



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities**

---

HUMA • NUMBER 019 • 1st SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Wednesday, February 1, 2012**

—  
**Chair**

**Mr. Ed Komarnicki**



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Wednesday, February 1, 2012

• (1535)

[English]

**The Chair (Mr. Ed Komarnicki (Souris—Moose Mountain, CPC)):** I call this meeting to order.

There are a couple of things I want to mention before we hear from Mr. Harris. The bells will ring at 5:15 today, so we're likely to adjourn a bit early. There's also an adoption of a budget for Bill C-316, and that information will be circulated by the clerk. We may get to it today, and if we don't, we'll get to it at the next meeting.

I also want you to think about a request from the Canadian Nuclear Association, which said they would like to appear before the committee when it studies employment and skills issues in rural and remote communities. They want to appear on February 29. If we look at our schedule, we will be dealing with skills development in remote, rural communities on February 27 and 29. We'll be dealing with drafting instructions on those. It would probably mean testimony of five or ten minutes, with some questions and answers. Whether we want to allow them to appear before us or not, you might think about that and I'll come back to it at a later meeting.

Today, we will be dealing with Bill C-316, an Act to amend the Employment Insurance Act. It essentially will deal with an enactment that would repeal provisions of the Employment Insurance Act that allow for qualifying and benefit periods to be extended as a result of the time spent by a claimant in a jail, penitentiary, or other similar institution. The bill is proposed by Mr. Richard M. Harris, who is here with us today. The procedure will be that he will make a brief presentation to us, and then members of the committee will get an opportunity to question Mr. Harris or to comment. We'll go through our normal routine with regard to that.

Mr. Harris, if you're ready, you can proceed.

**Mr. Richard Harris (Cariboo—Prince George, CPC):** Thank you, Mr. Chair.

I'm kind of getting to like this seat down here. I'm usually here, and I spent some time over there. I guess it takes 19 years to get to this end of the table.

Members of the committee, I don't suppose that many Canadians spend a lot of time reading the EI Act to become familiar with it. I certainly didn't until I had an incident in my riding that sent me there. It involved a young lady who had worked for a period of time, 15 years, paid EI premiums, and decided to take some time off to upgrade her skills at her own expense and by her own decision.

She took 12 or 13 months off. She acquired her certificate to ensure she would have a better chance of keeping employment and be in a more steady job. She got a job. She went back to work for two months and started feeling not too well. She went to the doctor, and, sadly, it was discovered after some tests that she had cancer. It was a nasty type, and she had to leave her job and became bedridden at home. Her husband had to take time off his job to look after her as well as he could at home, when he could, so his earnings were reduced.

She was told that maybe she should apply for EI and get some benefits from it. She did, and because she had taken a year off by her own choice and hadn't worked in that period, she was not eligible, of course, because the way the EI Act reads, you have to work in that 52-week qualifying period. Unfortunately, she simply wasn't eligible to receive benefits.

That's the situation that brought my attention to this. I said it was unfair, and I wanted to find out why she wasn't eligible. I looked into it and read the act, and according to the act, that was right. I thought maybe a mistake was made. However, when I looked at the act, I found that you could make application for extensions in some circumstances. I read under subsection 8(2) of the Employment Insurance Act that an extension of the qualifying period—which would have helped this young lady—might be granted provided that during the weeks for which the extension was requested the claimant was not in receipt of unemployment benefits and was prevented from working while insurable for one of the following reasons:

- (a) incapable of work because of...illness, injury, quarantine or pregnancy;
- (c) receiving assistance under employment benefits;

And from the "Digest of Benefit Entitlement Principles", section 1.3.1:

- 3. attendance at a course or other employment...following referral by the Commission or designated third party;

—or paragraph 1.5.1 of those principles—

- [receiving] payments under a provincial law for...preventative withdrawal.

Those are all legitimate reasons. In the case of this young lady, she voluntarily took a year off to upgrade her skills. She wasn't sick or anything in that period. She wasn't receiving any benefits, and she wasn't receiving any provincial payments. But thrown into that, there is a fourth one, which says you can apply for an extension to the qualifying period or the benefit period if you are

- (b) confined in a jail, penitentiary or other similar institution.

In other words, if you work for a number of years, make a voluntary decision to commit a crime, get caught, go to court, and get convicted for that crime and get sentenced to eight months in jail, when you come out you can apply for an extension. There is a part in the act that says, "Well, sure, we'll just pretend that never happened, and we'll give you an extension for the time you were in jail—eight months of your qualifying period".

● (1540)

Now, when I started passing that around to constituents in my riding, the most popular response was, "You've got to be kidding—that's not fair." And it isn't fair. Who can find any fairness in a regulation that grants favouritism under the EI Act to someone who commits a crime and goes to jail, as opposed to a hard-working individual who, in this case, took some time off to upgrade her skills? She then found herself in a position where she was suddenly unemployed after being back at work for a short period of time. Lo and behold, under the EI Act, because she wasn't working in the prior 52 weeks, she didn't qualify.

There is nothing wrong with the EI Act as it stands. It works very well for hard-working Canadians. Qualifying is one of the criteria, and there is a benefit period when you can collect, but I was just astounded to see that if you went to jail you could get a free pass on the extensions and the qualifying period. I said, "Well, that's not fair." A reporter asked me today what this bill was all about and asked if my colleagues and the public as a whole support it. I said, "Well, this bill is about fairness, and what's not to support when it's something about fairness?"

I could tell you about a lot of other situations. In a situation in Quebec recently, a young mother was denied employment insurance after her place of employment went out of business. Because she had just returned from maternity leave and had not worked enough in the past year, she wasn't allowed to apply for an extension. But guess what? Had she gone to jail, she would have been. It's not fair. It's not fair to treat a convicted felon as being in a favoured position as opposed to a hard-working Canadian individual who makes a decision to take time off.

That's the basis of the bill. We want to ensure that convicted felons are under the same regulations as people who obey the law, work hard, and try to contribute to society, people who don't make decisions to break the law and then end up in the courts and possibly in jail.

I think that pretty well capsulizes the bill. I've nicknamed it "the fairness bill". It's not a bill that's going to change the world. It's not going to change the entire EI Act. But it's going to take out that one portion that gives a convicted felon a privileged position over someone who is law abiding and just seeks to do the right thing.

Mr. Chair, I'm willing to take questions on my bill.

● (1545)

**The Chair:** Thank you.

I'd certainly like to thank the member for Caribou—Prince George for making his points very well. I'm sure some questions will be put to him by the various members. We'll start with Mr. Patry.

Monsieur Patry, go ahead.

[Translation]

**Mr. Claude Patry (Jonquière—Alma, NDP):** Thank you, Mr. Chairman.

Mr. Harris, I understand it is unfair. However, I would like us to understand that there is a difference between these two things. As you know, hardened criminals have sentences that are longer than two years less a day. Those people will never be entitled to this and will never be able to claim the 104 weeks of benefits. It only applies to those serving a sentence of two years less a day.

Mr. Harris, I would like you to understand one thing through my comments and my question. The people that end up in jail are not necessarily hardened criminals. Some of them may have failed to pay their speeding tickets. Because they have no money to pay for the tickets, they spend time in jail; it could be two or three months. You have to think about those people.

Individuals serving a sentence of two years less a day are not all hardened criminals. There are many single mothers who are jailed for shoplifting. Often, they steal food. We need to be careful.

