



## **EMPLOYMENT INSURANCE AND QUITTING: ARE THEY INCOMPATIBLE?**

Employment insurance legislation stipulates that a person cannot receive benefits if they are without a job due to their misconduct or if they voluntarily leave their job without just cause.

If you quit your job, you may still be able to receive benefits if you can prove that, under the circumstances, quitting was the only reasonable option.

The law sets out a number of situations in which voluntarily leaving a job is justified:

- sexual or other harassment;
- obligation to accompany a spouse or dependent child to another place of residence;
- discrimination based on a prohibited ground of discrimination within the meaning of the *Canadian Human Rights Act*;
- working conditions that constitute a danger to health or safety;
- obligation to care for a child or a member of the immediate family;
- reasonable assurance of another job in the immediate future;
- significant modification of terms and conditions of remuneration;
- excessive overtime work or refusal to pay for overtime work;
- significant changes in work duties;
- antagonism with a supervisor if the employee is not primarily responsible for the antagonism;
- practices of an employer that are contrary to law;
- discrimination with regard to employment because of membership in an association, organization or union of workers;
- undue pressure by an employer on the employee to leave their employment.

If you receive a decision denying you benefits, you can appeal the decision to a board of referees,<sup>1</sup> who may amend the decision after having given you the opportunity to be heard. You will have 30 days following receipt of the decision within which to file a written appeal. The board of referees is an independent and impartial administrative tribunal composed of three members from the community.

<sup>1</sup> Please note that the board of referees and the umpire will be replaced by the Social Security Tribunal as a result of Bill C-38. These provisions are not yet in force.

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\* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.



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(Continued)**

The board of referees will hold a hearing during which it will examine the evidence presented to it. At that time, you will have the opportunity to be present in person and explain your case and provide additional information that is not contained in the appeal file, which you will have received prior to the hearing. Thereafter, the board of referees will render a decision based on the *Employment Insurance Act*<sup>2</sup> and its regulations.

If the board of referees' decision is not in your favour and you wish to file an appeal, you will have 60 days following receipt of the board of referees' decision within which to inform the Service Canada Centre in writing of your intention to appeal to an umpire.<sup>3</sup> Appeal forms are available online at:

[http://www.servicecanada.gc.ca/eforms/forms/hrsd-c-ins3042\(2006-06-001\)e.pdf](http://www.servicecanada.gc.ca/eforms/forms/hrsd-c-ins3042(2006-06-001)e.pdf)

An umpire's decision is final and cannot be appealed; however, it is subject to judicial review.

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<sup>2</sup> S.C. 1996, c. 23 and *Employment Insurance Regulations*, SOR/96-332.

<sup>3</sup> See note 1.