

Unemployment Insurance Act

not looked for a job, a decision which was taken on the strength of a single report. A number of members of this House have certainly heard of similar cases. After a certain unemployment period, the Commission communicates with the CMC officers and ask them to look for a job to propose one to the unemployed or to check if the claimants are actually looking for one.

One unilateral report from an anonymous manpower centre is enough to disentitle a claimant. All of a sudden the claimant sees himself deprived of all his rights. And the appeal procedure starts all over again. When the claimant appears before the board of referees to prove he made efforts to find a job, the manpower centre does not attend the board of referees' hearing either.

Madam Speaker, everything is set in a complex legislation so that the claimant is always the one who has the onus of proving his innocence, so to speak. In the board of referees procedure mentioned in the legislation, the minister will have to add provisions about employers who make all kinds of reports. I learned that in 1974, as many as 32,382 workers lost their jobs on account of misconduct. Alcohol or the irresponsibility of the employee may be the causes of misconduct, but it could also be due to an employer who exploits his employee. And yet, I think that there is not even 2 per cent of those cases of misconduct where the employer is required to give evidence before the board of referees.

Thus the claimant, and only the claimant, has to face the three members of the board of referees and has to put up his own defence against the Unemployment Insurance Commission, its act and regulations, and God knows how involved some of them are, and against an employer who has charged him with misconduct when he entered the word "misconduct" on his separation certificate. The employer is merely required to put down his firm name, the number of weeks worked and the word "misconduct". That is the employer's sole obligation. This means that any employer could put down the word "misconduct" on any employee's separation certificate and thus create a social tragedy, a human tragedy for a claimant when actually there may have been no misconduct at all. There again, the claimant has the onus of proving it while there is none for the employer.

I think that this is one of the act's serious shortcomings. I will conclude my remarks on this, Madam Speaker. I would still have many more to make, but I will limit myself to these on second reading, and I will perhaps hark back to it before the committee, at the report and third reading stages. I would like to summarize and say that the part dealing with 65 is-year-olds is, to us, absolutely unacceptable, unfair, and is even provocative for workers of 65 or over. It does not recognize their rights. It systematically withdraws them.

Madam Speaker, the second point is the decentralization of unemployment insurance benefit payments. I think that the minister cannot justify, defend or continue to defend such centralization in payments. The third point is the review process, that is the appeal process provided in the act. Provisions should be added so that employers and manpower centres that make reports on workers be also required by law to give their own views on the facts to ensure that the act is not a cause of inequity but a source of satisfaction and justice for workers.

[Mr. Fortin.]

I think the appeal procedure, the arbitration at the board of referees or before an umpire is an important means of checking whether there has been an error of judgment. As far as I know, before any court, there are always two parties. I think that before the board of referees, which is not a court but a place where people try to understand each other as well as possible, there should be as many statements of facts as possible.

Mr. Serge Joyal (Maisonnette-Rosemont): Madam Speaker, those of my colleagues who preceded me this afternoon in the debate on Bill C-69 pointed out, some of them with great eloquence I felt, the weaknesses in present operation of UIC offices. They also highlighted, rather spectacularly, I thought, and here I am thinking of the hon. members for St. John East (Mr. McGrath) and Lotbinière (Mr. Fortin), the effects some of the provisions of the bill will have, in their opinion, on Canadians.

● (1740)

I should like to take the next few minutes to introduce also into this debate a note which, I think, will make the statements more consistent with everyday occurrences in Canada. Before doing so, I wish to remind you, Madam Speaker, that the unemployment insurance plan has been in effect for 35 years in Canada.

Canada did not break new ground in the field of unemployment insurance. Several European countries have had unemployment insurance for more than five centuries. Several even brought it in early in the 20th century. In Canada, the legislator became conscious of his role and of his responsibility to adopt income support measures only after the great economic depression of the thirties.

The first legislation on investments and social insurance passed in 1935 gave rise to many debates and even to conflicts of jurisdiction. As a matter of fact, some provinces had questioned the authority of the federal government to legislate in the field of unemployment insurance. A decision of the judicial committee of the Privy Council was required to define whether the Canadian government had full jurisdiction in the field of insurance.

But this legislation of 1935, the Investment and Social Insurance Act, was an act which sanctioned inequality to some extent. First, inequality concerning the age and also concerning facts. For instance, a young woman aged 16 or 17 could not receive weekly benefits exceeding \$1.50 while a man 21 or over could receive more than \$6 a week. Those figures, Madam Speaker, may seem a little ridiculous in the context of today's income scale, but they do shed light on the evolution of mentalities, priorities and, mostly, responsibilities of the Canadian government. No need to recall that current weekly benefits can amount to \$123 and that they are based in the insurable income of the claimant during the qualifying period.

Madam Speaker, the role of unemployment insurance in Canada, is essential to maintain a certain economic stability. There are many factors in favour of maintaining unemployment insurance. One only has to bear in mind that the level of relative wealth in the various regions of Canada varies throughout the country, that social, geographical and even climatic conditions play a prominent part in the income scale of Canadians.