The system was established in 1959 by Progressive Conservatives. Why do away with it? Do we not want to maintain some avenue for rehabilitation?

If people fail to pay their tickets and get out of jail after three months, they may file an EI claim to get back on their feet. If you take that away from them, these people will only have social assistance benefits. Having done jail time does not look good on a CV, even if a person was incarcerated for not having paid a ticket or for having shoplifted.

I would like to know what the government gets out of this. What is the percentage? How much money is involved? How much will you save? That is what I would like to know.

[English]

**Mr. Richard Harris:** Thanks for the question.

First of all, certainly I'm not suggesting that this bill would apply to hardened criminals, as you put it, who are incarcerated for a longer period of time. You talk about someone who receives a sentence of two years less a day, which would in some sense make them eligible for this preferred treatment. The fact is that they wouldn't have gone to jail and be in jail if they hadn't broken the law. It's all about choices.

If you choose to live a law-abiding life, work hard, contribute to society, and raise your family and your kids and give them good advice, you don't have to worry about things like this. But if you make a choice that you want to break the law, whether it's a small break or a bigger break, you've made a choice. The EI Act right now gives preferential treatment to people who make a choice to break the law and who then receive a prison sentence. That's simply not fair, because those special privileges are not available to someone who chooses not to break the law.

As far as how much money the bill will save is concerned, this bill wasn't started by me because of money. I don't know how much: \$3 million, \$4 million, or \$5 million...it's not earth shattering. It's about fairness. That's the genesis of the bill.

● (1550)

[Translation]

**Mr. Claude Patry:** In this case, Mr. Harris, what do you do with people who are incarcerated while awaiting their trial and end up being acquitted? How will we treat these people when they want to get back into the labour force? They will not be entitled to EI benefits, they will be entitled to nothing and will be penalized. Can you explain this to me?

[English]

**Mr. Richard Harris:** No. This change will apply only to people who are convicted. Someone who's awaiting jail, who spends time... will still be allowed and be able to get the extension. There's a friendly amendment that's attached. It's one of two friendly amendments. If you're not convicted of a crime, this doesn't affect you, but if you are, it does.

[Translation]

**Mr. Claude Patry:** When you tabled your bill in the House of Commons, I raised the issue of the 104 weeks for women who are on maternity leave and lose their jobs. There is a problem in this respect.

In several cases, regardless of the collective agreement, when workers are absent for over five days, they are laid off and lose their seniority. These people, even if they are incarcerated, may have committed a simple mistake. It is possible that people may not be acting in bad faith. Several people simply place their ticket in a basket on top of the refrigerator and forget about it. One fine day, police officers show up, but because the individual does not have enough money to pay, he or she will be jailed for two or three days. We will be penalizing these people. When they lose their jobs, their only recourse is employment insurance. This is not widespread, it is really quite specific. This is what worries me. People will be jailed for one or two weeks over simple things.

We need to come to some agreement on the word "criminal". According to me, someone who has not paid off a ticket is not a criminal. However, some people are negligent and do not pay, which leads to problems. These people will be penalized. We are going to be creating another class of people who will be punished. It's six of one, a half-dozen of the other.

[English]

**Mr. Richard Harris:** Well, I understand the point you're trying to make, but in all honesty, I doubt very much if someone is going to get thrown in jail for forgetting to pay some parking tickets or speeding tickets. I've never seen a case like that in many years of watching how the courts operate.

**The Chair:** Thank you.

Your time is up, Mr. Patry.

I might just remind questioners to slow up a bit, because the translators are having a bit of a difficult time to keep up in the translation. Just keep that in mind.

Thank you for that. Your time is up.

We will move now to Mr. Rathgeber.

Go ahead.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Harris.

Let me premise my remarks by saying that I certainly support the bill. I voted in favour of it at second reading in the House, but I do have a couple of questions. One of them is fairly technical.

I have a copy of your bill, which is very short, as you know, but I do not have a copy of the Employment Insurance Act or regulations. Do you know if the act actually refers to an extension period when the person is serving time in a penitentiary? Does it actually use the word "penitentiary"?

**Mr. Richard Harris:** Yes. Subsection 8(2) of the Employment Insurance Act says that an extension to the qualifying period may be granted during the weeks, etc., that the claimant is "confined in a jail, penitentiary or other similar institution".

**Mr. Brent Rathgeber:** For that reason alone, I think we should all support your bill, because a penitentiary, as you know, is for convicted individuals who are serving periods of two years and greater. It would appear to me that anybody who's serving that amount of time is quite outside the normal 52-week eligibility period. So for that reason alone, I think your bill is well intentioned.

Now, in response to a question from Mr. Patry about the dollars saved, I don't know that you had a specific answer for him. Do you know what number of people take advantage of this provision in the Employment Insurance Act whereby they extend their weeks of eligibility by virtue of time spent in a correctional facility?

**Mr. Richard Harris:** It's not a big number. I think those who spend under two months...it's somewhere in the neighbourhood of 4% or something. The dollar amount isn't big either. The closest estimate I can get is that it would be maybe in the neighbourhood of \$3 million to \$4 million.

But here again, as I've said to Mr. Patry, the bill isn't about saving money. In the grand scale of things, \$3 million or \$4 million in a multi-billion dollar budget is not a lot. It's nice to save it, but it's more about the fact that there is a preferred position extended to a convicted felon that's not extended to a good, honest working person.

● (1555)

**Mr. Brent Rathgeber:** Sure, and I agree with you, but how do you respond to critics or individuals who are opposed to your bill, who feel that you're picking on the vulnerable or somehow not granting people a second chance that they might otherwise be entitled to? How do you respond to your critics, Mr. Harris?

**Mr. Richard Harris:** Well, first of all, as I mentioned earlier, life is all about choices. Make choices to live a good, honest, hard-working life and then something like this doesn't concern you. But if you make a choice to break the law, there's a penalty to pay. You may end up in jail. When you come out, a lot of support services are out there. I mean, there's no evidence that just because a prisoner serves their sentence, comes out, and gets EI...there's no evidence that it makes a big impact in life such that they're never going to commit a crime again.

I'm sure that if you really wanted to find out, you could find out. There are a lot of different ways in which someone who has come out of prison could or would use that money—some good and maybe some bad—but the fact is that there is something in the neighbourhood of \$400 million in what they call “correctional interventions”: support services that are there to help people who come out of prison, to help them get on a good path. I mean, there's money available. So in the grand scale of things, we're talking about \$420 million that's available on the money side as opposed to a small sum of \$3 million or \$4 million.

**Mr. Brent Rathgeber:** I'm assuming you've done some consultations inside and outside of your constituency. Are there any groups or organized lobbying efforts against your initiative, Mr. Harris?

**Mr. Richard Harris:** Not in my riding that I know of, and no one has actually called me and asked, “What are you doing: are you crazy?” I've had a number of calls and e-mails from people who are saying, “Gee whiz, we never knew that, good for you.”

Like I said, someone asked me today what the bill is all about and why people like it. I said that it's about fairness. What's not to like about fairness?

**Mr. Brent Rathgeber:** What about the groups that normally advocate on behalf of people who are incarcerated? I'm thinking of the Elizabeth Fry and John Howard Societies. Have you heard from them?

