

# The Record of Employment

# Q: What is a Record of Employment (ROE)?

A: The ROE is the most important document in your application for Employment Insurance (EI) benefits. The information in the ROE will be used by Service Canada to figure out whether you're eligible for benefits (i.e. whether you get benefits or not); the amount of your weekly benefits; and how long you will receive benefits for. A ROE can be issued either electronically or by paper.

# Q: When does an employer have to give me a ROE?

- A: An employer must give you an electronic or paper ROE when your earnings are interrupted. For example: earnings may be interrupted when an employee:
  - is laid off
  - quits or is fired
  - goes on an unpaid leave of absence or their earnings fall below 60% of their regular weekly earnings (for example, if you are on leave due to Injury/illness or pregnancy leave)
  - 7 consecutive calendar days have passed without both work and earnings (except for real estate agent employees paid by commission)

# Paper ROE should be issued within 5 calendar days of:

- interruption in earnings (i.e. when you stopped working) or
- when employer became aware of interruption in earnings

*Note*: If your employer issues a paper ROE, they must give you the original (Part 1) which you will then need to give to Service Canada if you are applying for EI benefits.

## Electronic ROE should be issued:

- within 5 calendar days of the end of the pay period, or
- if you are paid on a monthly basis, then within 5 calendar days of the end of the pay period *or* 15 days after you stopped working (whichever date is sooner).

For part-time, on-call, or casual workers, the ROE must be issued when:

- You request it because it has been 7 days without work or earnings
- You are no longer on the employer's active employment list
- Service Canada requests it
- You have not worked for 30 days and there are no earnings for that period

# Q: How can I access my electronic ROE?

A: If your employer sent your ROE to the government electronically, you can access your ROE online at My Services Canada Account.

You can sign-in to your existing account or create a new account by following the instructions on the My Service Canada Account page:

https://www.canada.ca/en/employment-social-development/services/my-account.html

# Q: What do I do if my employer does not give me an ROE?

A: Contact your employer to request the ROE every day or two. Keep a record of your efforts.

You can use this tool created by Steps to Justice to generate a letter you can send to your employer asking for your ROE: <a href="https://stepstojustice.ca/resource/asking-for-a-record-of-employment-roe/">https://stepstojustice.ca/resource/asking-for-a-record-of-employment-roe/</a>

You can apply for benefits without the ROE using pay stubs, T4 slips and work schedules. Service Canada will ask you to complete a "Request for a Record of Employment" form, available at: https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=INS3166

You can also ask Service Canada to help. You can go to your nearest Service Canada office or call them at 1-800-206-7218. They will tell you how you can get your ROE or what other documents you can use to apply for benefits.

Remember that employers can submit the ROE electronically up to 5 days after the end of the pay period in which your earnings were interrupted.

## Q: Should I check over the information on the ROE?

A: Absolutely. The ROE is the main document in your application and any errors may cause you bigger problems later on – you may be found to be ineligible for benefits; your benefit rate may be less than it should be; or you may not get benefits for as long as you should. Small mistakes, when corrected later, can delay your cheque. Mistakes that result in you getting more benefits than you should have might require you to pay the money back later. You can use the chart on the next page to check important information on your ROE.

### Q: What do I do if there is a mistake on the ROE?

A: You can ask your employer to correct the information on your ROE. Employers cannot cancel a ROE with a mistake on it. However employers can issue an amended ROE in order to make changes, including corrections, or to provide updated information. Do not make changes to the ROE on your own. Service Canada will compare the ROE that you submit to the one that your employer sends directly to Service Canada. If these do not match up, you will have a problem. Remember that you should apply for benefits within 4 weeks of losing your job.

If you disagree with information about the *number of hours*, the amount of your earnings, or the dates of your employment (Boxes 10, 11, 12, 15A, B or C, and 17), you can explain your disagreement to Service Canada. Provide as much information and evidence as you can. This may include work schedules, pay stubs, or your work calendar. They will make a decision on the best evidence available. If you disagree with the way your benefits are calculated, you can request that the Canada Revenue Agency make a ruling on your claim. If the CRA agrees with you, they will inform Service Canada and your benefits will be recalculated. If you disagree with the decision of the CRA, there will be an opportunity to appeal.

