

MOUVEMENT
ACTION-CHÔMAGE
DE MONTRÉAL



Employement Insurance

at a glance



01 What is Employment insurance (EI) ?

Unemployment insurance, also called Employment Insurance (EI), is a **temporary income replacement** program for unemployed people while they are job seeking. The program is administered by the Government of Canada and financed by contributions from workers and employers. Unemployment insurance also administers special benefit programs for **sickness** or **caregiver situations**.

Eligibility criteria:

To qualify for Employment Insurance, you must meet three eligibility criteria

01

·You have had one or more insurable jobs, and therefore you have already **paid unemployment insurance premiums**;

·You underwent an interruption of earnings with an employer; therefore, you have not worked for **7 consecutive days**;

02

03

You have accumulated the **qualifying number of hours worked**.

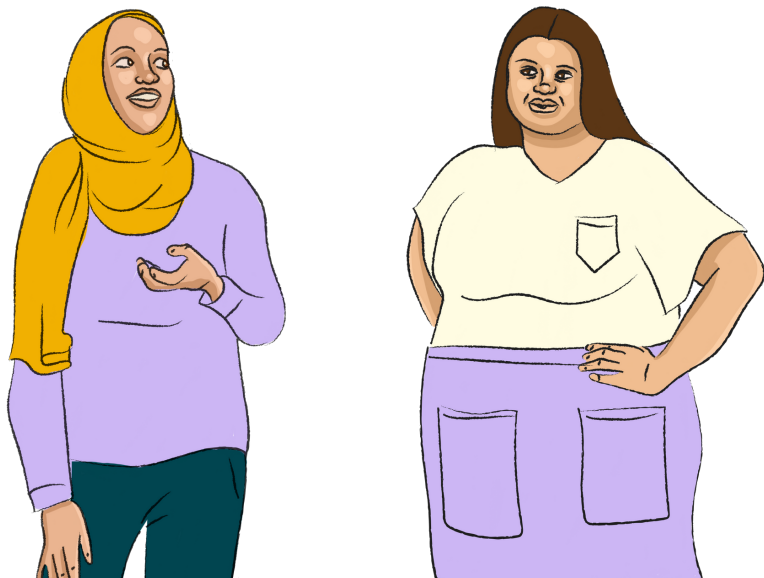
When in doubt, it is always preferable to file an employment insurance claim. In the event of a refusal, recourses are available!

02 How many weeks ?

The number of weeks of regular unemployment benefits to which you are entitled depends on a number of factors. The following information explains how this works. The calculations do not have to be made by the claimant. They are done by Service Canada's agents.

The number of weeks of regular unemployment benefits to which you are entitled depends on the number of hours worked in the **last 52 weeks** or since your last claim (qualifying period). The more hours you have worked, the more weeks you are entitled to. Hours worked can be accumulated with one or more employers.

The number of weeks granted also depends on the **unemployment rate** in the region you live in at the time of your application. To find out how many weeks it is possible to receive in a situation of illness or caregiving, go to page section 09.



03 How much money ?

The amount of all types of benefits is calculated based on the average of the **best weeks** of earnings in the last year. The Commission will take your best weeks between 14 and 22, depending on the unemployment rate in your region, and average them. You will be entitled to 55% of this amount.

Generally speaking, the **benefit rate is 55%**.

It is possible for your benefit rate to be between 56% and 80% if you meet the following three conditions :

01

Having a gross family income of less than \$25,921.

Having one or more dependent.

02

03

Receiving the child tax benefit.

04 Applying for EI

To claim employment insurance benefits, you need to apply online. It can be done online at home or at any Service Canada Centre with computers available on site. **The application is only available in English and French.** We recommend that you get help from someone you trust, or from an organization, to complete the application.

To apply, you will need the following information:

INFORMATIONS NEEDED

Name

Date of birth

Phone number

email address

Address

Last name at birth of one of your parents

Social insurance number

(If your SIN begins with a 9, Service Canada will ask you for proof of your immigration status or work permit)

Information about any jobs you have held in the last 52 weeks (contact details, date of employment and reason for termination)

Bank details for the deposit

You have **4 weeks** to make your claim, starting from the Sunday following your last day of work. **We advise you to apply within these four weeks, as this may affect your eligibility for benefits.**

If something unexpected happens while you are completing your application, it will be saved for **72 hours**.

In the event of a conflictual termination of employment, we advise you to contact the MAC or an unemployed group to prepare an explanatory letter that can be included in your application.

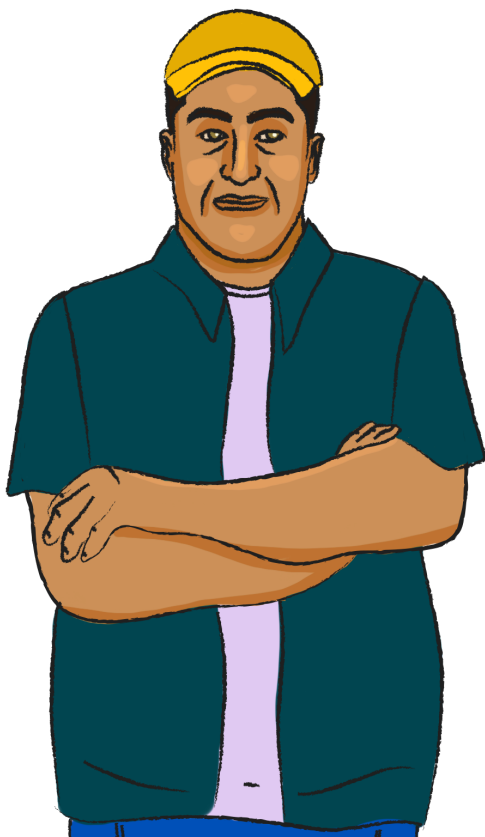
You can apply without your Record of Employment. (See next page)



05 Record of employment

The Record of Employment (ROE) is the essential document for receiving employment insurance benefits. **You must provide all the Records of Employment issued by your employers for the qualifying period.** The employer has 5 days to provide the paper version of the ROE, and almost 3 weeks to upload it directly to Service Canada's platform. If the employer delays sending it to you after several unsuccessful attempts on your part, you can file a complaint with Service.

Important : do not wait for the record of employment to apply for benefits. At each end of employment, require your employer to inform you of how they will process the Record of Employment (paper or Internet). If it is a paper version, make a photocopy before sending it to Service Canada.



06 Reports

Once you've applied, you will receive a 4-digit access code by mail. To fill out your reports, you need this code and your social insurance number. Reporting is mandatory. **It must be made every two weeks, every other Saturday.** These reports "activate" payment of your benefits. Reports can be filed **online or on the phone.**

Reports are only available in French and English. We recommend you to be accompanied by a trusted person, or that you file your reports using Service Canada's Mobile Services Support Centre at **1-877-760-2657**. You must say "déclarations assurance-emploi" and then say your preferred language to have someone accompany you using your preferred language to fill out the reports.



Here are, for instance, the main questions you will be asked:

- ☐ Have you moved, changed your mailing address or modified the banking information you provided for direct deposit purposes?
- ☐ Were you outside Canada between Monday and Friday during the period of this report?
- ☐ Did you attend school or a training course during the period of this report? (see page on studies)
- ☐ Were you ready, willing and capable of working each day, Monday through Friday, during the period of this report? *
- ☐ Did you work or receive any earnings during the period of this report?
- ☐ Are you self-employed?

07 Availability

To receive employment insurance benefits, you must demonstrate that you are capable of working and looking for a job, but unable to find one.

You must look for a **suitable job**, that is, employment with pay and working conditions that correspond to your usual occupation or to those provided by good employers. Suitable employment must respect your family obligations, your health status and your personal or religious convictions.

A Service Canada agent may investigate your job search and ask you to broaden your job search by adopting more flexible criteria. For instance, you might be asked to look for jobs in related fields.

To receive regular benefits, you have to look for work. According Service Canada, this must be your **main concern**.



Here is what the law considers to be valid job search steps :



It's advisable to **make a note** of every step you take (including the day and date).