**Mr. Richard Harris:** I haven't heard from them at all, quite frankly, and the bill was put through Parliament before the break. I would suppose that if it's a big concern to some groups, we would have heard about it by now, but I haven't.

**Mr. Brent Rathgeber:** Thank you, Mr. Harris.

Those are my questions.

**The Chair:** Thank you, Mr. Rathgeber.

We'll now move to Ms. Crowder for the next line of questioning.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you, Mr. Chair.

Thank you, Mr. Harris. It's always great to see members putting forward initiatives that constituents are talking to them about. I know that a number of us try to do the work our constituents ask for.

I'm just curious, though, when you talk about choices. You would have had a choice in the kind of legislation you proposed, and from what I can see, the legislation you've proposed actually does nothing to help the case of the woman you were referring to who became ill and did not qualify for EI.

I'm just curious about why you would not have chosen to put forward a bill that actually would have extended the qualifying period for women in her situation and for men who also might become involuntarily unemployed. I'm curious about why you would actually choose to cut back on benefits that might be available instead of providing additional benefits for people.

**Mr. Richard Harris:** The first answer is that a private member's bill, as I understand it, can't call on the government to spend more money.

**Ms. Jean Crowder:** You can work with the government in terms of royal assent.

**Mr. Richard Harris:** But it wasn't that part of the EI Act that got my attention. I was disappointed, of course, but what it did was it made me read the act. I was trying to find some way I maybe could have gotten some benefits for this lady. In reading it, I came across this and said, “Am I seeing things?”

You know, if this lady had gone to jail, she wouldn't be calling my office asking for help now. This is not fair.

• (1600)

**Ms. Jean Crowder:** It's interesting that you call it “not fair”, because of course when the amendment to the legislation was introduced by a Conservative government, they recognized the fact that when you talk.... Earlier you referred to it as “privileges”. Well, in fact it's not a privilege. Workers actually pay into employment insurance. It's kind of like an insurance premium. They pay into it. When they work, they pay those premiums. So it's not a privilege to collect employment insurance; it's a right based on the fact that workers work and pay into it.

When Conservatives introduced the legislation, as you probably are well aware, they looked at a number of factors around the fact that the person, the worker, was being doubly penalized. They were incarcerated for a crime that they committed and then, when they came out, they weren't entitled to employment insurance benefits that they'd paid into because of that period of incarceration. So that was one factor.

Admittedly, the evidence isn't there in terms of whether the benefits will be more conducive to rehabilitation, but that was part of the process. I think it's in all citizens' interest to have people, when they come out of prison, come out rehabilitated and not commit further crimes. But that was part of the other rationale for it, and of course I mentioned the premiums they paid.

So your reference about it being a privilege and not something that the worker is entitled to as a result of the work they did—

**Mr. Richard Harris:** Ms. Crowder, I was referring to the privileged position that a convicted felon is in. I was—

**Ms. Jean Crowder:** Other Canadians are entitled to that extension. Are you suggesting that it's also a privilege for others who are entitled to that extension, instead of the assumption that it's legislated in the employment insurance legislation?

**Mr. Richard Harris:** You know what? You're quite right when you say that Canadians pay into the EI program and they're entitled to benefits. That's their right. They pay into it. But they pay into it under some regulations that state there's a 52-week qualifying period. You have to work a number of hours, and then you have another 52 weeks when you must take your benefits. Everybody knows that, and they know that as long as they fit into that and pay their premiums, they have every right, as you put it, to receive benefits.

What I'm saying is that in some circumstances in the act, as I've pointed out, under certain circumstances—illness, injury, etc.—you can apply for an extension. If you were—

**Ms. Jean Crowder:** I'm sorry, Mr. Harris, but I'll just interrupt you there. As you're aware, I only have five minutes, and I want to come back to another question.

**Mr. Richard Harris:** But let me say—

**The Chair:** Mr. Harris, I think you were just about done, so in fairness, finish your answer and then we'll move on.

**Mr. Richard Harris:** Okay.

Let me say this: I don't think many Canadians will agree that someone who breaks the law and goes to prison should be put in a favoured position...as someone who is a law-abiding citizen and works hard and complies with society's vision of being a good citizen.

**Ms. Jean Crowder:** The point we would agree on is that the extension should be applicable to people, other people, not removing the extension from people who have paid into the system.

I have one final point. We all know that our citizens in our communities are all the same taxpayers, and in effect this is another example of downloading to the provinces, because if they're not entitled to employment insurance when they come out of prison, they may well go on the provincial welfare system. So all you're doing is passing the buck from the federal government to the provincial government one more time, in the same kind of light as Bill C-10, the omnibus crime bill.

**Mr. Richard Harris:** Of course I don't agree with your conclusion. My conclusion on your comments is that I'm certainly not seeking to change the whole EI Act. It works very well. We have one of the best employment insurance acts I think in the world. This bill seeks to take away a preferred position of a convicted felon as opposed to someone who obeys the law.

**The Chair:** Thank you, Mr. Harris.

We'll move to Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Harris, for coming to the committee this afternoon. As I understand it, the thrust of your bill is the issue of fairness. Of course I agree with you: there is no reason why convicted felons should receive greater latitude in their EI benefits as compared with law-abiding Canadians. As you mentioned, they have a choice, of course. They have a choice to play by the rules or break the rules and go to jail.

Now, very often I like to call my constituents of Calgary Northeast the hardest working in Canada. While I believe that's true, Mr. Harris, I also know that there are many other constituencies with hard-working constituents in this country. So it makes me wonder, what would the average Canadian think if they were told that criminals—people who disturb the peace, refuse to play by the rules, and harm their fellow citizens—were being given special consideration, while serving behind bars, for their EI claims? I think I know the answer from my constituents. Of course they would say it is not fair.

Can you tell me what reactions you found from your constituents and also across the board?

● (1605)

**Mr. Richard Harris:** I would suggest, given the experience I've had in talking about this around my riding and in other parts of the province of B.C., that probably 99.9% of hard-working Canadians do not know that this favoured position exists in the EI Act for someone who goes to jail and wants to come out and start collecting EI. When I tell them about it, as I said, their number one response is, "You've got to be kidding. How can that happen?" When I tell them that I'm going to try to fix it, they say "Good for you."

That's the response. They can't believe that favoured position is in there.

**Mr. Devinder Shory:** Mr. Harris, how do you respond to the critics who insist that convicted felons should have greater access to employment insurance than law-abiding citizens?

**Mr. Richard Harris:** I suggest that maybe the felons shouldn't have broken the law in the first place. They had a choice to work hard and try to contribute to society. Somewhere along the line they made a choice that they wanted to break the law. There are rules that govern things when people break the law, and one of them certainly should not be that you now go into a special group of people who have a preferred position over a law-abiding group when it comes to collecting EI.

**Mr. Devinder Shory:** Do I have more time, Mr. Chair?

**The Chair:** You have about two minutes, if you wish to use them.

**Mr. Devinder Shory:** Brad will use them.

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** I'd be happy to.

**The Chair:** Go ahead, Mr. Butt.

**Mr. Brad Butt:** Mr. Harris, obviously you did a fair bit of research on all kinds of exemptions and qualifications with regard to receiving EI or not. I think Ms. Crowder was trying to say that everybody who pays in is eligible. Well, we know that's not true. We know that under the current EI system there are areas where people don't qualify even though they've paid in.

