

*Unemployment Insurance Act*

of the government by the Gill committee more than five years ago, that such an anomaly has not been removed from the legislation. The regulations have to take into account the peculiarities of the fishing industry. For example, the employer-employee relationship is different from that in most other industries; it is not so direct or well connected. That they do so is reflected by the fact that they are extremely involved and intricate. Therefore, because of these peculiarities and the different concept involved it seems to me that the regulations should be altered once more so as to gear them to the need of fishermen for unemployment insurance benefits, which is directly related to the amount of income at their disposal. If their income is obviously low, they need assistance; if it is high they do not. I think that this misuse of the concept that people in difficult circumstances require assistance should be removed.

I should now like to pass on to another section of the act. Many times in this house questions have been asked about section 54 and the deprivation of benefits as a result of a strict interpretation of whether or not employment is available for certain people. I shall read briefly from the act in order that the section to which I refer will appear in the context of my comments. Section 54(2) reads as follows:

● (3:40 p.m.)

An insured person is disqualified from receiving benefit in respect of every day for which he fails to prove that he was

- (a) capable of and available for work, and
- (b) unable to obtain suitable employment.

The words "available for work" need to be dealt with. The minister knows this. The matter has been raised by many members of the house on a number of occasions. I think I am right in saying that the minister's predecessor, now the Minister of National Health and Welfare (Mr. MacEachen), agreed in essence with the complaints and strictures concerning the part I read. He intended to do something about it but the language is still there. Difficulties have continued for years, and I submit this is all wrong.

I know of instances where insurance officers by means of leading questions to applicants for unemployment insurance benefits have disqualified those applicants. In Terrace, British Columbia, a woman who had worked in a hospital went before an insurance officer who asked her questions along these lines. "Would you be available to work, in your occupation, in a hospital?" The woman said,

[Mr. Howard.]

"Yes". The officer asked her, again by way of a leading question: "I assume you would prefer to work in Terrace or in this area?" Again the woman said, "Yes". Naturally her answers to both questions would be yes. She works in hospitals and she would prefer to work where she lives because that is where her family lives. On the basis of those answers to leading questions the officer disqualified her from benefits. He said that she had confined herself, that she would want to work in a hospital in or near Terrace.

**Mr. Nicholson:** Would the hon. member permit a question? Does the hon. member know whether these facts to which he has just referred were drawn to the attention of the chief commissioner or the minister at the time? If not, I will be glad to have them looked into.

**Mr. Howard:** With regard to this specific case, yes. I had correspondence with Mr. Fortier, who at that time I believe was the chief commissioner, and with the minister's predecessor. The only answer I got was that they could do nothing about it since the woman had confined herself in her availability for work. In other words, she had restricted herself. I must add that she had done so almost at the insistence of the insurance officer. I was told that there were numerous umpire's decisions to support that position.

**Mr. Knowles:** That sort of thing has happened to me dozens of times.

**Mr. Howard:** I had much correspondence but no satisfaction. The hon. member for Winnipeg North Centre (Mr. Knowles), in an aside which the minister may not have heard, said that this has happened to him dozens of times. I am talking of circumstances where a person is denied his right to receive unemployment insurance benefits because of the manner of questioning by officials and the answers he gives. I could cite other cases. I know of one where a family moved to another area. The mother of the family had worked in an office in a secretarial capacity. In the new area she applied for unemployment insurance benefits and for a job, because these two matters are connected, and was denied benefits because there were no jobs available in her occupation of secretary. All that that woman had to do—and the minister knows this and I advise people to do this—was to say: Yes, within the meaning of section 54(2)(a) of the act I am available for work anywhere at any income.