September 17, an inspector has him sign a statement, as always to the advantage of the commission.

During this time, the claimant goes out of his way to find a job. Finally, he gets a job in a sawmill in Notre-Dame. He lived in a community located seven or eight miles farther. He moves his family from St-Elzéar to Notre-Dame since at long last he has a permanent job. The UIC, through the inquirer and other administrative complexities, insists that the amounts deemed to be overpaid be reimbursed.

Finally, a hearing is arranged before the umpire for December 31, 1973. The five issues are considered and have to do with availability at certain periods, job refusal, false declarations, which was defined in the issues involved. The five decisions were rescinded to the advantage of the claimant.

● (1440)

On February 7, the Commission is in contact with the officials who supervise the computer, in order to determine when this period of misery will end for the worker, who has been compelled to request welfare assistance when the officials of the commission devise every possible way to end his payments.

Fortunately that worker is no longer unemployed. He found a job himself after personally looking for one, without the help of the officials of the Unemployment Insurance Commission or the Manpower Centre. They complicated things for him as much as they could. That guy has a family, with all the troubles, and of course he does not have much money, but he managed to find a job which allows him to survive for the moment.

The sections I would like to deal with and about which I still had phone calls this morning, are sections 172 and 173 of the regulations concerning holiday credits. For many years, labour representatives have been making representations to the departments to remove those sections which cause prejudice to those who are unemployed because their work is finished. It is obvious that the technocrats who drafted the bill took the cessation of remuneration rather than the cessation of employment as the basis for the claimant's right. This proves once again that most regulations are based on monetary restrictions. These regulations include all the amounts that can be remitted to an employee on severance.

In 1974, after the administrative reorganization of a snowmobile plant in our area, the firm I alluded to a few moments ago, the 11 foremen who had been employed in this plant from five to ten years received severance pay in addition to their holiday credits. It is obvious that the commission employees who go strictly by regulations extended the waiting period as long as the amounts received at the cessation of employment were not spent.

Some people in the group could become eligible only three months after the termination of their working period. Nevertheless their severance pay was based on the services previously rendered during a period from five to ten years.

This is the type of excessive inequity which is not corrected at all by Bill C-69. Another amendment that could have bad if not revolting effects: the three weeks extension of qualifying period for resignation or refusal of employment. It is proposed to establish the six weeks qualifying period. Obviously it is mentioned in the bill that it is applicable to those who leave their employment without valid reason.

If the implementation procedure were restricted to that group of unstable workers, I should not be against it. However, as I know the usual procedure, I can foresee that things will not happen this way. If a certificate of termination of employment bears the mention "resignation or misconduct", I am sure that a number of civil servants will be pleased to put the file aside for more than two months without pay, two weeks of qualifying period, six weeks of inadmissibility and then, if the claimant is still unemployed, he may have to wait another month or five weeks before receiving any benefits.

I have in hand a copy of a decision made by an umpire following many instances of unemployed workers and their union agent. I think I should quote the ruling of the umpire. Misconduct cannot be presumed, it must be proven and the burden of the proof falls on the board. The sole mention by the employer that there was a violation of some rules or order, like many late arrivals, is not enough. The violation must be substantiated. The sole mention by the employer that the claimant encouraged other employees to go on strike is not enough without any proof of what the employee said or did. Also, we could certainly say that the sole statement by the employer that the claimant is part of a group of employees that caused some damage is not enough without any proof of the extent of the damages.

As the umpire does not have to know whether the strike was legal or illegal, the fact reported above is a normal incident in a labour dispute and does not imply any form of misconduct on the claimant's part. Misconduct has to be personal and there must be conclusive evidence of it. It cannot be inferred from any association with a group.

The board of referees had no valid reason to infer that a regulation had been violated without being aware of the contents or the mere existence of such regulation, and much less to conclude that there had been misconduct without any proof of personal misconduct.

Of course, the appeal was upheld on April 9, 1974.

Here is another case of voluntary termination considered without any justification by the officers of the UIC as a refusal of employment. Here is what the umpire mentioned in his ruling:

> First, in my opinion, the claimant did not leave work without justification since the file states that working conditions did not meet the requirements of provincial legislation. If the fact that the employer did not meet the requirements of the legislation is no justification to leave one's employment, I wonder what a justification should be. In my opinion, it is the most valid justification possible since it is none of the claimant's doing, and it only relates to the employer.
>
> The one week gap between refusal and acceptance of employment should not be sustained as a reason to disqualify the claimant. Employment was accepted before the notice of disqualification was sent out. A citizen has a right to change his mind. To think differently in this case would be displaying legalism, which runs contrary to the spirit of a social legislation.
>
> The appeal is obviously upheld on April 9, 1974.

I quoted two instances which show that the umpire does not necessarily share the opinions of the officers of the commission and the members of the board of referees. But