Would this not just be another one of those exemptions that would say that under this particular circumstance you have been convicted to a prison term, and therefore you are not entitled to collect? It wouldn't be any different from some of the other exemptions we already have in EI, where people are not eligible to collect. Is that not correct?

**Mr. Richard Harris:** Everybody is eligible to collect if they pay into it under the rules of the EI Act, under the qualification period to receiving benefits. I mean, you can still go to jail and collect EI. For example, if you go to jail for a month, even, and they take a month out of the 52-week qualifying period, you still have 11 months in which to work the required number of weeks. Going to jail for a very short time does not disqualify you from applying and getting EI in your benefit period.

What I'm saying is that if you're in jail for a period of time that takes you out of that qualifying period, the average person cannot get an extension just because they want one. But someone who's been in jail because they broke the law can apply for an extension under the act the way it is, and I want to repeal those sections to take that favoured position out of the act.

**Mr. Brad Butt:** Just one quick supplementary question.

Isn't the principle of EI, though—being on it and being eligible to receive it—that you're available to go to work? How can someone who is incarcerated be available to go to work?

We've changed the name to “employment insurance” for a reason. It's really not unemployment insurance; it's employment insurance, because people who collect it are expected to be available if there is a job for them to take. That's the principle of the system. If you're in jail, you're clearly unavailable to go to work.

●(1610)

**The Chair:** A short response if you could, Mr. Harris.

**Mr. Richard Harris:** Well, I'm not going to try to explain the rationale from back in 1959 when this provision was put into the bill. It certainly doesn't coincide with my thinking and the thinking of most Canadians I've talked to about this bill. I think it's an unfairness in the system and I want to fix it.

**The Chair:** All right. We'll move now to Mr. Cuzner, for five minutes.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Thanks very much, and thanks, Dick, for being here today and making your presentation.

I'd just like to make a clarification for Mr. Butt, though. They're not collecting a benefit. The whole purpose of the bill is to address just that departure from the program. So, yes, you have to be available for work. They're not filling out those cards saying they're available for work while they're incarcerated. The bill pushes at going after the exemption for being out of the program for two years. It's somewhat different.

When I read the bill I was surprised, too, with the way that provision was in the EI. I never had to go through it with a constituent, but I share the opinion of Ms. Crowder on this that it is a right. We know that incarceration is about recourse and retribution, but also most Canadians believe it's about reform and rehabilitation. And we're not really looking at hard-core criminals for this period of time. Yes, some made a mistake. For some, it's a crime of passion, some people are being stupid, or whatever it might be...and some people have mental illnesses. We know that the prison system is loaded with people with mental illnesses and what have you.

I don't disagree with you. It's frustrating when you're sitting down with a constituent who has been denied a benefit, and you say, “It doesn't make any sense that this person, who is just trying to get by, is denied this benefit.” But I think the responsibility then becomes: let's work to try to fix that aspect of the EI system, as opposed to just throwing in something else. Now if this doesn't work, if this doesn't yield what it is supposed to yield, then we can look at changing this. But just because you think one aspect isn't fair, I don't know if it's right to look at changing another aspect.

I'm a little disappointed that we don't know the scope of how many people this impacts and the costs, and I'm just wondering if the researchers might be able to provide us with that or....

**Mr. André Léonard (Committee Researcher):** We don't have the data.

**Mr. Rodger Cuzner:** You don't have it, either? Okay. I think we should try to identify that.

Getting back to Jean's question as well, we've seen C-10 and—although, Mr. Harris, you don't agree with it—we've seen the provinces of Ontario, Quebec, and Nova Scotia, for sure, say quite clearly that they're concerned about the capital costs and the ongoing costs of additional incarceration with C-10. This will have an impact, no doubt, on persons coming out of prison, because these people are coming out and they have no job to go to. More often than not, I would think, these people are going to end up on a provincial social service.

Are you aware of any information out there? If you haven't pursued it, are you aware of any information like that out there? And I'm surprised the John Howard Society and Elizabeth Fry haven't contacted you, as a matter of fact. I'm surprised at that.

**The Chair:** For the information of the committee, they will be appearing as witnesses in the next session.

**Mr. Richard Harris:** Well, I think rehabilitation starts for someone when they first go into prison. They have the opportunity to upgrade their skills, their learning. That's all available to them. Like I said, there's some \$400 million in support services that are provided across the country for people who come out of prison. You want to hope that they're all taking advantage of it.

In talking about the program itself and asking why we aren't fixing something else, I believe the minister and her department are always scrutinizing the act. That's what the department's officials do. They scrutinize the act to try to make it work even better and more efficiently for Canadians who may need to take advantage of it because of circumstances beyond their control. That's what insurance is all about.

And yes, they are entitled to it within the regulations and the way the act is written. I mean, we could talk about all the sides of the act, but that's not the issue.



The issue is very concise. Again, it's about someone who's convicted of a crime and goes to jail for a short period of time. Just because of that, they're receiving, under a provision in the act, the right to apply for an extension to the qualifying or benefit periods, a right that is not available to someone who has lived a law-abiding life, who doesn't commit a crime, who doesn't go to jail, who works hard, and who for some reason finds themselves in a position where they need to apply for EI. Because they haven't qualified for whatever circumstance of voluntary...they can't apply for the extension.

What I'm saying is that it isn't that side of the regulations that's at fault. It's the unfairness to law-abiding Canadians because of a preferential treatment to a convicted felon. That's what I'm saying.

●(1615)

**The Chair:** Thank you, Mr. Harris.

Thank you, Mr. Cuzner. You're certainly out of time.

Mr. McColeman, did you have some questions?

**Mr. Phil McColeman (Brant, CPC):** I do.

**The Chair:** Go ahead.

**Mr. Phil McColeman:** Thank you, Chair.

First of all, Mr. Harris, I really want to commend you on the work it takes to get here, to this point, in terms of your private member's bill, in seeing what you perceived I believe to be somewhat of an injustice, exposing it, getting the feedback from people in your riding and across the country, and then bringing it here to this point. Congratulations on that.

Your last words were the words that I had written down to use, and to ask you about, sir, and they are the words "preferential treatment". I think you've just used them, so I don't really need your verification of them. But what we're talking about here is preferential treatment for certain categories of individuals within the context of the current legislation. Is that accurate?

**Mr. Richard Harris:** Yes.

**Mr. Phil McColeman:** My esteemed colleague across the way was just talking about rehabilitation and trying to make the link between the rehabilitation and the rehabilitative effects of this provision of preferential treatment. Do you, in your mind, see any connection there, or does rehabilitation have something to do with having a longer time to be eligible for EI?

**Mr. Richard Harris:** Well, there's no evidence that can be brought forward to suggest that for someone who comes out of jail and is able to still collect EI it's going to have a huge impact on their life. A multitude of other support services are available when they come out. There are support services that are available while they're incarcerated whereby they can upgrade their education skills. They can take a number of different types of skills upgrading. That prepares them far better to find a job when they come out than when they went in, perhaps, and to keep that job.

We go back to the phrase "preferential treatment". It is a preferred position that's available to prisoners, and that is not available to regular folk who obey the law.

●(1620)

**Mr. Phil McColeman:** I think that's really clear, and I think it's clear to everyone around the table, or at least it should be. Call it what it is: it's preferential treatment because of the category that has been defined, the category of incarcerated individuals, within the current legislation.

