

I should like to direct my amendment to the issue of benefits for common-law spouses or partners.

One of the acceptable reasons for voluntarily leaving a job under Bill C-113 is to accompany a spouse to another residence. It is commonly accepted that "spouse" means either a married spouse or a common-law spouse. This, however, is not the case for unemployment insurance benefits. Nowhere in the Unemployment Insurance Act does it say that the word "spouse" refers to either a married spouse or a common-law spouse. This means that if a spouse chooses to voluntarily quit a job to follow his or her common-law spouse to another residence, that spouse will not be entitled to UI benefits.

The Parliamentary secretary to the Minister of State for Finance and Privatization, Mr. Jean-Marc Robitaille, recognized that this problem existed in the legislation but claimed that it was taken care of in UI policy. Speaking to an amendment similar to the one we are proposing, one which would give equal status to common-law and married spouses, Mr. Robitaille said:

I cannot support this motion because it is not entirely necessary. Practically speaking, people who have lived together for at least one year are already treated as spouses according to UIC policy.

That statement is found in the *Debates of the House of Commons* of March 19, 1993.

Jurisprudence, however, claims otherwise. In a case between one Frances Barzan and the Minister of Employment and Immigration, Federal Court Judge Max Teitelbaum, acting as umpire, ruled, on October 2, 1992, that although Ms Barzan voluntarily quit her job to accompany her common-law spouse to another residence, she was not entitled to unemployment insurance benefits. The reason, in the judge's words, was:

If Parliament, in its wisdom, wanted to include, and I believe it should be so included, that it would be "just cause" to quit one's job to follow a "common-law spouse" Parliament would have so stated in the statute... subsection 28(4)(b) of the Act only speaks of a "husband" or "wife", as these words are ordinarily defined, and not of a "common-law husband or wife".

• (1050)

This case is currently before the Federal Court of Canada Appeals Division, and I believe that a decision is imminent. What would then occur if that court confirms the decision? All of those who leave their jobs to follow their common-law spouse to a new residence will not be eligible for unemployment insurance.

We know from committee testimony Wednesday night that proportionally more women voluntarily leave their jobs than men. Since, unfortunately, it is still true that women, more often than men, follow their spouse's career moves — this is not my personal experience — this provision will, proportionately, affect more women, and to their detriment. As in so many other instances, it is women who will bear the brunt of this government's policies.

The government has indicated, in other circumstances, that it is willing to extend equal rights to both common-law and married spouses. In fact, Bill C-92, which is currently before the Standing Senate Committee on Banking, Trade and Commerce in pre-study, amends the Income Tax Act so that common-law couples are treated exactly the same as married couples under the tax system.

The amendment I am proposing would clarify that common-law spouses should be treated the same as married spouses for purposes of the Unemployment Insurance Act by ensuring that the word "spouse" is defined to mean either a common-law spouse or a married spouse. The wording of the amendment is virtually identical to that proposed by the government in Bill C-92.

Therefore, I move:

THAT Bill C-113 be amended in clause 19 by adding immediately after line 2 at page 9 the following:

(5) For the purposes of paragraph 4(b), "spouse", in relation to a person, includes the person of the opposite sex who cohabits at that time with the person in a conjugal relationship and

(a) has so cohabited with the person throughout a 12-month period ending before that time, or

(b) is a parent of a child of whom the person is a parent.

I place that amendment before honourable senators in the sincere belief that it is perfectly consistent with an honourable, good and positive initiative that the government is taking, and in the sincere belief that the senators across the way would find it perfectly palatable.

**Some Hon. Senators: Hear, hear!**

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Bolduc, seconded by the Honourable Senator Lynch-Staunton, that Bill C-113 be read the third time.

In amendment, it is moved by the Honourable Senator Cools, seconded by the Honourable Senator Davey: