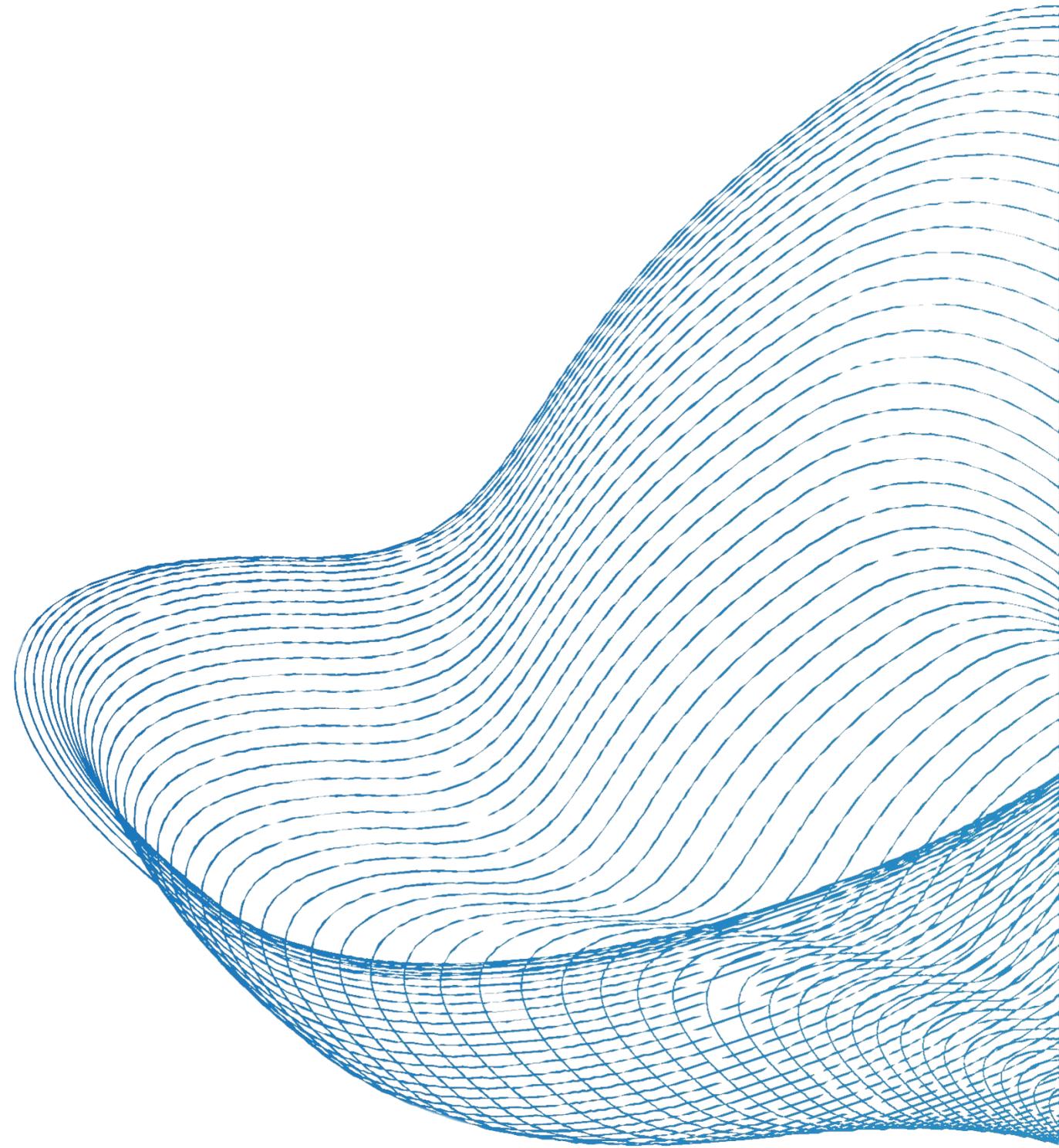




EMPLOYMENT INSURANCE SEMINAR



QUESTIONS@CUPFA.ORG

CURRENT UP TO MAY 8, 2023

WHAT ARE EMPLOYMENT INSURANCE BENEFITS?

Employment insurance is a federal income replacement program intended to aid workers whose employment was terminated through no fault of their own or for a variety of other reasons.

1.

REGULAR BENEFITS

Available for workers whose employment has been terminated without cause.

2.

SPECIAL BENEFITS

Available to workers who are unable to work due to:

A prescribed illness, quarantine or injury;

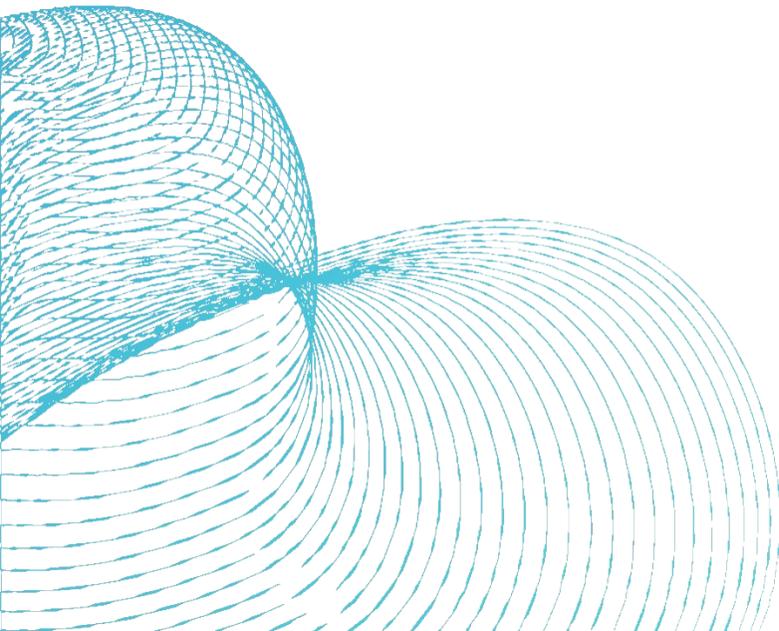
Being away from work because of pregnancy or having recently given birth;

Caring for a newborn or newly adopted child;

Caring for a dependent who has a serious medical condition with a high risk of mortality.

3.

BENEFITS FOR THE SELF-EMPLOYED



ELIGIBILITY CRITERIA FOR REGULAR BENEFITS

ONE

A claimant must have held insurable employment.

TWO

Employment must have ended through no fault of their own.

THREE

They must have worked a certain number of hours during their qualifying period.

FOUR

They must demonstrate that they are capable of and are available to work every day, but unable to find suitable employment.

FIVE

They must be actively looking for work.

1. A claimant must have held insurable employment (part 1)

What is insurable employment ?

Section 5(1) of the Employment Insurance Act:

5 (1) Subject to subsection (2), insurable employment is :

(a) employment in Canada by one or more employers, under any express or implied contract of service or apprenticeship, written or oral, whether the earnings of the employed person are received from the employer or some other person and whether the earnings are calculated by time or by the piece, or partly by time and partly by the piece, or otherwise;

(b) employment in Canada as described in paragraph (a) by Her Majesty in right of Canada;

(c) service in the Canadian Forces or in a police force;

(d) employment included by regulations made under subsection (4) or (5); and

(e) employment in Canada of an individual as the sponsor or co-ordinator of an employment benefits project.

[...]