Now, the linkage I'd like to ask you about is to victims. I'm dealing in my riding with some situations where victims are coming into my office and mentioning how the courts have treated the criminals with light sentences, or much lighter than they think they should be, and in some cases no sentences.

Would you agree that most people who make that conscious decision, as you have said, to commit a crime in most cases leave some victim along the way? It might not even be individuals; it might just be society that's the victim. Would you say that most of the criminal activity that goes on does leave victims in the wake of that activity?

**Mr. Richard Harris:** That's an extension of what we're talking about. I guess it's not directly about the bill, but certainly you're right that there is a victim left behind every time there's a crime committed.

**Mr. Phil McColeman:** Here's the connection I want to make. I'm putting myself in the position of being the criminal, perhaps, and also looking on the side of being the victim. In this case, the victim all of a sudden might be an individual who has been law-abiding but has been victimized and doesn't have the preferential treatment and can't get EI. How do you feel as the victim, whilst the criminal, the person who perpetrated this, is incarcerated and gets this extension? I'm outraged by that thought.

**Mr. Richard Harris:** Yes. You can draw lots of comparisons on this side to the treatment that a convicted felon gets and say, "How can you deny this person when you extend it to a felon?" There's probably a whole litany of examples you can use. To every single one of them your only response is that it's not fair.

I mean, how can you have the category that makes you eligible for an extension, "incapable of work because of a prescribed illness, injury, quarantine or pregnancy"—which no one would disagree on—right next to "confined in a jail, penitentiary or other similar institution"? It just doesn't mix. It doesn't mix in sane thinking.

**The Chair:** Thank you, Mr. Harris, and thank you, Mr. McColeman.

I think Ms. Crowder has a short question.

Go ahead. We'll conclude with that.

**Ms. Jean Crowder:** When Monsieur Patry raised the issue around the fact that it could actually include people who are in prison or jail for unpaid fines, you indicated that wouldn't be the case. Actually, there are a number of cases in Regina. In one of them, a woman was jailed for unpaid parking tickets. This was a 31-year-old mother of four. When she was jailed for the parking ticket, she was employed. At that time her husband had to give up his job to help care for the children while she was in jail.

Apparently there have been other instances in Regina where people were jailed for unpaid parking fines. I would hardly think.... And she was a student when she accumulated those parking fines. Sometimes students are in situations where parking fines may not be their highest priority when they're attempting to pay their tuition and living expenses.

I guess the reason I'm raising that, Mr. Harris, is that I think there needs to be some caution around branding everybody who ends up in this kind of a position as somehow being a complete criminal. This young woman acknowledges that she owed those parking fines and that she was remiss in not paying them. She had been attempting to pay them down, but they were still outstanding and she was thrown in jail.

I just wonder if you'd like to comment on those kinds of situations.

**Mr. Richard Harris:** First of all, I would never refer to someone who maybe was spending some jail time because they didn't pay parking tickets, or did a little speeding that they shouldn't have, as a hardened criminal. I mean, it's ridiculous to say something like that.

I'm surprised, given our justice system, that people are thrown in jail for not paying parking tickets or fines. It can't be a common occurrence. Even if they were, I can't see a sentence being any more than a couple of weeks, or a month, or two months at the most. I mean, there would be an outrage in the country if someone were thrown in jail for six months for not paying tickets.

But if they were in jail even for two months, they would still have ten months of qualifying period. I'm sure within that time, if they were working steadily, they would have more than qualified to get their EI benefits when they came out of prison.

• (1625)

**The Chair:** Thank you, Mr. Harris.

We've come to the end of this portion of our panel.

We will suspend for ten minutes.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

•

• (1635)

**The Chair:** We can have our members take their seats. We'll start the second panel.

We have two witnesses before us: Gregory Thomas, federal and Ontario director of the Canadian Taxpayers Federation, and Sharon Rosenfeldt, president of Victims of Violence. They will be sharing some of their thoughts and comments with us in their opening statements. Following that, we'll have some questions from each of the members of the various parties represented here.

Who is going first? You're pointing to each other.

Ms. Rosenfeldt, go ahead.

**Mrs. Sharon Rosenfeldt (President, Victims of Violence):** Good afternoon.

I wish to thank the committee for the opportunity to give my views, as a Canadian and on behalf of the organization Victims of

Violence, pertaining to Bill C-316, An Act to amend the Employment Insurance Act, referring to incarceration.

We believe this bill is clearly adopting measures to ensure that the employment insurance program is delivered effectively and fairly in a way that is most beneficial to Canadians. Bill C-316 addresses something that is fundamentally unfair; namely, that convicted criminals currently have preferential access to employment insurance benefits over law-abiding citizens.

Currently when individuals apply for employment insurance, they are evaluated as to whether they have worked enough hours in the qualifying period to receive benefits. The standard qualifying period is 52 weeks. The qualifying period can only be extended under four circumstances under the act and can only be extended to a maximum of 104 weeks.

The first extension for being incapable of work is because of "prescribed illness, injury, quarantine or pregnancy". The second extension applies if one receives some assistance under employment benefits, such as a plan from one's previous employer. The third extension relates to receiving payments under a provincial law on the basis of having ceased to work because continuing to work could result in danger to an unborn child or a child whom a woman might be breastfeeding. The fourth extension is that of being "confined in a jail, penitentiary or...similar institution".

It is the fourth provision of extension that the government is seeking to amend, because it relates to circumstances under the control of the individual. Sections 8 and 10 of the Employment Insurance Act currently allow for prisoners to receive the same level of opportunity as hard-working Canadians who are in need of employment insurance.

I am sure there are many cases and examples of how a hard-working individual could benefit from an extension of 104 weeks. In my line of work, working with victims of crime, we see it on a regular basis. As you know, victimization happens suddenly and without warning. A victim is thrust into a situation of great despair and most often has the criminal justice system to deal with, such as police, statements, prosecutors, courts, etc. It is an area that has not received the attention it deserves when it comes to employment insurance.

We do understand that the government cannot be the answer to everyone's needs and that there must be limitations. However, we also understand that the Ministry of Human Resources and Skills Development is currently looking at providing some help for victims of crime in the future in relation to employment insurance.

My question to the members of Parliament who oppose this bill is this: which is more fair, an innocent family who had their loved one murdered and cannot work because of the trauma, the innocent victim of rape who cannot return to work because of fear and trauma—which is no fault of their own—or a person who knowingly commits a crime and then is not only protected but rewarded with an extension to receive the same level of opportunity as the individuals I described in the previous three circumstances? We think not.

In these fragile economic times, governments should be working hard to make sure they are investing in the priorities of Canadians and ensuring their hard-earned tax dollars are put to good use. This government must reassure Canadians about the integrity of the Ministry of Human Resources and Skills Development. The integrity of the ministry is important to all Canadians. This government should take the steps necessary to ensure it is protected.

In closing, we feel that Canada has one of the most successful systems of employment insurance. However, in these exceptional cases that this private member's bill points out, the ministry should act swiftly to take corrective measures. Thus, we are appearing here today in support of Bill C-316.

Thank you.

● (1640)

**The Chair:** Thank you very much for that presentation. We'll have questions a little later on.

At this time, we'll ask Mr. Thomas to make his presentation.

Go ahead.

