

Employment Insurance Seminar

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Current up to March 24, 2022

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Concordia University Part-time Faculty Association



What are Employment Insurance Benefits ?

➤ **Regular benefits**

Available for workers whose employment has been terminated without cause.

➤ **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.

➤ **Benefits for the self-employed**

Who is eligible for Employment Insurance Regular Benefits ?

➤ **Eligibility criteria :**

- 1) A claimant must have held insurable employment.
- 2) Their employment must have ended through no fault of his own.
- 3) They must have worked a certain number of hours during their qualifying period.
- 4) They must demonstrate that they are capable of and are available to work every day, but unable to find suitable employment.
- 5) 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.*



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)

Jurisprudence has defined misconduct for the purpose of the Employment Insurance act as :

- “Misconduct, which renders discharged employee ineligible for unemployment compensation, occurs when conduct of employee evinces willful or wanton disregard of employer's interest, as in **deliberate violations, or disregard of standards of behavior which employer has right to expect of his employees, or in carelessness or negligence of such degree or recurrence as to manifest wrongful intent**” (Tucker 1986 FCA 381)
 - “Reprehensible conduct is not necessarily misconduct. Misconduct is a breach of such scope **that its author could normally foresee that it would be likely to result in dismissal**” (Locke 2003 FCA 262; Cartier 2001 FCA 274; Gauthier, A-6-98; Meunier, A-130-96).
 - 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
- 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 who owed him money.



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:

*Subject to subsections (2) to (7), an interruption of earnings occurs where, following a period of employment with an employer, an insured person is laid off or separated from that employment and **has a period of 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, other than earnings described in subsection 36(13), are payable or allocated.***

➤ 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)

In most circumstances, whenever a worker's employment comes to an end, an employer has 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.



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.

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

➤ Results

The search for H3G2E9 returned these results:

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

Postal Code ↑↓	2011 Census Subdivision Name (Municipality) ↑↓	Census Subdivision (Municipality) Type ↑↓	Common Name ↑↓	2011 Census Division Name ↑↓	EI Economic Region Name ↑↓
H3G2E9	Montréal	Ville	MONTREAL	Montréal	Montreal

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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 March 13, 2022 to April 9, 2022

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 ⁵	Number of Best Weeks Required for Benefit Calculation
Quebec	16	Montreal (map)	5.3	420	14	36	22



3. The claimant must have worked a certain number of hours during their qualifying period (part 4)

➤ Under normal circumstances ***

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

Province / Territory	Economic Region Code	Economic Region Name	Unemployment Rate	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	Montreal	5.3	700	14	36	22



3. The claimant must have worked a certain number of hours during their qualifying period (part 5)

➤ Under special COVID-19 measures

As a result of COVID-19, certain special temporary measures have been put in place to ease EI Eligibility. As such, until **September 24, 2022**, **regardless of the unemployment rate** in their respective regions, claimants must only have accumulated a minimum of 420 insurable work hours in their qualifying period to be eligible.

Province / Territory	Economic Region Code	Economic Region Name	Unemployment Rate	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	Montreal	5.3	420	14	36	22



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.



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:

"To decide whether a claimant is available for work, it must be determined whether the claimant is capable for work.^[4] Capability of work relates to a claimant's ability to perform the functions of their regular or usual employment or some other suitable employment.^[5] Capability and availability are interconnected requirements under section 18 of the Employment Insurance Act because a claimant's availability can be limited if they are incapable of work." (M. R. v Canada Employment Insurance Commission, 2019 SST962 (CanLII))

A claimant will demonstrate his availability for work by :

*"a) proving **a desire to return** to the labour market as soon as possible; b) by demonstrating this desire by making **reasonable and customary efforts** to find suitable employment; and, by remaining **free of personal requirements which would unduly limit the opportunities** for work (Faucher A-56-96, Whiffen 1472-92)." 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

Desire to return to the labour market as soon as possible :

*“[19] The Appellant considers that no job can suit him because of his age [80 years old] and the risks related to the pandemic. The Appellant is not looking for a job, since he considers that he has one and wants to return to it. Nevertheless, I am of the view that he cannot simply say that he cannot return to his old job because of COVID without having looked for something else. He has to prove that he was capable of and available for work and unable to obtain suitable employment. **He cannot simply wait until the pandemic is over before looking for work.** [...]”*

I find that, even though the Appellant argues that he wants to work and that he is available for work, he did not express his desire to return to the labour market as soon as a suitable job was offered.”(PC v Canada Employment Insurance Commission, 2021 SST 30)



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.*

F. C. v Canada Employment Insurance Commission, 2015 CanLII 90111 :

“[22] The jurisprudence has also held that in order to demonstrate a desire to return to the labour market and that reasonable and customary efforts have been made, the claimant has to show that there have been serious efforts made to find employment through an active job search (De Lamirande 2004 FCA 311; Cornelissen-O'Neill A-652-93; Cutts A-239-90; CUBs 40597 (1998), 75821 (2010), 75947 (2010), 76719(2011)).”



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)

In this 2021 case emanating from the Social Securities Tribunal, the claimant’s efforts to find employment were deemed to not be reasonable and customary. The Claimant told the Commission he did not look for work because there simply wasn’t any available and because of COVID-19. In response to this, the Tribunal mentions : “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”? (review of Case Law)

-*MP and Canada Employment Insurance Commission, 2021 SST 303 (CanLII)* : The Claimant unduly limited their opportunities for work by only wanting to work seven hours per week.

