



EMPLOYMENT LAW

Judicial review of respondent Minister's decision refusing to delete applicant's social insurance number (SIN), other related information from Social Insurance Register (Register) — Applicant claiming right to have his SIN deregistered or rescinded; asking for order of *mandamus* compelling respondents to deregister him — Critical provision relied on was *Department of Employment and Social Development Act*, S.C. 2005, c. 34, s. 28.1(1) dealing with registration of SIN — Applicant claiming that terms "who is employed" referring to person's current state of affairs — being then-employed — Since applicant neither employed nor intending to be employed, arguing that he does not fit condition, is no longer required to be registered, therefore no longer required to have SIN — As result, applicant claiming to be entitled to deregistration of his SIN, related information — Applicant applying for SIN in 1986 at 15 as he began employment history — Has not been employed in insurable employment or been self-employed since December 2009 — In May 2016, applicant took measures to have "SIN enfranchisement" (his wording) rescinded — Informed by Register Office that SIN permanent; that it cannot be disassociated from individual to whom it is assigned — Applicant continued demanding rescission but Department denying such request — Nothing suggesting that applicant treated unfairly or that his demand for rescission was not considered seriously — SIN nine-digit number used to identify Canadian citizens, permanent residents or temporary residents in Canada who earn money through work, pay taxes, contribute to pension plans and/or use variety of government services — Register is computer database which stores all SINs issued since 1964 — Issue whether Act allowing for deregistration of person's SIN; if so, whether Court should order respondents to deregister applicant, delete his personal information from Register — Act, ss. 28.2(8),(9),(10) providing for issuance of new SIN only if original number had already been assigned, caused embarrassment or hardship, or other special circumstances — SIN may only be voided — not rescinded — under very limited circumstances requiring new SIN, including instances of fraud — Legislative scheme silent on rescission of SIN even when number has been made void — In face of new SIN being issued, old SIN merely voided — not deleted or rescinded — No statutory power given, either explicitly or by implication, authorizing rescission of SIN — Had Parliament intended to create right of rescission or deregistration, it would have done so specifically as it did with obligation to register, requirement to void number — Applicant's interpretation based on pure grammatical reference to "is employed" in Act, s. 28.1(1) as indicating continuing condition for registration — However, such interpretation ignoring reference to time at which registration arising when one "is employed" initially — Applicant's interpretation becoming unreasonable when one examines legislation's scheme, context, purpose — Ignoring consequences that would arise of registration, deregistration, reregistration as one's employment history changes — Applicant's interpretation inconsistent with scheme where obligation to register is created by statute but for which there is no corresponding statutory provision allowing for rescission or deregistration — Also inconsistent with context of legislation that does not refer to rescission, merely to voidability, in face of fraud or erroneous issuance — Respondents' interpretation more consistent with purpose of maintaining single government number for each person, of ensuring consistency, ease of administration among many different pieces of federal legislation from taxation, to benefits, entitlements — This broader context supporting interpretation that once SIN is issued, it is not rescinded, no one has right to have SIN rescinded — No merit in applicant's argument that he is in voluntary "enfranchisement" relationship with respondents — Relationship is statutory, compulsory in which consent plays no role in obligation to register — Respondents had no power, applicant had no right to rescission of his SIN — Applicant's submissions regarding *mandamus*, similar relief, irrelevant — Application dismissed.

STANCHFIEL V. CANADA (EMPLOYMENT, WORKFORCE DEVELOPMENT AND DISABILITY INCLUSION) (T-73-20, 2021 FC 467, Phelan J., reasons for judgment dated May 19, 2021, 14 pp.)