**Mr. Gregory Thomas (Federal and Ontario Director, Canadian Taxpayers Federation):** Thank you, Mr. Chair.

My name is Gregory Thomas. I'm the federal director of the Canadian Taxpayers Federation. We are Canada's largest and oldest taxpayers advocacy group. We've been around for over 20 years.

We have over 70,000 supporters across Canada. Periodically you may get e-mails or phone calls from some of our supporters on different issues. I can't think of any that come to mind this week, but our supporters are very active.

We appreciate the invitation to discuss Bill C-316. We appreciate the committee taking up this issue, because we believe the EI program is one of those things about Canada that drives just about all Canadians crazy.

I don't know if you have seen the study from the Mowat Centre, the graduate school of public policy at the University of Toronto, entitled *Postal Code Lottery*, or their more positive piece on EI, entitled *Making it Work*. We don't endorse some of the big spending ideas in the Mowat Centre's work, but they illustrate how two people working side by side in the same plant and losing their jobs on the same day can actually have vastly different outcomes on their EI, depending on where they drive home to at night. If they happen to be on the wrong side of the tracks or in the wrong postal code area, they get hooped.

Also, regionally, it's very clear that in the last recession the workers in the province of Ontario got sideswiped by the recession and got massively hooped. It was very difficult. Fewer than half of

Ontarians managed to benefit from the EI program, whereas in other parts of the country there is huge participation in the EI program, with whole economies operating around how to extract maximum EI from the central government.

This bill seeks to address one very small element. There have been estimates that it's a million bucks. I think it's \$186 million just in administering EI, in sending out the cheques and what have you, but this situation deals with the fact that convicted criminals are put in a category with disabled people and lactating mothers and are getting a special benefit that relates to their EI.

To the extent that a program is so complicated, convoluted, and bizarre that it does drive ordinary Canadians crazy, I think it befits Parliament to tackle it and fix it. You have 58 separate EI districts. You have these "pilot programs" that have been going on year in and year out, year after year, and it just speaks of massive unfairness.

If you look at the plight that victims of crime face and at any situation where it seems like the crown, the government, parliamentarians, and the law treat criminals better than victims, you know that these are people who very often are in desperate situations, who have been injured, who have lost a loved one, who are suffering, and who are trying to deal with an injustice. Every injustice brings despair and discouragement to the most vulnerable and the most victimized in society, so we appreciate the intent of the legislation.

We're worried about unintended side effects. Some of these labour agreements that the federal government has had with the provinces in the past bar the door for training to people who are not eligible to receive EI or collecting EI. So if you're not in the EI program, you can't get trained, for example. If all these criminals doing provincial time on short sentences, who are in remand or whatever, lose EI eligibility, does that mean they lose training eligibility, and do you make it trickier and tougher for them to go straight? That's a question you probably need to address.

● (1645)

The other issue is that I think it would be worthwhile for the government to order up a study of just who these characters are who manage to qualify for a year's EI while living sketchy enough lives that they manage to get convicted of something and sent away. By all accounts it's a very rare group of people. Maybe they're fraudsters operating in sketchy occupations and EI is being defrauded, or maybe these are people who are actually struggling to make a straight life for themselves.

In any case, they are such a small population that I think one thing the committee can do is find out more about them. You know, they held down a job and they paid into EI, and they're part of a very small, select part of the prisoner population who did that.

So take away those benefits, restore the fairness, yes, but find out more about who these people are and what makes them so unusual.

**The Chair:** Thank you for your presentation and comments.

We're going to go to a number of rounds of questioning.

We'll start with Monsieur Patry.

[Translation]

**Mr. Claude Patry:** Thank you, Mr. Chair.

Welcome.

Indeed, there is a cost associated with all of this. We live in a society, with rule of law, where we also advocate for social reintegration and rehabilitation. We have some good programs that ensure this happens successfully. I would like to state to my colleagues that, further to the comments we have heard, the programs are offered in penitentiaries, and not just in provincial jails where people are more or less left to their own devices when they're released.

I would like to go back to the 104-week reference period you mentioned. I am going to talk about the Quebec example. In Quebec, a woman whose maternity leave is over and who goes back to work only to find out that her position has been eliminated is not entitled to employment insurance benefits. I would like her to be entitled to this 104-week reference period, because she could requalify and receive benefits. Obviously, this is unfair. Are we going to replace one wrong with another? We need change in this area. That is my opinion.

I would like some clarification. How do you see the money and cash inflows? In your opinion, what is the impact of the amounts associated with this?

**Mr. Gregory Thomas:** Bill C-316 is a private member's bill, standing in the name of Mr. Harris, with government support.

My studies on the subject demonstrate that the maternal support system certainly has a better reputation in the developed world than the employment insurance system does. I was unaware that mothers were not entitled to receive benefits, as you stated. I will have to study the issue more closely.

Our organization strongly believes that the entire employment insurance system is in great need of an overhaul and improvement. This will certainly be a priority over the next 18 to 24 months.

As for—

• (1650)

[English]

**The Chair:** I might just caution the witness that of course we're not examining the Employment Insurance Act but dealing specifically with this private member's bill. I know you've strayed into some further concepts that you may have as an organization, but if you could just narrow your comments directly, or at least associate them with the bill as it is, we would appreciate it.

**Mr. Gregory Thomas:** Yes.

In practical terms, it sounds as if we're going to save the federal government about a million dollars in employment insurance

benefits. As you've mentioned, the provinces are not well equipped to provide training or income support for these individuals when they get out. By the same token,

[Translation]

individuals who are in the correctional system, we must remember that they have the same opinions as the victims. Justice has to be clear, both for the victim and the criminal. There are relatively substantial arguments to eliminate employment insurance benefits for this limited number of cases, but this is a very small category of people.

**Mr. Claude Patry:** Mr. Thomas, you are aware that 80% of female inmates are incarcerated for crimes related to poverty. I do not want to go overboard in taking the side of the prisoners, but I want to ensure that these people, once they get back into society, have some money, find jobs and are supervised. If we take this away from them and they become welfare recipients, we will lose them, in the long run, and that too will be a heavy cost for the state.

I would like to hear your thoughts on the matter.

**Mr. Gregory Thomas:** That is true, but we feel that the women are not in the correctional system just because they're poor. There are other causes, notably drug and substance abuse. We also have systemic issues in our prisons. That is a fact. We all know very well, for instance, that the aboriginal population is quite high and that aboriginal women are part of this group.

[English]

These people are going to be coming out of jail, and if they aren't getting EI benefits then they'll probably be getting social assistance benefits. It is going to fall to the provinces, and the federal government is going to be involved through transfers.

**The Chair:** You're well over your time there, but I'll let you conclude if you could.

Are you done?

Okay. We'll then move to Mr. Daniel.

**Mr. Joe Daniel (Don Valley East, CPC):** Thank you, Chair, and thank you witnesses for being here.

This is for Mrs. Rosenfeldt. We've heard from Mr. Harris, who put forward this bill, that there are probably over \$400 million worth of services provided to rehabilitate people who have been incarcerated. I was really hoping that you could perhaps explain to us, from your background with victims, what is available for victims in terms of their rehabilitation.

**Mrs. Sharon Rosenfeldt:** Thank you for asking that.

There is very little. There is nothing, really, for rehabilitation. The way it stands for victims of crime in Canada right now is we take money, the 15% surcharges that are levied on various fines in each province across Canada. That 15% surcharge is federally regulated, but it is left up to the provinces to administer the funds in the manner they see fit.

