

Supply—Secretary of State

I shall give an example to illustrate what I mean: an employee with the unemployment insurance commission enforced the law strictly in a certain case, for which he cannot be blamed. Still, the result was no less than disastrous. A single man was working. Unemployed, he declared that he was supporting a family, but as he did not pay all the family obligations—he was supporting his mother and his brother—when he resumed work, he was asked to reimburse a certain amount to the unemployment insurance commission as he had received a weekly overpayment of \$6 or \$7 during six months. When the man started to work again, he was asked to reimburse that amount. As he was unable to reimburse it at that time steps were taken to have it deducted from his salary—he was working as a lumberman—and his boss fired him because he did not want to have anything to do with garnishees. At that point the individual concerned, who owed something like \$180, went back on unemployment insurance and, instead of being reimbursed little by little, the commission again was forced to pay him unemployment benefits. Thus, the commission loses in the case of strict and rigid enforcement of the law.

I feel that if civil servants are asked to enforce the law strictly and rigorously, without giving at times due consideration to conditions and circumstances, without attempting to give them as much latitude as possible in their decisions, countless examples will be found of cases similar to the one I have just pointed out.

To my mind, the Secretary of State and the civil service commission might somehow guide the official's work and leave him the greatest possible scope in considering each particular case, because he is in contact with each individual and should be able to consider the particular circumstances and data of each situation.

If officials had enough scope to deal properly with certain cases which may not strictly conform with the law, better results would be obtained than the prejudice which often follows a rigid administration of the statutes.

Since we are dealing with the civil service commission and civil servants generally, I think that the commission and those responsible for the civil service in general should seek to adopt a new policy toward the civil servant and try to consider him more like a human being, like an intelligent individual upon whose judgment we can rely, in short,

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give him more authority in the settlement of problems concerning civil servants.

One may observe that this may lead to complacency. I do not think so, because the civil servant will always have to act according to regulations, but we should let him use his judgment and his intelligence in the many cases where the act should not be applied to the detriment of the individual or that of the commission or the government he is serving.

In other words, and to sum up, the government should endeavour to give more authority to the civil servant so that he may perform his duties, his mission, not only in respect of the act but also toward those who consult him, bearing in mind the circumstances surrounding each particular case, the job he has to perform. For instance, an unemployment insurance inspector often has to say: In your case, I have no authority to rule in such or such a way, although I know that in this particular case the act is not clear. This happens regularly. But this is due to the fact that the civil servant is not authorized to decide for himself what should be done in the case before him.

Perhaps one might say that this would be making innovations in a somewhat daring way; but if we start breaking new ground along those lines, if the civil servant is progressively given more leeway, perhaps our civil service will be more competent in a decade, not because civil servants are not efficient now, but probably because they are not given enough leeway to make decisions by themselves which they are not allowed to make according to their own judgment. In many cases, that would eliminate a lot of bureaucracy and transfers of responsibility that would eliminate the submission of many decisions to mediators or appeal commissions; in short it would get our civil servants used to face the current facts of life and make decisions according to their good judgment, and not always according to a lot of regulations which are amended and make their situation complicated as well as the life of the person who has to deal with the officials in a given department. I think that at this time our Canadian citizens and especially the civil servants in the employ of the Canadian governments are competent and able to show sufficient judgment, intelligence and reasoning to be allowed to use those qualities and make decisions by themselves, even if at times it is not always according to the spirit of the