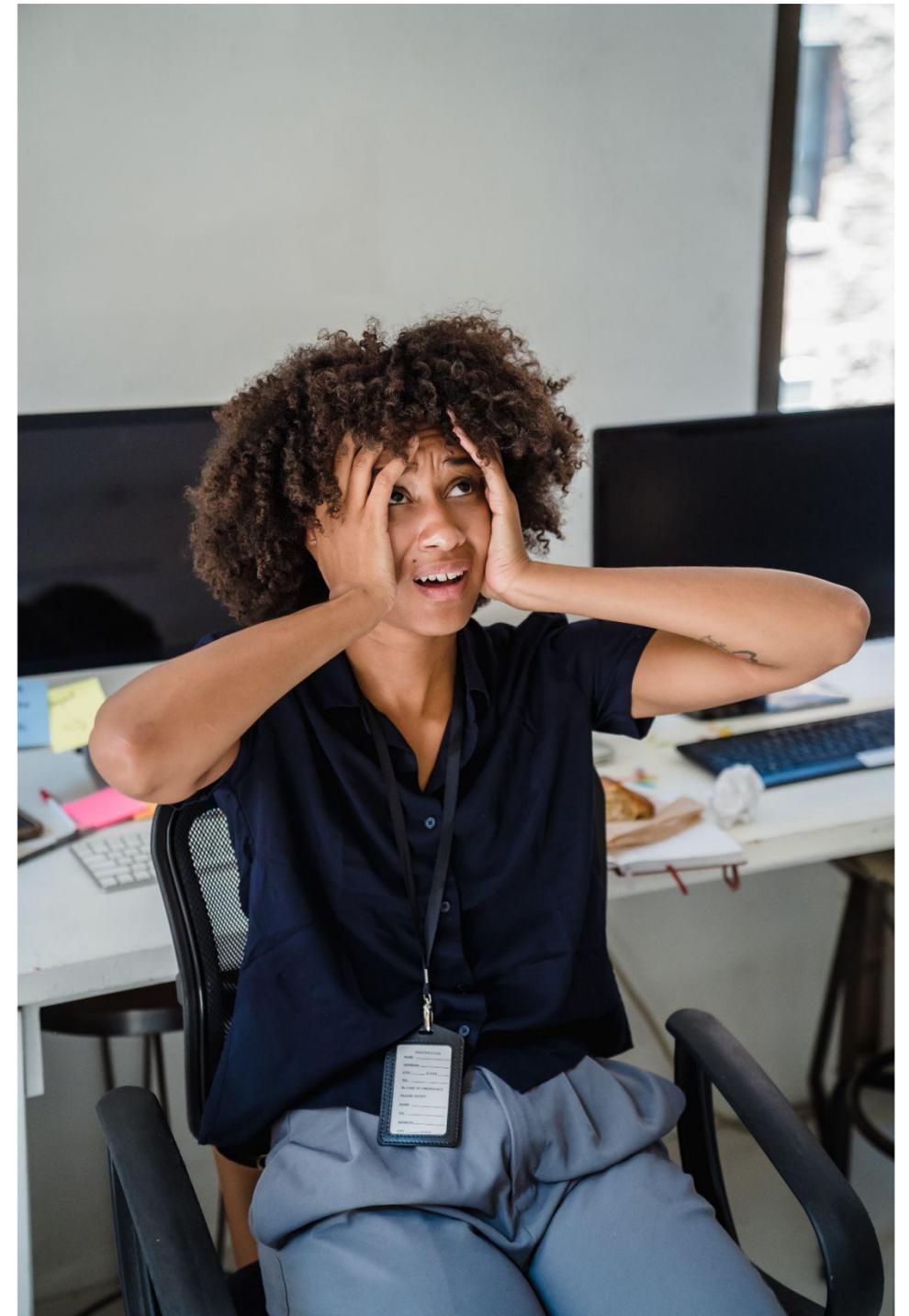


Photo by Mizuno K from Pexels:
<https://www.pexels.com/photo/stressed-and-frustrated-businesswoman-in-an-office-12911212/>



NB: A part-time teaching contract at Concordia constitutes insurable employment.

1. A claimant must have held insurable employment (part 2)

What is insurable employment ?

Section 5 of the Employment Insurance Regulations:

5 Employment outside Canada, other than employment on a ship described in section 4, is included in insurable employment if

- (a) the person so employed ordinarily resides in Canada;
- (b) that employment is outside Canada or partly outside Canada by an employer who is resident or has a place of business in Canada;
- (c) the employment would be insurable employment if it were in Canada; and
- (d) the employment is not insurable employment under the laws of the country in which it takes place.

The notion of insurable employment is **fairly expansive** as it encompasses a slew of cases that are beyond the scope of this presentation. If you have questions about whether a specific job is insurable, you or your employer can reach out to the Canada Revenue Agency for clarity at **1-800-959-5525**.



2. The claimant's employment must have ended through no fault of their own (part 1)

➤ What constitutes termination through "no fault of your own" ?

Examples of such termination include : layoff due to work shortage, corporate restructuring/downsizing, *force majeure* (i.e. an uncontrollable event such as a natural disaster or pandemic), termination without cause (which is legal in Quebec if you have less than two years of uninterrupted service), poor work performance*



If poor work performance is intentional, it may amount to misconduct which would disqualify a claimant from receiving EI benefits.

➤ If a claimant quits their job voluntarily, would they still be entitled to EI benefits ?

A worker voluntarily putting an end to his or her employment **without justification** would prevent the worker from receiving employment insurance benefits.

2. The claimant's employment must have ended through no fault of their own (part 2)

- An employee voluntarily putting an end to their employment **without justification** (which would render them ineligible for the purposes of EI) encompasses the following situations :

Section 29 b.1 Employment Insurance Act

(b.1) **voluntarily** leaving an employment includes

- (i) the refusal of employment offered as an alternative to an anticipated loss of employment, in which case the voluntary leaving occurs when the loss of employment occurs,
- (ii) the refusal to resume an employment, in which case the voluntary leaving occurs when the employment is supposed to be resumed, and
- (iii) the refusal to continue in an employment after the work, undertaking or business of the employer is transferred to another employer, in which case the voluntary leaving occurs when the work, undertaking or business is transferred; and

2. The claimant's employment must have ended through no fault of their own (part 3)

- An employee voluntarily putting an end to their employment **with justification** encompasses the following situations :

Section 29 c Employment Insurance Act

(c) **just cause** for voluntarily leaving an employment or taking leave from an employment exists if **the claimant had no reasonable alternative to leaving or taking leave**, having regard to all the circumstances [...]

Just cause for voluntarily leaving an employment notably includes: sexual or other harassment, discrimination on a prohibited ground, working conditions that constitute a danger to health or safety, significant modification of terms and conditions respecting wages or salary, excessive overtime work or refusal to pay for overtime work, significant changes in work duties and practices of an employer that are contrary to law.

NB: A claimant who voluntarily puts an end to their employment for just cause would not be disqualified from receiving EI Benefits (provided they meet the other eligibility criteria).

2. The claimant's employment must have ended through no fault of their own (part 4)

- If an employee is **terminated for misconduct**, this will render them ineligible for EI Benefits as their employment will be considered to have ended "through their own fault" (See Section 30 (1) of the Employment Insurance act)

Definition of misconduct

There will be misconduct where "*the claimant **knew or ought to have known** that his conduct was such as to impair the performance of the duties owed to his employer and **that, as a result, dismissal was a real possibility***" (Attorney General of Canada v. Mishibinijima 2007 FCA 85 (CanLII)).

- For an example, see *G. N. v. Canada Employment Insurance Commission, 2017 SSTGDEI 71*

2. The claimant's employment must have ended through no fault of their own (part 5)

➤ Examples of termination of employment for misconduct :

- chronic tardiness with multiple warnings
- drinking alcohol at the workplace
- selling contraband cigarettes at the workplace
- reckless operation of heavy machinery, damaging the machinery and putting the safety of coworkers at risk
- stealing company property
- sending grossly inappropriate messages to colleagues
- fighting with and drawing a knife on a colleague at a workplace bathroom.

2. The claimant's employment must have ended through no fault of their own (part 6)

➤ Interruption of earnings

14 (1) of the Employment Insurance Regulations:

An interruption of earnings occurs where

- a person is laid off or separated from employment for seven or more consecutive days *during which*
- **no work is performed** for that employer and in respect of which **no earnings that arise** from that employment.

14 (2) of the Employment Insurance Regulations:

An interruption of earnings from an employment occurs where there is

- a more than 40% decrease of the person's normal weekly earnings *because*
- the person ceases to work in that employment by reason of illness, injury or quarantine, pregnancy, the need to care for a newborn or newly adopted child or the need to provide care to a critically ill person.

➤ Which document can prove an interruption of earnings ?

The proof of an interruption of earnings lies in the **Record of Employment (ROE)** completed by the Employer.

2. The claimant's employment must have ended through no fault of their own (part 7)

➤ Record of Employment (ROE)

Whenever a worker's employment comes to an end, an employer is required to submit a record of employment to the Canada Employment Insurance Commission (CEIC). The ROE, as it is known, lists for example a worker's total insurable hours, total insurable earnings and the worker's last day worked, among other things. When an employer files an ROE, it must also specify **why the employment was terminated by adding a code.** It is through this code that CEIC can determine eligibility for employment insurance benefits.

Code	Reason	Code	Reason
A	Shortage of work (layoff)	G	Retirement
B	Strike or lockout	H	Work-sharing
C	Return to school	J	Apprentice training
D	Illness or injury	M	Dismissal
E	Quit	N	Leave of Absence
F	Pregnancy or adoption	K	Other

*Employees can access the ROEs submitted electronically by their Employer to Service Canada by visiting or registering for the **My Service Canada Account.**

*Employers who submit ROEs electronically and have a bi-weekly pay period have up to **5 calendar days** following the end of the pay period in which the interruption occurs to submit the ROE.

2. The claimant's employment must have ended through no fault of their own (part 7 continued)

➤ Record of Employment (ROE)

Service Canada
 THE GUIDE - HOW TO COMPLETE THE RECORD OF EMPLOYMENT, PROVIDES DETAILED INSTRUCTIONS.
 Protected when completed - B

RECORD OF EMPLOYMENT (ROE)

1 SERIAL NO. **W00000000** 2 SERIAL NO. OF ROE AMENDED OR REPLACED 3 EMPLOYER'S PAYROLL REFERENCE NO. **125946**

4 EMPLOYER'S NAME AND ADDRESS
 Division 27
 355 North River Rd
 2nd Floor
 Ottawa, ON
 Canada

5 CRA PAYROLL ACCOUNT NUMBER
000000000R0000

6 PAY PERIOD TYPE
E - Bi-weekly

7 POSTAL CODE
X1X1X1

8 SOCIAL INSURANCE NO.
000-000-000

9 EMPLOYEE'S NAME AND ADDRESS
 Employee Name
 123 Way St
 Ottawa, ON
 Canada

10 FIRST DAY WORKED
 D M Y
07 01 2022

11 LAST DAY FOR WHICH PAID
 D M Y
24 02 2023

12 FINAL PAY PERIOD ENDING DATE
 D M Y
25 02 2023

13 OCCUPATION
Assistant

14 EXPECTED DATE OF RECALL
 UNKNOWN NOT RETURNING

15A TOTAL INSURABLE HOURS ACCORDING TO CHART ON PAGE 2 **1890**

15B TOTAL INSURABLE EARNINGS ACCORDING TO CHART ON PAGE 2 **\$ 28,750.00**

15C THE FIRST ENTRY MUST RECORD THE INSURABLE EARNINGS FOR THE FINAL (MOST RECENT) INSURED PAY PERIOD. ENTER DETAILS BY PAY PERIOD AS PER THE CHART ON PAGE 2.

P.P.	INSURABLE EARNINGS	P.P.	INSURABLE EARNINGS	P.P.	INSURABLE EARNINGS
1	1,450.00	2	1,050.00	3	1,050.00
4	1,050.00	5	1,050.00	6	1,050.00
7	1,050.00	8	1,050.00	9	1,050.00
10	1,050.00	11	1,050.00	12	1,050.00
13	1,050.00	14	1,050.00	15	1,050.00
16	1,050.00	17	1,050.00	18	1,050.00
19	1,050.00	20	1,050.00	21	1,050.00
22	1,050.00	23	1,050.00	24	1,050.00
25	1,050.00	26	1,050.00	27	1,050.00
28		29		30	
31		32		33	
34		35		36	
37		38		39	
40		41		42	
43		44		45	
46		47		48	
49		50		51	
52		53			

16 REASON FOR ISSUING THIS ROE
 Shortage of Work / End of Contract or season **A**

FOR FURTHER INFORMATION, CONTACT
 Contact Name
 TELEPHONE NO. **(555) 555-5555**

17 ONLY COMPLETE IF PAYMENT OR BENEFITS (OTHER THAN REGULAR PAY) PAID IN OR IN ANTICIPATION OF THE FINAL PAY PERIOD OR PAYABLE AT A LATER DATE.

A- VACATION PAY
Paid because no longer working \$ 400.00
 START DATE (D/M/Y): END DATE (D/M/Y):

B- STATUTORY HOLIDAY PAY FOR
 D M Y \$ D M Y \$

C- OTHER MONIES (SPECIFY)
 START DATE (D/M/Y): END DATE (D/M/Y): \$

19 PAID SICK/MATERNITY/PARENTAL/COMPASSIONATE CARE/FAMILY CAREGIVER LEAVE OR GROUP WAGE LOSS INDEMNITY PAYMENT
 START DATE (D/M/Y) END DATE (D/M/Y) AMOUNT PER DAY PER WEEK