With certain exceptions, you must **remain in Canada** to receive benefits. Your claim will remain active, but you will not be paid for the days you spend outside of the country.

If you are working in Canada on a specific **work permit**, whether it is open or closed (linked to an employer), and become unemployed, you may be entitled to employment insurance. You must be able to prove that you can stay in the country and that you are looking for work.

Finally, please note that **full-time studies** may prevent you from receiving benefits. This is the case for all types of studies, including francization courses. If you take courses from Monday to Friday and during the day, for example, it will be considered that your studies prevent you from being available for employment. It will be up to you to prove to Service Canada that you are able to **work outside of class hours**. Demonstrating that you have worked full time while studying is the best argument for accessing unemployment insurance benefits while studying.

There is a lot of misinformation about the right to employment insurance for immigrant workers, including asylum seekers and temporary foreign workers. Know your rights!

08 Refusal and overpayment

Voluntary leaving

To be eligible for benefits following a voluntary departure (resignation), you must ideally invoke a reason recognized by law and, above all, pass the **only reasonable solution** test, that is to say, demonstrate to Service Canada that you made serious attempts to solve the problems which prompted your departure and that you looked for work before leaving the job.

Dismissal

There are two types of dismissal.

1. Dismissal for "**incompetence**", or failure to pass probation.
No issues regarding benefits eligibility.
2. Dismissal for **misconduct**, that is to say that you harmed your employer. At least that is what they claim. We're talking here about indiscipline or gross negligence (lateness, theft, unjustified absence, etc.). If you feel that your dismissal for misconduct is unjustified, consult an advocacy organization to find out what your rights are.

Overpayment

If you receive a debt notification from Canada Agency, it is important to know the **origin of this debt**. It has to result from a decision made by Service Canada. Consult an advocacy organization to find out your rights. Don't forget to change your address so that you do not lose any communications concerning your employment insurance file.

09 Special Benefits

Special benefits can be paid when you are **ill or a caregiver** for a person at the end of life (compassionate care benefits or benefits for a critically ill child or adult). You do not have to look for a job when you receive special benefits.

They can be paid if you have accumulated **600 insurable worked hours** during your qualifying period, regardless of the unemployment rate in your region. To access these benefits, you must also provide a **medical certificate** (sickness benefits) or a form duly completed by a health professional who is following the person for whom you are the caregiver (compassionate care, critically ill child or adult).

For each type of special benefit, Service Canada will pay you the number of weeks corresponding to the sick leave (sickness benefits) or the duration of your relative's situation (medical form). However, each type of benefit has a maximum number of weeks payable, beyond which the Commission can no longer pay you benefits.

Maximum weeks of benefits payable :

Sickness	Compassion	Critically ill child	Critically ill adult
26 weeks	26 weeks	35 weeks	15 weeks

When you recover or are no longer a caregiver and your benefit period is not over, you can convert your benefits to regular benefits.

10 Recourses

If you receive a refusal from Service Canada, **it is possible to contest it**. To prepare yourself properly, we strongly suggest that you consult an unemployment advocacy group to find out about your rights and obligations.

Request for reconsideration

After receiving a refusal, you have 30 days to submit a written request for reconsideration to Service Canada. You can submit the request in person, by mail or with the help of an unemployment advocacy group. **There is no cost for a request for reconsideration.**

A Service Canada agent will contact you by telephone to gather additional facts. In some cases, the agent will also contact your former employer.

At the end of this process, the initial decision may be upheld, modified or overturned.

The Social Security Tribunal (SST)

If you wish to contest the decision taken as a result of the request for reconsideration, you can turn to the Social Security Tribunal. You have 30 days in which to submit the Notice of Appeal – Employment Insurance form. Like the request for reconsideration, **this process is free of charge.**

Once again, we recommend that you enlist the help of an unemployment advocacy group to help you through the process.



Our contact details:

Mouvement Action-Chômage de Montréal
6839A rue Drolet, suite 306,
Montréal, QC, H2S 2T1

If you are outside Montreal, find an unemployed
advocacy group in your area at
lemasse.org