Right now across Canada there is a disparity of services. If a crime happens to you in Ontario, you may get very good treatment, depending on where you are in Ontario. There is no such thing as rehabilitation, and that's what a number of victims in the last number of years have been talking about.

I'd like to make it clear, though, that victims do not want to take away any type of rehabilitation or rehabilitation funds that are going to individuals who are incarcerated right now, because it is known that there are definitely some people who can be rehabilitated. As a group for victims of crime, we definitely support the rehabilitation model.

However, this is not about rehabilitation. When someone comes out and has to go onto social services, that's a provincial matter, not a federal one.

As far as our organization is concerned, it's clear that there are limitations to what any federal government—I don't care which federal government is in power—can do for the needs of people. In my presentation I mentioned victims. It doesn't have to be victims. It can be other individuals as well. There are all kinds of different scenarios that can come up for which it would be nice to be able to have the benefit of the 104 weeks. However, that's not really realistic. That's not possible, and having said that, it has to come down to limitations.

I do not know the cost, and/or the number of individuals that repealing this portion of the Employment Insurance Act would affect. I would agree it's probably not that many, but I think it's about what we're saying to Canadians. We're comparing law-abiding citizens and the problems they have to people who have chosen to commit a crime. Whether they are male or female really doesn't matter. Not all females who are in prison—trust me—are there because of poverty.

I can go on and on about what victims of crime have to go through on the other side in relation to—I mean, there are bankruptcies.... We can cry a blue streak if we want to, but that doesn't fix the problem.

The reason I'm here today is to say that this is unfair. Our organization did not know about it. Throughout the many years I've been involved—over the past 30 years—there have been many instances of different provisions favouring the criminal that have come to light. This is one of them. We did not know about this, and we've had occasions since I was made aware of this to speak with different people. Canadians are very good people. They're very fair people, but I think any Canadian would say that this provision is unfair.

• (1655)

**Mr. Joe Daniel:** To follow up on that, what sort of response did you get from some of the people you spoke to?

**Mrs. Sharon Rosenfeldt:** The response I get is, "What? Are you kidding? I didn't know about that."

Not many Canadians know about this.

**Mr. Joe Daniel:** They don't know about it.

**Mrs. Sharon Rosenfeldt:** In particular, if you ask victims, of course, then what you get is, "Well, when this crime happened to me", and they go on and on.

I know all of that. I don't have time to tell you every situation today, but I can tell you that it is definitely not fair. I don't think it takes a rocket scientist to figure out what we as Canadians value, and whether there are limitations that governments have to make. This really is not fair.

**The Chair:** Thank you, Mr. Daniel. Your time is up.

We will move back to Mr. Patry.

[*Translation*]

**Mr. Claude Patry:** Thank you Mr. Chairman.

Madam, I understand, but I find it rather annoying to hear you say the provinces would be inheriting these bills and this problem. I do not agree. When one is a member of society, one makes choices.

It is my opinion that we need to reform this act. Not all people coming out of prison are hardened criminals. In this case we're talking about a sentence of two years less a day, so people who haven't paid their fines or who have stolen food to be able to eat. These are people who have committed minor infractions, not gangsters or members of the mafia. They shouldn't be thrown back into the street the next morning and not have any support. People who are applying for employment insurance have to communicate each week with an employer in order to try to find a job. This is how we can help people to work and reintegrate society, to be a part of society like anyone else, as Canadians.

If we take away this possibility from them simply because they have been unlucky once or twice, we are also taking away yet another opportunity for them to integrate back into society like anyone else. We are not talking about hardened criminals here. These are not the ones we are defending. We are talking about people, men or women, who have simply been unlucky.

You claim that when they come out of prison, they will become welfare recipients and that provinces will have to foot the bill, but I don't agree. We've created a certain society and we want to rehabilitate these people so they have a chance to build a better life. The way that you've explained your point of view is cause for some concern.

Could you please tell me, madam, how you would apply this law.

• (1700)

[*English*]

**Mrs. Sharon Rosenfeldt:** Well, sir, it's either the provinces or the federal government. It's one of the two; take your pick. You're a federal member of Parliament. It's either one or the other.

No matter what, in a lot of cases the provinces do pay by way of social assistance. I would say that anybody who builds up a number of fines that they have not paid does not deserve to have benefits, such as having the benefit of applying for 104 weeks. I think people have to be accountable, and I think there have been many excuses over many years.

Actually, a member of our board was an offender for many years, and his last sentence was a 10-year sentence. It was a robbery. He said, "There came a time in my life when I had to stop doing what I was doing." It has been 35 years now and he's been out of prison, but he was in and out. His sentence was 10 years, and Corrections wanted him to take early parole, and he refused. He said, "If 10 years is what my penalty is, then I will serve my full 10 years." He actually had to fight to stay in prison for 10 years.

There are a lot of people who really can change. We're talking about people who are incarcerated for less than a year. I understand that, but like I said, the money has to come from someplace, and it's either the provincial government or the federal government.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** I'll intervene here for just a second because you say it's the federal government or the provincial government, but what you're failing to recognize is that it is the people who have actually worked—the employee has actually paid into this pot. It is federal money.

What you're saying to the provinces is that you will have to take money from a different pot to help this guy go find a job or whatever. That, to me, is wrong. It is the employee's money, and that's why the federal government has it there. It's not our taxpayers' money; it is the employee's money.

**Mrs. Sharon Rosenfeldt:** Maybe what we have to do is start giving more people better benefits—

**Mrs. Carol Hughes:** I think I'll agree with you there.

**The Chair:** Let her finish.

**Mrs. Sharon Rosenfeldt:**—such as 104 weeks, rather than criminals. That's the decision that this committee has to make.

**Mrs. Carol Hughes:** Just on that note—because I've worked for probation and parole services for many years—there are people who turn their lives around. If they didn't pay their fines, often it's because of the fact that they were poor and couldn't do it. They had maybe a very low income.

The other piece that is very important here is that.... When I sat on the health committee, over and over again we heard that people need better benefits when they get sick or when they have caregivers. I think that's where the focus should be, and not on the very small percentage that this legislative change will actually impact.

I really sympathize with victims. Like I said, I worked in probation and parole for 13 years. I think what we need to do is, instead of saying this is all about the criminals, we have to realize that if we want the criminals to get rehabilitated, they need to access to their dollars.

• (1705)

**Mrs. Sharon Rosenfeldt:** I think it's all about the criminal because that is what is stated in the actual act. That is what we are here today to talk about. It isn't just about everything about the criminal; I understand that there a lot of good things happening in relation to criminals and that.

But that is why we are here, and I don't feel you should chastise me because I'm talking about criminals. That is what this piece is about—repealing it.

**The Chair:** Ms. Hughes, your time is up.

**Mrs. Carol Hughes:** I want to apologize if she thinks I'm chastising her. It's just that I'm very passionate about this.

**Mrs. Sharon Rosenfeldt:** I'm very passionate about this as well.

**The Chair:** All right. We understand you're both passionate, and that's good, but Ms. Hughes' time is up.

Did you conclude your answer? If you have a little more to add, I'll give you more time.

**Mrs. Sharon Rosenfeldt:** No, I'm fine, thank you.

**The Chair:** You're fine? Good.

Thank you very much.