PSL
 WUI- NOTRS. \$
 WUI- IN. \$
 MAT/PARC/CFC \$

20 COMMUNICATION PREFERRED IN
 English French

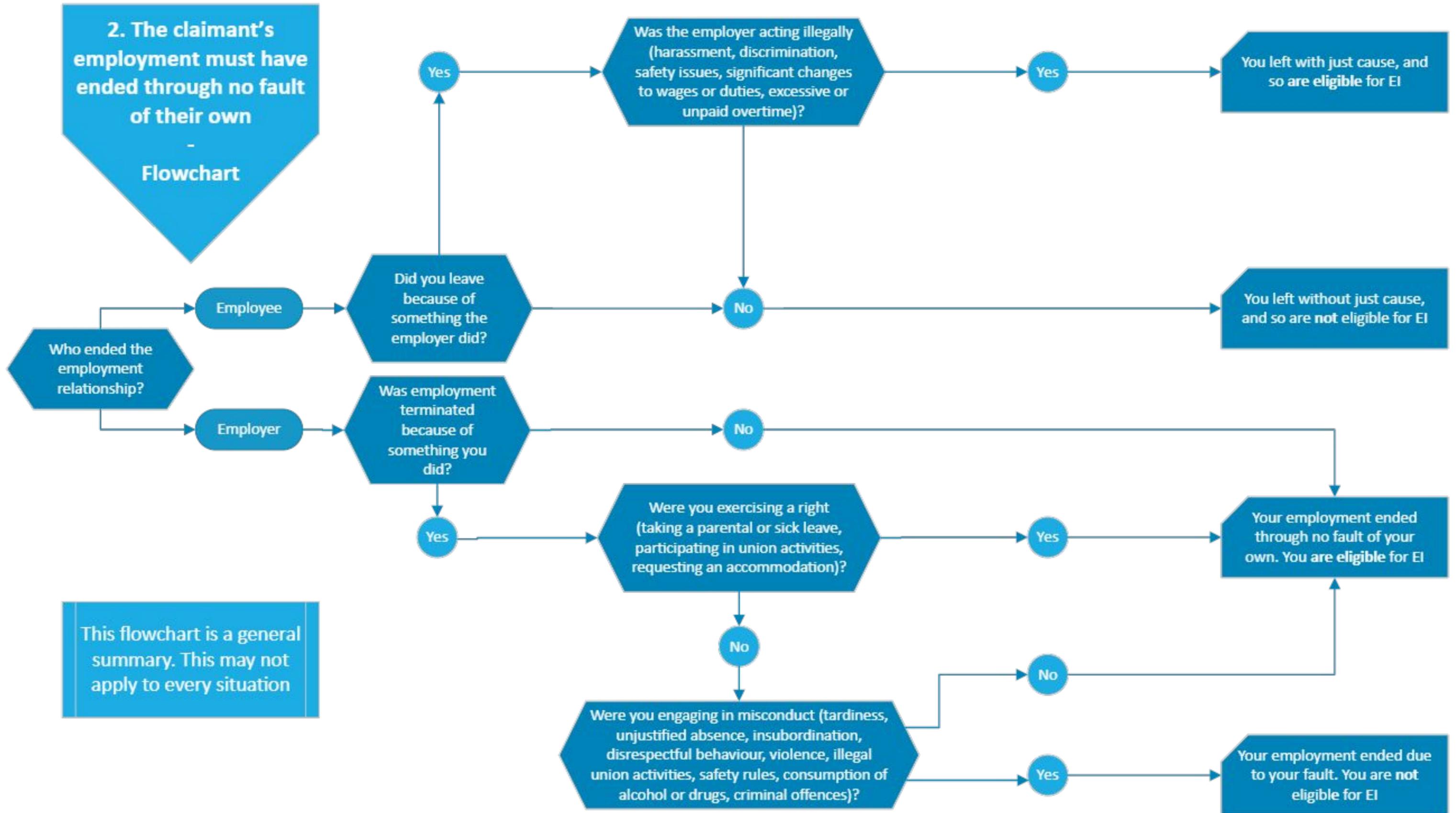
21 TELEPHONE NO.
(555) 555-5555

22 I AM AWARE THAT IT IS AN OFFENSE TO KNOWINGLY MAKE FALSE ENTRIES AND HEREBY CERTIFY THAT ALL STATEMENTS ON THIS FORM ARE TRUE.
 Name of Issuer
 Issuer Name
 D M Y
27 02 2023

18 COMMENTS

W14250 (12-17) E
 Version 12.4.1
 Service Canada delivers Employment and Social Development Canada programs and services for the Government of Canada.
 Service Canada has already received a copy of this electronic Record of Employment. Do not submit a paper copy of this Record of Employment to Service Canada.
 Canada Page 2 contains important information. Ce formulaire est également disponible en français.

2. The claimant's employment must have ended through no fault of their own - Flowchart



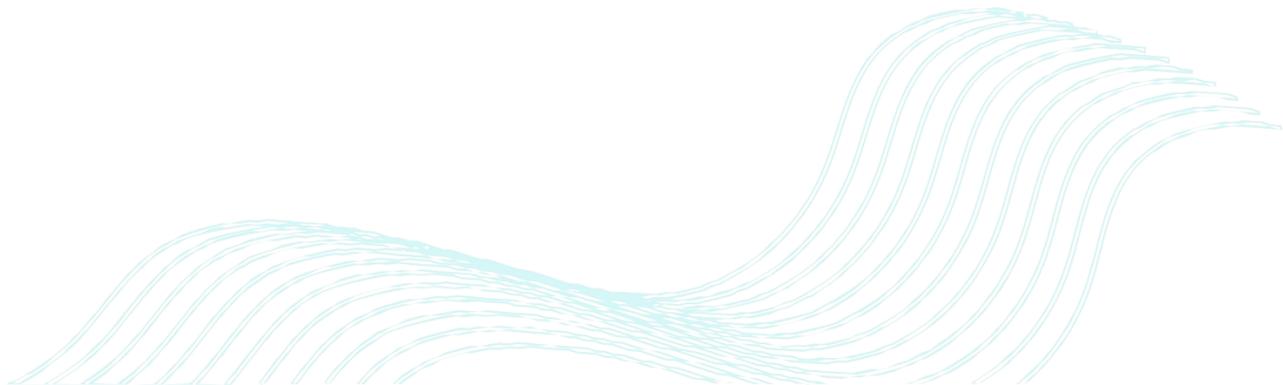
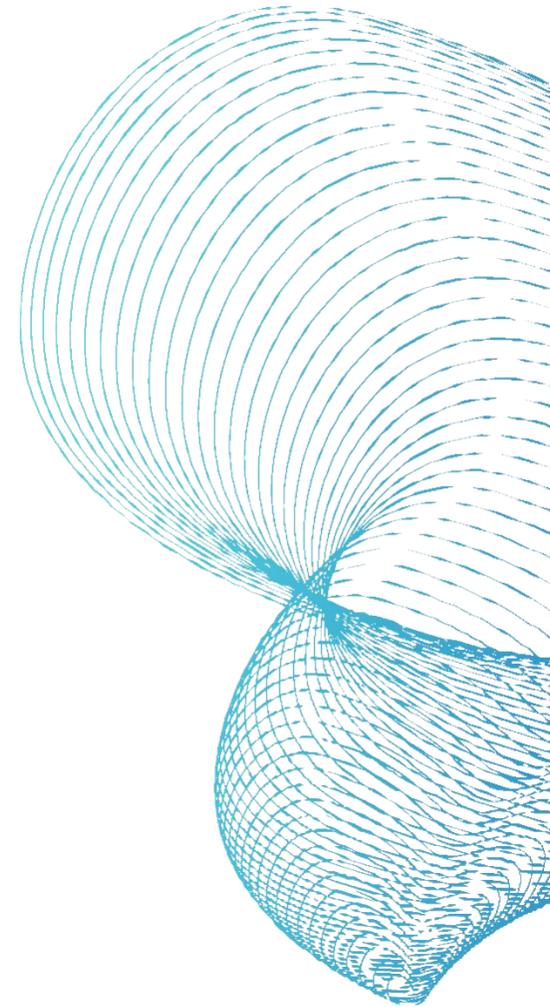
This flowchart is a general summary. This may not apply to every situation

3. The claimant must have worked a certain number of hours during their qualifying period (part 1)

➤ Minimum number of insurable hours worked to qualify for EI

The minimum number of insurable hours a claimant must have worked in their qualifying period depends on the **Unemployment rate in their region.**

The **qualifying period** refers to the number of insured hours you have accumulated in the last 52 weeks or since your last benefits claim, whichever period is the shortest.