If you disagree with the other information on your ROE, you should advise Service Canada of the disagreement. If Service Canada makes a decision about your benefits that you do not agree with, you will have an opportunity to appeal that decision too.

Service Canada suggests that you apply for benefits immediately after your last day of work. However, you can apply for benefits up to 4 weeks after your last day of work without having any effect on your benefits. After that, a delay in filing may cause you to lose benefits.

your employer said you were paid IF COMPLETING THIS FORM BY HAND, USE A PEN AND PRESS FIRMLY semi-monthly (twice a month) when in Human Resources Development Canada Développement des ressources humaines Canada EMPLOYER: REFER TO THE GUIDE - HOW TO COMPLETE THE RECORD OF EMPLOYMENT - WHICH PROVIDES fact you were paid bi-weekly (every Protected when completed - B RECORD OF EMPLOYMENT (ROE) second week), you may end up getting 2 SERIAL NO. OF ROE AMENDED OR REPLACED 3 EMPLOYER'S PAYROLL REFERENCE NO fewer benefits than you are entitled to. A 600 Box 7: Postal Code - The 4 EMPLOYER'S NAME A 5 CCRA's BUSINESS NO. (BN) HRHRSDC will use your postal code to figure out the Box 11: Last day for which paid -6 PAY PERIOD TYPE This usually refers to the last day you unemployment rate in your region. If you are applying for regular actually worked. However, it can be a later date if, for example, you go on a benefits, the number of weeks of 7 POSTAL CODE 8 SOCIAL INSURANCE NO your entitlement and sometimes scheduled paid vacation and are told that you will be laid off after that your eligibility for benefits might 10 FIRST DAY WORKED 9 FMPLOYEE'S NAME A vacation. (OR FIRST DAY WORKED SINCE LAST ROE ISSUED) Box 13: Occupation - The information in D LAST DAY FOR WHICH PAID this box will not directly affect your eligibility Box 16: Reasons for issuing this for benefits, or your benefit amount. ROE - If you are applying for regular benefits, you want to see Code A -However, the HRHRSDC will use it to monitor your attempts to find work. Shortage of work (which includes the 44 EXPECTED DATE OF RECALL end of the contract, the end of a 13 OCCUPATION D UNKNOWN NOT RETURNING season, a temporary shutdown). If the reason for issuing the ROE is listed E-15A TOTAL INSURABLE HOURS ACCORDING TO CHART ON REVERSE Quit or M-Dismissal and your REASON FOR ISSUING THIS ROE 

ENTER CODE employer will not change the code accordingly, you should get legal FOR FURTHER INFORMATION, CONTACT TOTAL INSURABLE EARNINGS ACCORDING TO CHART ON REVERSE advice before you apply for regular benefits. You will only get regular \$ ) TELEPHONE NO. ▶ ( benefits if you voluntarily left your ONLY COMPLETE IF THERE HAS BEEN A PAY PERIOD WITH NO INSURABLE EARNINGS. COMPLETE ACCORDING TO CHART ON REVERSE. 17 ONLY COMPLETE IF PAYMENTS OR BENEFITS (OTHER THAN REGULAR PAY) PAID IN OR IN ANTICIPATION OF THE FINAL PAY PERIOD OR PAYABLE AT A LATER DATE. employment for a reason that HRHRSDC will recognize as "just INSURABLE EARNINGS P.P. INSURABLE EARNINGS P.P. A - VACATION PAY cause", or if you can show that the \$ 2 3 reason you were terminated was not because of your wilful misconduct. \$ 5 6 4 What you say about this at the outset \$ 9 7 8 (on your application and when you are 11 12 contacted by HRHRSDC) will be 10 OTHER MONIES (SPECIFY) extremely important and may count for 13 14 15 more than what you try to explain later \$ 17 18 16 on. (You can still get other types of EI benefits, i.e. sickness, parental, 21 20 19 maternity and compassionate care 24 22 23 18 COMMENTS benefits even if you guit or were fired 26 27 for misconduct.) ONLY COMPLETE IF PAID SICK/MATERNITY/PARENTAL LEAVE OR GROUP WAGE LOSS INDEMNITY PAYMENT (AFTER THE LAST DAY WORKED). Box 17: This box contains a few sections for vacation pay, statutory AMOUNT PAYMENT START DATE holiday pay or other monies received. You should make sure that all of these PER PER WEEK sections are filled in and that these amounts are included in either Box 20 COMMUNICATION PREFERRED IN 15B or Box 15C. The higher the ENGLISH RENCH figures are, the higher will be your 22 I AM AWARE THAT IT IS AN OFFENCE TO MAKE FALSE ENTRIES AND HEREBY CERTIFY THAT ALL STATEMENTS ON THIS FORM ARE TRUE. weekly benefits up to the maximum of \$650.00 per week. On the other hand. the higher this figure, the longer you will have to wait until your first weekly SIGNATURE OF ISSUER NAME OF ISSUER (please print) DATE MPLOYEE'S COPY EMPLOYEE: APPLY FOR EMPLOYMENT INSURANCE BENEFITS ON THE INTERNET FOR MORE INFORMATION, REFER TO THE BACK OF THIS DOCUMENT <u>lanadä</u> payment, because the amounts in Box nible en français Ce formulaire est également disp 17 are allocated. This means that these payments will be averaged over Box 15A: Total insurable hours Box 15B: Total insurable earnings according a number of weeks after your according to chart on reverse to chart on reverse - The figure in Box 15B will employment ends. This is a very important block in the be used to figure out your weekly benefit rate. It is therefore very important! This box should be ROE. The hours you worked are used to figure out if you are eligible filled out only if you had insurable earnings for benefits and if so, how many during each reported pay period. If there was at Box 15C: If you had earnings weeks of benefits you will get. Even least one pay period when you had no earnings. \*\*Information is in each pay period. Box 15C though your qualifying period is the box should be left blank and Box 15C should accurate as of usually 52 weeks, to calculate your be used.

