no longer wishes to be on the labour market. Consequently, he does not meet the requirements of section 25A. That is the deduction that is made. He may have had several reasons for leaving his job but they do not try to find out why. As soon as he leaves his job, conclusions are drawn. The same phenomenon of presumption will be found in several situations, especially as regards disentitlement under section 25A of the act, and section 145 of the regulations.

Here are two other frequent examples: a claimant is found disentitled because he was absent for two days. Anyone who is somewhat involved in getting guys out of that ridiculous social condition of distress must have witnessed similar situations. That happens regularly. My area is no different from others. So, because a claimant was absent for two days, no matter what the reasons for his absence are, in several cases the UIC officer will serve notice of indefinite disentitlement because his absence tends to prove that he is not on the labour market. Let us consider a bit the notion of sadism in that. The other case will be that of the claimant who did not prove his availability because he did not actively look for work during the period going from x to z. Quite frequently, the officer at the unemployment insurance office will serve notice of indefinite disentitlement under section 25A and 145(9) of the regulations. In the three cases I just quoted, quite often the officer bases himself on indications and sometimes on actual facts which would have no incidence if before making a decision the insurance officer had pushed his investigation further.

Let us take the case of the claimant absent from his area for two days. Often we found that unemployed persons returned to areas where they had worked for a long time to look for a job when they had recently moved there. In that case if the officer had inquired about the reasons for his absence not only would he not have disqualified him indefinitely but quite likely he would simply not have disqualified him. But he did not try to find that out. It is a lot less tiresome to handle a file like that and say, we are not paying anymore. It is clear that he would receive reports, that he would write what he would want on it, but we are not sending cheques.

In any event, to our mind, in the three cases described here, an honest summary is made of the thousands of decisions taken by the civil servants of the commission. Let us have a look at what Superior Court Justice André Nadeau had to say about presumption.

Excerpt from the *Traité de Droit civil du Québec*, Chapter 1x, and I quote:

A presumption is a consequence drawn from a known fact and applied to an unknown fact. The unknown fact must be the true object of the proof, but to demonstrate it, recourse is had to another fact which is more easily proved. There is displacement of the object of the proof since the proof, instead of bearing directly on the law generating fact, bears on another related fact.

That the principles of logic should intervene here, nothing is more obvious. But what is less so, is the fact that prudence demands, in some cases, that the judge keep out of a judicial debate some facts proposed as basis for presumption even though they may be logically pertinent.

So, the practice I alluded to earlier, to which the employees of the commission resort because they have on their hands a poorly drafted act, is clearly contrary to the legal tradition whereby no one is considered guilty until proven so.

It often happens that the arguments of the officials are solely based on the intentions of the claimants. It nevertheless remains that the umpires, in spite of their shrewd and wise impulses, too readily judge on intentions. May I call it six o'clock?

Mr. Deputy Speaker: It being six o'clock, the House stands adjourned until tomorrow at 2 p.m.

At six o'clock, the House adjourned, without question put, pursuant to Standing Order.