



Community Advocacy & Legal Centre

EMPLOYMENT INSURANCE INCOME REPLACEMENT

1 OF 2

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You may be able to get Employment Insurance (EI) benefits when:

- you lose your job ("Regular Benefits")
- are sick ("Sickness Benefits")
- take time off to have children ("Maternity Benefits" and "Parental Benefits") and
- take time off to look after gravely ill family members ("Compassionate Care Benefits.") The EI system is administered by Service Canada.

SUMMARY OF BENEFITS

"**Regular benefits**" are usually for workers whose job has ended (terminated). To qualify for regular benefits you must:

- have an "interruption of earnings," (which can include lay-off)
- have worked a certain number of hours
- not have "quit without just cause" or lost your job because of misconduct

The required number of hours fluctuates with the local unemployment rates. You can find out about required hours from your local Service Canada office. You should apply for Employment Insurance even if you think you may not have enough hours. Sometimes the rates change.

"**Sickness benefits**" are for workers who are unable to work due to injury or sickness. To qualify for sickness benefits you:

- must have 600 hours in the qualifying period to qualify--this rate does not fluctuate.
- do not have to be terminated
- can still receive sickness benefits even if you lost your job because of misconduct, or you quit

If you are expecting other forms of income replacement (e.g. workers' compensation or private disability insurance) you can still apply for EI sickness benefits. You will usually be asked to sign an assignment form allowing the EI to be repaid directly when the other benefits come into pay.

"**Maternity/parental benefits**" are paid to individuals who are pregnant, have recently given birth, are adopting a child or are caring for a new-born. To qualify for maternity/parental benefits you:

- need 600 hours in the qualifying period
- can still receive these benefits even if you lost your job because of misconduct, or you quit

"**Compassionate Care**" benefits are paid to workers who have to be away from work temporarily to provide care or support to a family member who is gravely ill with a significant risk of death.

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Your community legal clinic

RECORD OF EMPLOYMENT

The "Record of Employment" (ROE) is the document prepared by your employer that Service Canada uses to establish the hours worked in the qualifying period. An ROE will be issued if your employment has ended (terminated) but it is also issued when you need to apply for one of the other kinds of EI benefits noted above. If your ROE is not available, you can apply for EI without it, using pay stubs or cancelled cheques. Service Canada advises applicants to wait 14 days for a ROE, and then to apply without it. Service Canada states that it will offer assistance in getting the ROE.

WHEN TO APPLY FOR EI

You should apply for EI in the week after your job ends. If you wait more than 4 weeks, you may have to ask Service Canada to "antedate" your claim. It can be difficult to get Service Canada to accept a request for antedating, so make your claim as soon as possible.

You should file your claim with EI even if you are still receiving money by way of a severance package from your employer. You may not be entitled to any EI benefits right away, but you will avoid losing time from your "qualifying period" by filing when your employment ends, not when your payment from your employer ends.

WHERE DO I APPLY

You can apply for EI on-line (see resources below) or at a Service Canada office:
www.servicecanada.gc.ca/eng/ei/application/employmentinsurance.shtml

WHAT IF I AM TURNED DOWN FOR EI?

If you disagree with a decision made by Service Canada about your entitlement to benefits you have 30 days to file a "Request for Reconsideration." A reconsideration of a negative decision is made to Service Canada. The next level of appeal is to the Social Security Tribunal ("SST") General Division. The SST General Division decision can be appealed to the SST Appeal Division.

The Canada Revenue Agency decides whether a person was employed in employment that makes them eligible for benefits and can make determinations about the number of hours worked. There is a special appeal route for those decisions. **Please note:** There are overpayments and penalties that can be assessed for making false or misleading statements. These amounts bear interest, and can be recovered from income tax refunds, GST rebates, and garnishments. It is important that any challenge to a decision to assess an overpayment or a penalty is made within the time limits.

Links for More Information:

<http://yourlegalrights.on.ca/legal-topic/employment-and-work/employment-insurance>

http://yourlegalrights.on.ca/common-question/what-do-i-need-to-get-my-record-employment-roe?tid_ref=60

http://yourlegalrights.on.ca/common-question/what-are-rules-about-taking-time-work-illness-and-emergencies?tid_ref=60