Like insurable hours, insurable earnings will

amount should reflect not only your regular

day you work, and termination pay. If you

wages, but any amount that you received for

Make sure the figure in Box 15B is correct. The

bonuses, overtime, vacation pay that is paid out

received those types of income, Box 17 should

at termination, statutory holiday pay after the last

include one extra pay period.

also be filled out.

hours 53 weeks are used (if you are

Compare the hours figure in Box

15A to your records. If there is a

mistake, you should contact your

immediately. The number of hours

in your qualifying period that will

give you the maximum benefits is

employer and get it corrected

1820 hours.

paid period type is weekly).

Box 15C: If you had earnings in each pay period, Box 15C should be blank and only Box 15B filled in. If, however, you have a week with no earnings, Box 15C will be filled in. You should make sure that Pay Period #1 (your final pay period) is not "0". Make sure that all of the earnings from Box 17 (see note above) are included in Pay Period #1.

\*\*Information is accurate as of January 2023 and for general information purposes only. For more on El benefits see the Gov't of Canada website.\*\*

**Box 6: Pay Period Type** - Make sure "the type of pay period" is correct. If

- Q: Should I still get an ROE even if I am not going to apply for benefits?
- A: Yes. Even if your employment was short, and you are not going to file for Employment Insurance benefits, you should still request an ROE. Your employer must give it to you.

You should still check that the information in the boxes is correct. If you disagree with any information, you should try to get it corrected by your employer. It is easier to correct information sooner rather than later. Keep records of your attempts to obtain the correct information from your employer.

- Q: How long should I hold on to an ROE?
- A: You should hold on to your ROEs for 3 years.
- Q: Where can I find more information about the ROE and Employment Insurance benefits?
- A: Service Canada has useful information on Employment Insurance and the application process: <a href="https://www.canada.ca/en/services/benefits/ei.html">https://www.canada.ca/en/services/benefits/ei.html</a>

You can also review the "Employment Insurance" pamphlet published by Community Legal Education Ontario (CLEO):

https://www.cleo.on.ca/en/resources-and-publications/employment-and-work

Steps to Justice also has helpful information on Employment Insurance, answering some questions you may have:

https://stepstojustice.ca/legal-topic/employment-and-work/employment-insurance/

This pamphlet contains general information only.

It is not meant as a substitute for getting legal advice about your particular situation.



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Need legal help? Call us or email us using our intake form at <a href="https://www.bit.ly/calc-help">www.bit.ly/calc-help</a> (or scan the QR code)

Find us on the web at: <a href="https://www.communitylegalcentre.ca">www.communitylegalcentre.ca</a>