3. The claimant must have worked a certain number of hours during their qualifying period (part 2)

➤ [How can a claimant determine the unemployment rate in their region ? \(hyperlink\)](#)

Look up **EI** Economic Region by Postal Code

Find out:

- The unemployment rate in your region;
- The number of hours to qualify for regular benefits;
- The number of payable weeks of benefits and more...

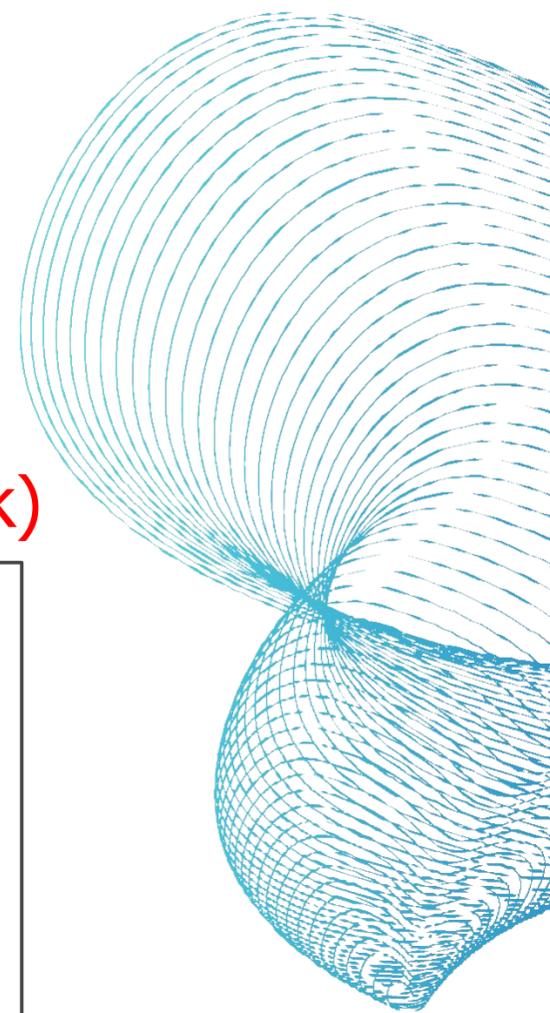
* Enter Postal code: **(required)** (example: K1A0J9)

Search

This site is provided as a service. Every effort has been made to ensure that the information contained in this site is correct but we do not guarantee accuracy. Some postal codes or place names may be missing. The information contained in our postal code file is dated August 2021. The EI Act and Regulations remain the only official sources and always take precedence in cases of discrepancy.

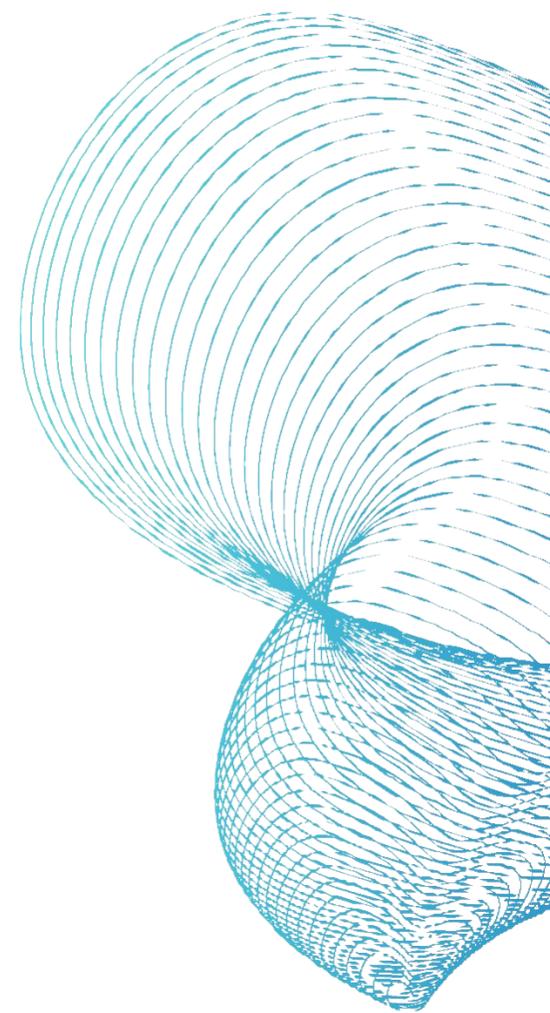
Report a problem on this page

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3. The claimant must have worked a certain number of hours during their qualifying period (part 3)

➤ Results



Government of Canada
 Gouvernement du Canada

[Français](#)

MENU ▾

[Canada.ca](#) > [EI Economic Regions](#)

The search for H3G1L5 returned these results:

Filter items Showing 1 to 1 of 1 entries | Show **All** ▾ entries

Postal Code ↑↓	Census Subdivision Name (Municipality) ↑↓	Census Subdivision (Municipality) Type ↑↓	Common Name ↑↓	Census Division Name ↑↓	EI Economic Region Name ↑↓
H3G1L5	Montréal	Ville	MONTRÉAL	Montréal	Montreal

The Employment Insurance (EI) economic regions in the Northwest Territories, Yukon, Nunavut, and Prince Edward Island are based on Statistics Canada's 2011 Standard Geographical Classification while the remaining EI economic regions are based on Statistics Canada's 1996 Standard Geographical Classification.

When the census subdivision type (e.g. county, town, city) is part of the legal name of the census subdivision as legislated by a provincial or territorial government at the time when the EI economic region was designated, the language of the legal name is used. As a result, some census subdivision types may be listed above in French.

3. The claimant must have worked a certain number of hours during their qualifying period (part 3)

➤ Results

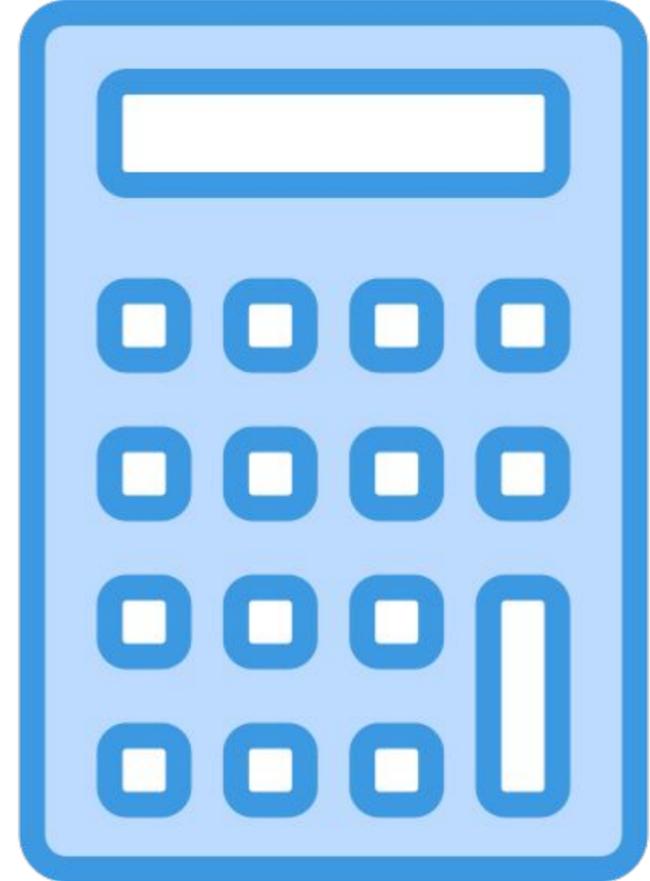
EI Program Characteristics for the period of May 7, 2023 to June 10, 2023

