

*Employment and Immigration*

misleading or, being required under this Act or the regulations to furnish information, furnished any information or made any representation that he knew to be false or misleading, the Commission may impose a penalty on that claimant not greater than an amount equal to three times his weekly rate of benefit.

In other words the commission has now become judge and jury of its claimants who may or may not knowingly have given the commission false information. The commission will determine whether any claimant gave wrong or false information, and I suggest this is the type of provision we should be very careful about when we pass legislation. In other words the commission is substituting itself for the courts of this land; it will determine guilt or innocence and levy punishment by way of fine.

I am just a little school teacher from the backwoods of northern Ontario, but I had always thought that only the courts could levy fines following upon a judgment that had been made. This commission is now being given the power to substitute itself for the courts of the land to decide what is or is not deliberately false, in my opinion denying claimants the due process of law which every free Canadian has the right to expect. It seems to me that we have an opportunity here to eliminate this provision.

In committee I argued that if the commission has instances where it suspects, or it is alleged, that claimants have deliberately misled the commission and have collected benefits as a result thereof, it ought to take the necessary action by proceeding through the courts of the land. If a claimant feels that he should come clean and he admits that he has indeed misled the commission, then he may do so and repay whatever is owing to the commission. The commission would have the choice whether to take the claimant through the courts. That was the basic argument I made in committee.

I realize there are other acts of parliament that give certain bureaucrats in this country this kind of power; but I am very leery of this sort of thing because it seems to me that every time we do this we give up a bit of that due process of law for which many of us have stood and fought to maintain. In our amendment we try to eliminate this provision in the bill; and if we see this kind of provision in any other bill I am sure the members of this party will attempt to remove it.

The reply of the minister and his bureaucrats in the committee was that this gave them a little leeway. They said, "What do you want us to do, take every claimant who has deliberately misled the commission to court?" I could be very impressed with the concern that the bureaucrats in the Unemployment Insurance Commission have for poor people were it not for the fact that daily I see how these people are treated in UIC offices across the land. Very little concern is shown in regard to informing them of their rights.

● (2130)

There is an example of someone going into the unemployment insurance office and informing the officials there that she is going away. That person has been on claim and she goes into their office and says, "My sister in Winnipeg is in hospital. She has had a nervous breakdown. I am going to help

take care of the kids." You have to notify the commission when you are not available for work. Well, she did that, and the person in the office said, "Go ahead and do that. That is fine." But that person failed to inform her that four weeks on nil pay means that the claim is at an end. The officer forgot to inform the claimant of this one fact. One would think the commission should be helpful to its claimants.

We on this side are very concerned. Everybody should not have to go through the courts. I will settle for a little sensitivity on the part of the commission in dealing with claimants. I see hon. members smiling, but they do not have this problem. They do not have to line up at the unemployment office.

I should like to return to my example of this woman. When she returned, she went into the unemployment insurance office and said, "I am looking for work again." They replied by saying, "You have had four weeks on nil pay. Good-bye." Claimants who come before commission employees should be informed of this fact.

I have had considerable experience in regard to the situation of the *Journal* workers. This is a saga which is worth telling—the whole question of the *Journal* workers' endeavours to get unemployment insurance. They were told offhandedly that their dispute was industrial and they had no right to claim.

The role of the UIC is to help a claimant process a claim, if there is one. As a matter of fact at one time the unemployment insurance office had a placard depicting someone in a maze. That placard was entitled: "Let us help through the maze". After five minutes with the UIC, a person realizes that they are the ones who need help to get through the maze. A claimant becomes more lost in the maze after going into one of their offices than he was before he went in there. A good example is the whole fiasco of the *Journal* workers trying to establish a claim. In that instance they went through the whole process to the board of referees. The exhibits which were presented in that hearing were mislaid. They got lost somewhere in the maze of the UIC. As I have said, I have had considerable experience with them.

There was a time when Mr. Cousineau, the former Commissioner of the UIC, spent more time in my office than he did at his own office. I am sure they have a foot thick file of letters from me. These letters indicate hundreds of cases where people were improperly dealt with, the decisions handed out indicated insensitivity and they also indicated a lack of humanity toward the claimants' concerns. In the committee I was told that this is what they were forced to do because we wanted all of the cases put through the courts.

Justice must be served, and the only place justice can be served is in the courts of the land. It cannot be served in the backrooms of the Unemployment Insurance Commission where somebody sits and decides if a claimant is willingly and knowingly misleading. These are the same people who say, "Look for obvious signs of pregnancy. Look at the woman's face." During the interview of a potential claimant, who is applying for maternity or pregnancy benefits, their officers are instructed to look for signs of pregnancy. One case which comes to mind is that of a young man who came to me—