-*W. D. v. Canada Employment Insurance Commission, 2015 SSTGDEI 100* : The Claimant unduly limited his chances of returning to work by taking a trip to Cuba with his daughter. He was therefore disentitled to receive EI payments for the period of time where he was outside of Canada.

-*AR v Canada Employment Insurance Commission, 2021 SST 780* : The Claimant unduly limited her chances of working due to only being available on weekends and evenings because of her school schedule. The tribunal mentions : “For the purpose of determining availability, I am looking at working days and the law says that a weekend is not a working day. So, I am looking at her availability from Monday to Friday”.

-*B. A. v Canada Employment Insurance Commission, 2018 SST 338* : The Claimant set a personal condition that unduly limited his chances of working by restricting his working solely to storage units, whilst living in a small community where there were only three storage unit facilities and none of them were hiring.



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**

Canada Employment Insurance Commission v TF, 2020 SST 479

In this case, the Claimant was a Catholic priest whose availability to work was a subject of dispute. The Employment Insurance Commission believed he did not prove his availability for work as he would not accept employment outside the Catholic Church without the consent of his Bishop. In this case, the Social Security Tribunal held that regular outside employment was unsuitable because the Bishop refused to give permission. **As accepting outside work would result in the priest losing his title, accepting regular outside work was considered contrary to his 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 638\$** a week (as of January 1, 2022).
- 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 5.3%, would see their 22 best weeks of work taken into account when calculating their EI Benefits.

If the claimant earned 22 000 dollars 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.

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

**Special COVID-19 measures in effect
until September 24, 2022**

If you have accumulated **675 hours** of insured employment in your qualifying period (three 3-credit teaching contracts), you will be eligible to receive Regular benefits for a period of **14 weeks**.

▼ Until September 24, 2022: Number of weeks of EI regular benefits payable | [Temporary](#)



Number of hours of insurable employment in the qualifying period	< 6%	6.1% to 7.0%	7.1% to 8.0%	8.1% to 9.0%	9.1% to 10.0%	10.1% to 11.0%	11.1% to 12.0%	12.1% to 13.0%	13.1% to 14.0%	14.1% to 15.0%	15.1% to 16.0%	> 16%
420 to 454	14	14	14	16	18	20	22	24	26	28	30	32
455 to 489	14	14	14	16	18	20	22	24	26	28	30	32
490 to 524	14	14	15	17	19	21	23	25	27	29	31	33
525 to 559	14	14	15	17	19	21	23	25	27	29	31	33
560 to 594	14	14	16	18	20	22	24	26	28	30	32	34
595 to 629	14	14	16	18	20	22	24	26	28	30	32	34
630 to 664	14	15	17	19	21	23	25	27	29	31	33	35
665 to 699	14	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 1014	18	20	22	24	26	28	30	32	34	36	38	40
1015 to 1049	18	20	22	24	26	28	30	32	34	36	38	40
1050 to 1084	19	21	23	25	27	29	31	33	35	37	39	41
1085 to 1119	19	21	23	25	27	29	31	33	35	37	39	41

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

After September 24, 2022

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
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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

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

Circling back to our previous example of a person living in Montreal who worked 675 insurable hours and is thus able to obtain 14 weeks of benefits due to the current COVID-19 measures, 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:	$\$500 \text{ (work)} + \$11.25 \text{ (EI benefits)} = \underline{\underline{\$511.25}}$

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

- **Employment Insurance Work Share Program (special measures until September 24, 2022)**
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.
- **Canada Worker Lockdown Benefit (until May, 2022)**
The CWLB is designed for employees or the self-employed who cannot work due to a COVID lockdown in their region. Under the CWLB, you can receive up to \$300 per week if you meet all the eligibility requirements.
- **Canada Recovery Sickness Benefit (until May 7, 2022)**
The CRSB is designed to help persons who are unable to work for at least 50% of the work week due to having COVID-19, having to isolate or having a health condition that put them at greater risk of contracting COVID-19. It provides, for a maximum of up to 6 weeks, an amount of \$500 per week. (*note - there are additional eligibility requirements)
- **Canada Recovery Caregiving Benefit (until May 7, 2022)**
The program provides for a period of up to 44 weeks, an amount of \$500 a week per household to workers who are unable to work for at least 50% of the work week because they must care for a child under the age of 12 or another dependent as a result of COVID-19. (*note - there are additional eligibility requirements)

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).

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

- 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)
- Have seen a 40% decrease in their normal weekly earnings as a result of this medical situation
- ***Until September 24, 2022*** - **due to the special COVID-19 measures in place**, have accumulated 420 insurable hours in the last 52 weeks or since the last claim, whichever period is shortest. After September 24, 2022, this number will revert back to a minimum of 600 insurable hours.

How much can a claimant receive ?

For a period of up to 15 weeks, you can receive 55% of your insurable weekly earnings for up to \$638 a week.

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

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 or caregiving 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 these awesome resources for free:

- Presentation template by [SlidesCarnival](#)
- Photographs by [Startup Stock Photos](#)