Province / Territory	Economic Region Code	Economic Region Name ¹	Unemployment Rate ² ³ ⁴	Number of Insured Hours Required to Qualify for Regular Benefits	Minimum Number of Weeks Payable for Regular Benefits	Maximum Number of Weeks Payable for Regular Benefits	Number of Best Weeks Required for Benefit Calculation
Quebec	16	<u>Montreal</u>	4.9	700	14	36	22

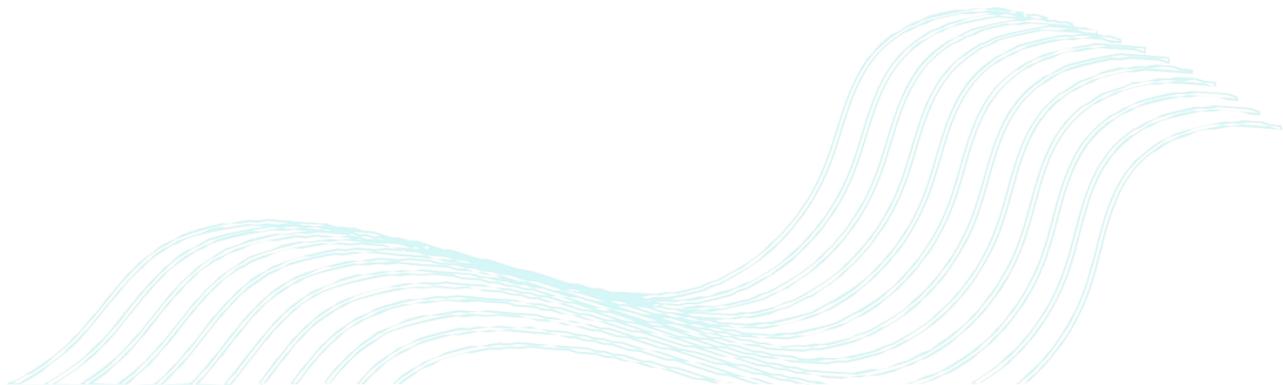
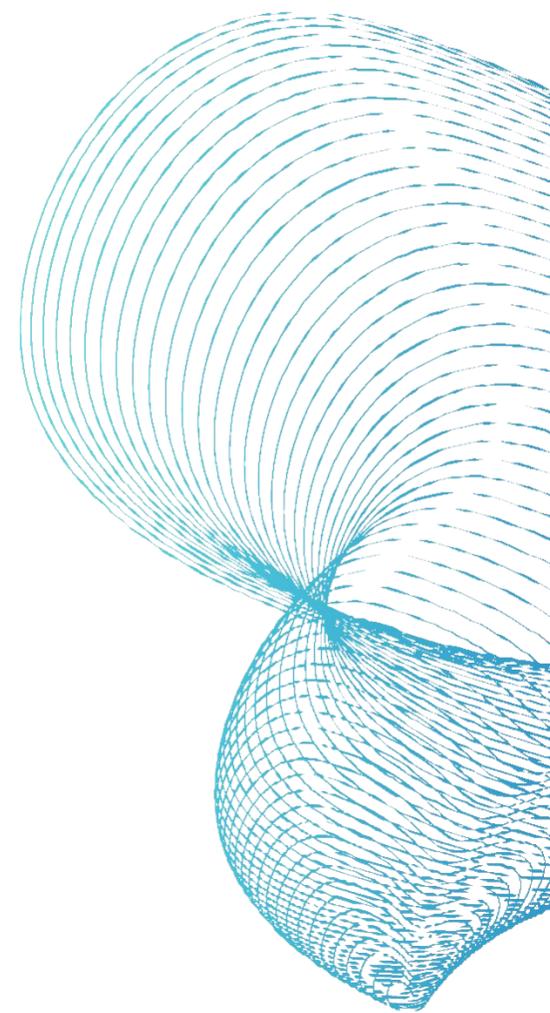
Note: When your regional unemployment rate is **6% or below**, the minimum number of required insured work hours is **700**.

3. The claimant must have worked a certain number of hours during their qualifying period (part 6)

- Per **Article 18.02** of the CUPFA Collective Agreement, a three (3) credit teaching contract represents 225 insurable work hours for the purposes of Employment Insurance.
- A six (6) credit teaching contract represents 450 insurable work hours for the purposes of Employment insurance.



Clipart by Yogi Aprellyanto from Icon-icons.com
<https://icon-icons.com/icon/calculator-accounting-financial-math-office/175946>



For how many weeks can a claimant receive Employment Insurance Benefits ?

Provided the Unemployment rate in Montreal stays at 6% and less, if you have accumulated **675 hours** of insured employment in your qualifying period (three 3-credit teaching contracts), you will not be eligible to receive EI Benefits.

After September 24, 2022: Number of weeks of EI regular benefits payable

Number of hours of insurable employment	6% and less	6.1% to	7.1% to	8.1% to	9.1% to	10.1% to	11.1% to	12.1% to	13.1% to	14.1% to	15.1% to	16% and more
		7.0%	8.0%	9.0%	10.0%	11.0%	12.0%	13.0%	14.0%	15.0%	16.0%	
420 to 454	0	0	0	0	0	0	0	0	26	28	30	32
455 to 489	0	0	0	0	0	0	0	24	26	28	30	32
490 to 524	0	0	0	0	0	0	23	25	27	29	31	33
525 to 559	0	0	0	0	0	21	23	25	27	29	31	33
560 to 594	0	0	0	0	20	22	24	26	28	30	32	34
595 to 629	0	0	0	18	20	22	24	26	28	30	32	34
630 to 664	0	0	17	19	21	23	25	27	29	31	33	35
665 to 699	0	15	17	19	21	23	25	27	29	31	33	35
700 to 734	14	16	18	20	22	24	26	28	30	32	34	36
735 to 769	14	16	18	20	22	24	26	28	30	32	34	36
770 to 804	15	17	19	21	23	25	27	29	31	33	35	37
805 to 839	15	17	19	21	23	25	27	29	31	33	35	37
840 to 874	16	18	20	22	24	26	28	30	32	34	36	38
875 to 909	16	18	20	22	24	26	28	30	32	34	36	38
910 to 944	17	19	21	23	25	27	29	31	33	35	37	39
945 to 979	17	19	21	23	25	27	29	31	33	35	37	39
980 to 1,014	18	20	22	24	26	28	30	32	34	36	38	40
1,015 to 1,049	18	20	22	24	26	28	30	32	34	36	38	40
1,050 to 1,084	19	21	23	25	27	29	31	33	35	37	39	41
1,085 to 1,119	19	21	23	25	27	29	31	33	35	37	39	41

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

➤ What constitutes being capable and available to work ?

Capability is defined as follows in case law:

Being capable of working refers to the physical strength and/or experience required to perform the duties of employment in an occupation that is considered to be suitable under the legislation (CUB 70880, CUB 77047A)

A claimant will demonstrate his **availability** for work by :

1. *Proving a **desire to return** to the labour market as soon as possible;*
2. *Demonstrating this desire by making **reasonable and customary efforts** to find suitable employment; and,*
3. *Remaining **free of personal requirements which would unduly limit the opportunities** for work.*

(Faucher v Canada Employment and Immigration Commission, A-56-96; F. C. v Canada Employment Insurance Commission, 2015 CanLII 90111)

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

What constitutes “a desire to return to the labour market as soon as possible” ?