We'll now go to Mr. Devinder Shory.

**Mr. Devinder Shory:** Thank you, Mr. Chair.

Thank you, witnesses, for coming out this afternoon.

My question is also for Ms. Rosenfeldt. Sometimes it's disappointing to hear the opposition say, on the one hand, we have sympathy for the victim, and then they talk about preferential treatment for offenders. Under the current legislation, convicted felons have greater access to employment insurance benefits than law-abiding citizens do. As I understand it, this bill will ensure that criminals are not given preferential treatment over hard-working Canadian families who work hard and play by the rules.

First of all, Ms. Rosenfeldt, I'd like to thank you very much for the fantastic work you have been doing for the victims of crime in this country. Too often it is the victims who need a voice in our justice system, and they need good people like you to speak up on their behalf. I think this bill, Bill C-316, in a way is doing just that: speaking up for the victims. Victims of crime often go through a difficult court process, which often re-victimizes them. They may have to take time off from work for emotional or other reasons. Perhaps their family members also have to take some time off work to support them.

Now, do you think it is a form of re-victimization for these victims to know that their attackers have wider access to the resources of this country in the form of EI than they do, and that the criminals who wrecked their lives can be eligible to collect EI despite a prison sentence of up to two years or so?

**Mrs. Sharon Rosenfeldt:** Yes, I do. I do believe it is a slam against not only victims but other individuals who have all kinds of problems. I could go into my own set of circumstances when my husband was ill, but I'm not going to do that here today.

We have to make a choice. As I said, there are limitations in what governments can provide. I really don't want to get into whether it's more beneficial to provide them for the victim than for the offender. I guess what I would like to say is that there's a difference between a law-abiding citizen, whether a victim or not, and a criminal. It's clear that there is some benefit here for a person convicted of a crime in this country, and that is unfair.

**Mr. Devinder Shory:** I agree with that.

Let me follow up on what my opposition member was saying. They were talking about the transfer of costs to the provinces, and there are tens of millions of dollars in rehabilitation funds. This will actually increase the uptake of rehabilitation, as individuals will be directed into these programs as opposed to relying on EI or on assistance.

I agree with you on one point, that...because this is a surprise for me also. I did not know that we had this provision in the EI program. When I talk to my constituents, everybody says to me, "You must be kidding."

So if we tell our constituents, when we go back, that we were unable to remove this clause from the program, what do you think the reaction will be?

**Mrs. Sharon Rosenfeldt:** If you remove the clause?

• (1710)

**Mr. Devinder Shory:** If we are unable to remove it.

**Mrs. Sharon Rosenfeldt:** I'm not too sure how to project the future, but I don't think the Canadian public will take it lightly. I don't see how they can. It just doesn't make sense.

Most people don't know about it anyway. You can be rest assured, though, that if it isn't passed, we have ways and means as victims organizations. As I said, there are lots of victims services now across Canada, and I think they would be very, very upset to learn that this piece of legislation is really in favour of a person who has knowingly committed a crime—"knowingly" meaning whether they can pay a fine or not.

**The Chair:** Thank you.

Mr. Shory, your time is—

**Mrs. Sharon Rosenfeldt:** I—

**The Chair:** Do you have a concluding remark? You're certainly welcome to make it.

**Mrs. Sharon Rosenfeldt:** I was just going to say that I'm retired. I'm not on a salary from Victims of Violence. I'm on CPP and old age security, OAS, and a small pension from the provincial government. Trust me, I don't break the law by speeding because I don't have the funds to actually pay a \$100 ticket or a \$90 ticket. I think people have to take personal responsibility. I think no matter what, if the person has....

It's just totally unfair. It really is unfair, this piece of legislation, which I didn't know about.

**The Chair:** Okay. Thank you.

This would fall to Mr. Cuzner. He's not here. We have about three minutes left.

We'll go to Brad Butt.

Go ahead.

**Mr. Brad Butt:** Thank you very much, Mr. Chair.

Thanks to both of you for being here.

I have a couple of quick questions that I think would also be for Ms. Rosenfeldt.

Do you believe in the principle that someone who commits a crime and is convicted of that crime loses some rights that other Canadians would have? Is that not—

**Mrs. Sharon Rosenfeldt:** I do believe that.

**Mr. Brad Butt:** —the way the system works?

**Mrs. Sharon Rosenfeldt:** It's not only that the system works that way. That is the way I believe Canadians think.

**Mr. Brad Butt:** Right. I mean, we have certain things. In Canada, you don't have the same rights as a convicted criminal that you would if you were a regular law-abiding citizen. So I don't see why it would be irrational or irresponsible of us to amend the EI Act to preclude those who are convicted of a crime from benefits under the EI system. That's essentially what this bill does. Is that not a reasonable step?

**Mrs. Sharon Rosenfeldt:** I believe that's reasonable, yes. I believe this piece of legislation is protecting them. It rewards them over and above a law-abiding citizen. It just doesn't make sense to me.

**Mr. Brad Butt:** The other thing I'd like you to comment on—this may not be the situation in all cases, but it may be in many—is that if the victim is no longer able to work because of how traumatized they've been or because they've suffered a health issue as a result of the crime perpetrated against them, they may not be eligible to collect employment insurance either.

**Mrs. Sharon Rosenfeldt:** No.

**Mr. Brad Butt:** So in essence, under the current system, the criminal almost always would qualify, but in most cases a victim probably wouldn't. Is that fair?

**Mrs. Sharon Rosenfeldt:** That's fair.

I'm not saying that we should bring victims into the 104 weeks. All I'm saying is that criminals are already there—take it away. That's what I'm saying: repeal it.

**Mr. Brad Butt:** Right, and my point, and I think what Mr. Harris said when he spoke to the committee, is that he calls this his "fairness bill". He believes this is about levelling the playing field, about having it fair to everyone so that victims and criminals...so there's some fairness there. But people who commit crimes don't have the same rights as law-abiding citizens in Canada. It has been clear for a long, long time in this country that we recognize that.

**Mrs. Sharon Rosenfeldt:** Yes. It's common sense.

However, I am definitely a supporter of putting money into rehabilitating the person so they can become a law-abiding citizen. I've been in many prisons right across Canada and I can tell you that there are some excellent programs in there. It makes me feel proud when I talk to some of them. Some of these are very hard-core criminals, too. I realize that we're only talking about provincially right now. I mean, to see some of these people who are working towards becoming a chef and everything...it's really good. If there are going to be any moneys put out, I would say to keep them in the rehabilitation part.

Again, let me stress that I'm not saying to take away or repeal this section because it has to do with criminals and instead give this to victims. I'm not saying that at all. I'm just saying that we must have a fair playing field here.

●(1715)

**The Chair:** Thank you very much for your presentations, Ms. Rosenfeldt and Mr. Thomas.

The bells aren't ringing, and if the committee is okay with it, we'll go in camera to deal with the budget. It will just take us a few seconds.

You'll be excused and we'll go in camera. Thank you very much for appearing.

**Mrs. Sharon Rosenfeldt:** Thank you very much.

*[Proceedings continue in camera]*

---









**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
[publications@tpsgc-pwgsc.gc.ca](mailto:publications@tpsgc-pwgsc.gc.ca)  
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
[publications@tpsgc-pwgsc.gc.ca](mailto:publications@tpsgc-pwgsc.gc.ca)  
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>