The desire to return to work must be **sincere, demonstrated by the attitude and the conduct** of the claimant (*Canada (Attorney General) v. Whiffen*, 1994 FCA 1472).

There is **not** a desire to return to the labour market as soon as possible where, for example:

- The claimant decides to start his or her own business (*L. R. v Canada Employment Insurance Commission*, 2019 SST 1480 (CanLII))
- The claimant decides to prioritize school over the job search (*JM v Canada Employment Insurance Commission*, 2021 SST 850 (CanLII))
- The claimant makes no effort to look for work or simply waits for job offers (CUB 58986)
- The claimant delays looking for work until after a course or a vacation (*L. G. v Canada Employment Insurance Commission*, 2019 SST 1374 (CanLII); CUB 67726)

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

What are “reasonable and customary efforts”?

Article 9.001 of the Employment Insurance Regulations:

(a) the claimant’s efforts are sustained;

(b) the claimant’s efforts consist of

- (i) assessing employment opportunities,*
- (ii) preparing a resumé or cover letter,*
- (iii) registering for job search tools or with electronic job banks or employment agencies,*
- (iv) attending job search workshops or job fairs,*
- (v) networking,*
- (vi) contacting prospective employers,*
- (vii) submitting job applications,*
- (viii) attending interviews, and*
- (ix) undergoing evaluations of competencies; and*

(c) the claimant’s efforts are directed toward obtaining suitable employment.

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

Case Law regarding “reasonable and customary efforts”

M. R. v Canada Employment Insurance Commission, 2019 SST 962 (CanLII)

In this 2019 case emanating from the Social Securities Tribunal, the claimant’s efforts to find employment were deemed to not be reasonable and customary. His efforts did not move beyond simply researching potential employers. The claimant did believe one of the Employers researched might be suitable, but he did not contact that potential employer. The claimant only directed his efforts at contacting his former employer but even those efforts were insufficient. The decision confirmed his ineligibility to receive EI as a result.

D.M. v Canada Employment Insurance Commission, 2021 SST 557 (CanLII)

“A claimant has an obligation to be taking steps to look for work, and to apply for jobs. He cannot rely on his opinion that there is no work to justify not looking for work. He has to actually contact employers to find out if there is work or not. He cannot rely on COVID-19 to justify not looking for work. **COVID-19 might justify not accepting a job because of unsafe working conditions. But that does not justify not looking for work.** A claimant must still make the effort to look for and find a job.”

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

What constitutes “unduly limiting opportunities for work”?

- Only wanting to work seven hours per week (*MP and Canada Employment Insurance Commission, 2021 SST 303 (CanLII)*)
 - Section 37 of the Employment Insurance Act: absence from Canada → no benefits.
 - Section 55 of the Employment Insurance Regulations: exceptions to the above rule.
 - to undergo **medical treatment** not readily available in the claimant's area of residence
 - for up to 7 days, to attend a **funeral** of a member of the immediate family or of a close relative
 - to accompany, for up to 7 days, a member of the immediate family who is ill, to a medical facility, provided the treatment is not readily available in the family member's area of residence
 - for up to 7 days, to **visit a seriously ill or injured immediate family member**
 - for up to 7 days, to attend a genuine job interview
 - for up to 14 days, to conduct a genuine **job search**
 - to attend training approved by an authority of the Commission

4. The claimant must be capable of and be available to work every day, but unable to find suitable employment

➤ What constitutes suitable employment ?

- « [14] Un emploi convenable est un emploi offrant au prestataire des conditions de travail et un salaire n'étant pas inférieurs aux conditions dont il bénéficiait dans son occupation ordinaire. De plus, un emploi est considéré convenable seulement si le prestataire a la capacité d'effectuer le travail, que l'horaire n'est pas incompatible avec ses obligations et croyances et que la nature du travail n'est pas contraire à ses convictions morales ou croyances religieuses. » M. S. c Commission de l'assurance-emploi du Canada, 2019

TSS 826

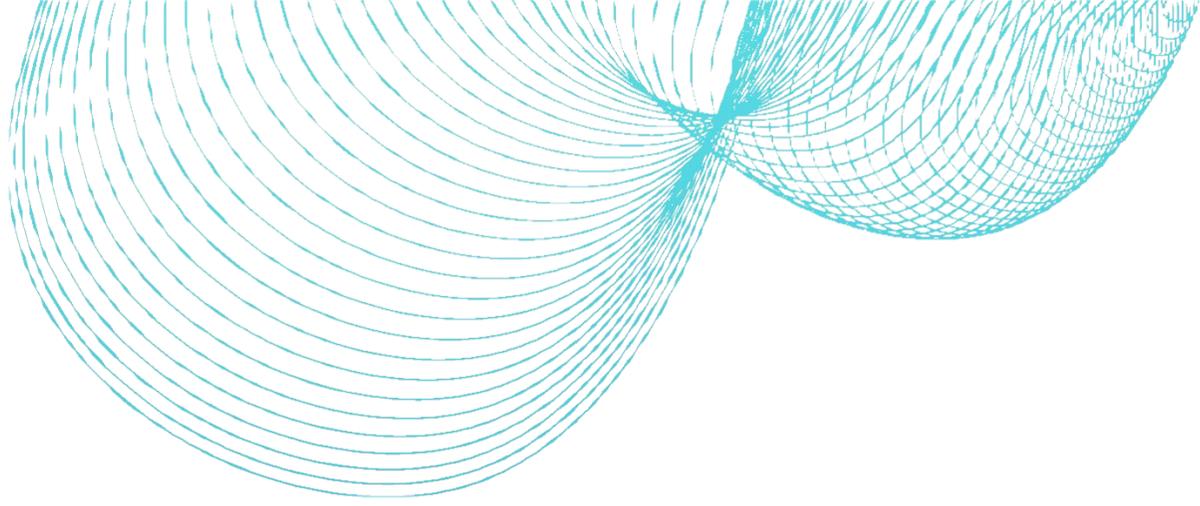
- **To this effect see article 9.002 of the Employment Insurance Regulations**

(a) the claimant's health and physical capabilities allow them to commute to the place of work and to perform the work;

(b) the hours of work are not incompatible with the claimant's family obligations or religious beliefs; and

(c) the nature of the work is not contrary to the claimant's moral convictions or religious beliefs.

5. The claimant must be actively looking for work



In addition to actively looking for work when applying for EI Benefits (which consists of specific actions geared towards finding suitable employment, such as, but not limited to: submitting job applications regularly, registering for job search tools, attending job fairs and interviews), **the Claimant must carry on with these efforts even as they receive EI Benefits.**

How much money can a claimant receive through EI Regular Benefits ?

- Claimants are entitled to 55% of their weekly insurable earnings (gross weekly earnings) up to a maximum amount of 650\$ a week (as of January 1, 2023).
- The amount a Claimant can receive will be calculated based on their best weeks, in other words the weeks where they earned the most amount of money during their qualifying period. The number of weeks included in this calculation **will depend on the Unemployment rate in the Claimant's region** (between 14 and 22 weeks)
- If you are in a region where the unemployment rate is of 13,1% or more, your best 14 weeks will be used in the calculation. If the unemployment rate in your region is 6% or less, your best 22 weeks will be used.
- The total amount earned during a claimant's best weeks of work will be divided by the nb of best weeks. This number will then be multiplied by 55% to determine weekly benefits.

How much money can a claimant receive through EI Regular Benefits ?

- **Example:**

An claimant living in Montreal, where the current unemployment rate stands **at 4.9%**, would see their 22 best weeks of work taken into account when calculating their EI Benefits.

If the claimant earned 22 000 \$ during these 22 best weeks, this amount would be divided by 22 (weeks). This gives us an amount of 1000 \$. We would then multiply 1000 \$ by 55 % to determine the weekly earnings. This gives us weekly earnings of **550 dollars**.

The claimant would therefore be eligible to receive 550 dollars a week of EI Benefits.

One week waiting period

When a claimant is eligible for benefits, the claimant has to serve **a one-week waiting period before they begin to receive EI benefits**

For example, a person living in Montreal who worked 700 insurable hours and is thus able to obtain 14 weeks of benefits, if we include the waiting period requirement, that person would be paid for **13 weeks out of 14.**

Upcoming modifications to the Concordia pay period

- Starting in the Fall 2023, the pay period for the Fall session will be shortened from the current 15 weeks to 14 weeks.
- Starting in the Winter 2024, the pay period for the Winter session will be shortened from the current 16 weeks to 15 weeks (or exceptionally 14 weeks).
- Starting in the Summer 2024, the pay period for the Summer sessions will be shortened from the current 8 weeks to 7 weeks.
- As a result of these changes, the weekly earnings of members for the purposes of EI will increase as they will be paid over a shorter period.

How can you apply to EI regular Benefits ?

Application can be done online at **servicecanada.gc.ca**

What information is required to apply to EI regular Benefits?

- ❖ **Social Insurance Number (SIN);**
- ❖ **mother's maiden name;**
- ❖ **mailing and residential addresses**, including postal codes;
- ❖ **complete banking information**, including the financial institution name and number, the branch number, and your account number for direct deposit of benefits;
- ❖ **names and addresses** of all employers you worked for in the last 52 weeks, as well as **the dates of employment** and the reasons for separation from these employers
- ❖ If you do not provide the required information, your EI application will be rejected.

<https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/regular-checklist.html>

Once you have completed your application for EI regular Benefits :

Once you have applied and are deemed eligible for EI regular Benefits, you should receive your first EI Regular Benefits payment **within 28 days**. You will then be required to submit **EI reports every two weeks** to Service Canada in order to continue receiving benefits.

If you are **not deemed eligible**, you will receive a letter or phone call providing you with an explanation for the refusal. You have **30 days** to request a reconsideration, by printing out and completing the appropriate form : <https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=INS5210>

“The Commission may allow a longer period to request reconsideration **only** if it is satisfied in section 1 of the *Reconsideration Request Regulations* are met. Specifically, the Commission must be satisfied that:

- (a) there is a reasonable explanation for requesting the longer period; ***and***
- (b) the Appellant has demonstrated a continuing intention to request a reconsideration; ***and***
- (c) the request for reconsideration has a reasonable chance of success; ***and***
- (d) no prejudice would be caused to the Commission or other parties by allowing the longer period to make the request.”

S. M. v. Canada Employment Insurance Commission, 2016 SSTGDEI 67

→ Reconsideration decisions **can be appealed** to the Social Security Tribunal of Canada

Working while receiving EI Regular benefits :

You will be able to preserve **50 cents of your regular benefits** for every dollar you make, "**up to 90 percent of your previous weekly earnings** (roughly four and a half days of work). Above this cap, your EI benefits are deducted dollar-for-dollar."

EXAMPLE 1 :

A worker used to make \$525 per week before he was let go from work. This means his weekly EI benefit rate is \$288.75 (55% of 525 \$). If this worker found a new job **working part-time**, earning \$200 per week, the worker would retain \$388.75 in total.

Amount now earned from part-time work:	\$200
Half of amount earned:	$\$200 \div 2 = \100
Total amount to deduct from EI:	\$100
Amount they would receive from EI :	$\$288.75 - \$100 = \$188.75$
Total weekly earnings:	$\$200 \text{ (work)} + \$188.75 \text{ (EI benefits)} = \underline{\underline{\$388.75}}$

Working while receiving EI Regular benefits :

EXAMPLE 2 :

A worker used to make \$525 per week before he was let go from work. This means his weekly EI benefit rate is \$288.75 (55% of 525 \$). If this worker found a new job **working part-time**, earning \$500 per week, the worker would retain \$511.25 in total.

Amount now earned from part-time work:	\$500
90% earning threshold :	90% of \$525 = \$472.50
Half of amount currently earned:	$\$500 \div 2 = \250
Dollar for dollar reduction :	$\$500 - \$472.5 = \$27.50$
Total amount to deduct from EI:	$\$250 + \$27.5 = \$277.50$
Amount they would receive from EI :	$\$288.75 - \$277.50 = \$11.25$
Total weekly earnings:	$\$500 \text{ (work)} + \$11.25 \text{ (EI benefits)} =$ <u>\$511.25</u>

What benefits might I be entitled to if I don't qualify for Regular EI benefits?

➤ **Employment Insurance Work Share Program**

The work share program is designed to help employers and employees avoid layoffs as a result of a temporary reduction in business activity. A group of employees who perform the same duties agree to reduce their work hours and work by the same percentage. In return, Employment Insurance would cover a portion of the reduced wages.

Employment Insurance Sickness Benefits

Employment Insurance Sickness Benefits is an income safety net program designed to aid persons who are not working due to medical reasons (illness, injury or quarantine).

How much can a claimant receive ?

For a period of up to 26 weeks, you can receive 55% of your insurable weekly earnings for up to \$650 a week.

*Note : a one week waiting period before receiving EI sickness benefits must also be served.

To be eligible to receive EI sickness benefits a claimant must meet these **three following criteria** :

- 1 Demonstrate that they are unable to work due to medical reasons (An applicant must furnish a medical certificate attesting to their inability to work as well as stating the probable duration of their disability)
- 2 Have seen a 40% decrease in their normal weekly earnings as a result of this medical situation

FAQ

- ❑ Are EI benefits taxable? EI benefits are indeed taxable. Federal and provincial taxes will be deducted from the earnings.
- ❑ Can EI regular benefits and EI sickness benefits be combined ? Claimants cannot receive more than one type of benefit concurrently. However, within the same benefit period (52 weeks), depending on the unemployment rate in their region, they may receive up to 50 weeks of benefits when combining Regular EI benefits and EI sickness benefits consecutively (provided they meet the eligibility criteria for both programs).
- ❑ Can I receive EI regular benefits if my employer reduces my work hours ? You can only get Employment Insurance (EI) regular benefits if you had to **stop working**. You won't qualify for EI regular benefits if your hours have only been **reduced**. You may however be able to get EI sickness benefits if you **have** to work fewer hours.
- ❑ What type of assistance is available to claimants when filing their EI application ? Claimants can request to be contacted by phone by a Service Canada representative within 2 business days by completing the following **eServiceCanada Service Request Form. (hyperlink)**. Through this form they can request help with regards to applying for EI, submitting additional documentation, submitting their EI claimants report, accessing information on the T4E form etc.
- ❑ When should I file for EI benefits? Claimants should apply for EI as soon as they stop working. Late applications could have a detrimental effect on their claims and in some cases, could result in them no longer being eligible. (*You do not need to wait for your ROE to have been submitted to apply)

Concluding remarks

- ▶ We thank you for your time and attention.
- ▶ The EI session recording as well as these PowerPoint slides will be posted on the CUPFA website for your perusal.

Any questions?
Please feel free to email
questions@cupfa.org

CREDITS

Special thanks to all the people who made and released this awesome resource for free:

- Presentation template Modern and Minimal Company Profile @ <https://www.canva.com/>