



Employment Insurance Regular Benefits

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Employment Insurance Regular Benefits

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Section 1 – Applying for benefits

What is Employment Insurance?

The Employment Insurance (EI) program offers temporary financial assistance to Canadians. One type of benefits that the EI program offers is regular benefits. EI regular benefits are offered to people who have lost their employment through no fault of their own (for example, because of a shortage of work or because they were employed in seasonal work) and who are ready, willing, and capable of working each day but unable to find work.

Am I eligible for EI regular benefits?

You may be entitled to receive EI regular benefits if you:

- have paid premiums into the EI Account;
- lost your employment through no fault of your own;
- have been without work and without pay for at least seven consecutive days in the last 52 weeks;
- have worked for the required number of insurable hours in the last 52 weeks or since the start of your last EI claim, whichever is shorter;
- are ready, willing, and capable of working each day; and
- are actively looking for work (you must keep a written record of employers you contact, including when you contacted them).

You may **not** be entitled to receive EI regular benefits if you:

- voluntarily left your employment without just cause;
- were dismissed for misconduct; or
- are unemployed because you are directly participating in a labour dispute (strike, lockout, or other type of dispute).

Definitions

Hours of insurable employment: These are the hours worked in an employment, for either one or more employers, according to the terms of a contract of service, either written or verbal, for which the employee was paid wages by the employer.

Paying premiums into the EI Account: You pay a certain amount of premiums, which are deducted from your wages as indicated on your pay stub. These premiums are paid into the EI Account. The fact that you paid premiums may provide you with protection in case you lose your employment.

Need more information on eligibility criteria?

See page 11.

Do I need to apply to receive EI benefits?

Yes, you need to apply for EI benefits, because Service Canada first needs to determine whether you are entitled to benefits. Benefits are not paid to you automatically, even if your employer has issued you a Record of Employment (ROE).

When should I apply?

You should apply as soon as possible once you have stopped working, even if your employer has not issued your ROE yet. You should know that if you delay applying for benefits beyond four weeks after your last day of work, you risk losing benefits.

How do I apply?

To find out if you can receive EI benefits, you must submit an application online.

You can apply:

At home

If you have access to the Internet at home, you can apply for EI benefits from there—24 hours a day, seven days a week.

At a Service Canada Centre

You can apply online at any Service Canada Centre using one of the many Internet kiosks available. To find the Service Canada Centre nearest you, visit our Web site at www.servicecanada.gc.ca.

At a public Internet access site

There are various locations in your community, such as public libraries, where you can access the Internet to apply for EI benefits.

For more information on how to apply for EI benefits, see the publication called *How to Apply for Employment Insurance Benefits* (IN-072).

Call **1 800 O-Canada** (1-800-622-6232) to order a copy, or visit our Web site at www.servicecanada.gc.ca.

I received EI benefits in the past. Do I need to submit a new application?

If you submitted an application for benefits that was approved in the last 52 weeks, you may be able to reactivate your previous EI claim.

However, in some cases, it may be to your advantage to cancel or end your old claim earlier and start a new claim, because this may increase the amount of your benefits or the length of your benefit period.

Note

You must decide whether or not to cancel or renew a claim based on your own personal situation.

Example

Julie's first claim for benefits started the week of February 1, 2009. In the previous 26 weeks, she worked 26 weeks, at 40 hours a week, for a total of 1,040 hours. She earned \$10,400. She lives in a region for which the unemployment rate was 13.1% at the time she submitted her application. She will receive \$220 a week in benefits, and she is eligible to receive benefits for a maximum of 40 weeks. She received 10 weeks of EI benefits and then returned to work. After her return to work, Julie worked for 30 weeks, at 40 hours a week, for a total of 1,200 hours. She earned \$18,000 over the last 26 weeks. On November 22, 2009, Julie submits another application for EI benefits. The unemployment rate remains at 13.1%. Here are Julie's two options:

First option: Since Julie's first benefit period ends on January 30, 2010, and she has already served the two-week waiting period, Julie may receive the remaining 10 weeks of benefits, which total \$220 per week, as part of her old claim. She can then start a new claim that will be based on the hours of employment and the insurable earnings of her second job. Therefore, she could receive 10 weeks of benefits at \$220 a week and, after serving the two-week waiting period on the new claim, she could receive 42 weeks of benefits at \$381 a week.

Second option: Julie could ask to end the claim that started in February and start a new claim, which would be based on the hours of employment and the insurable earnings of her second job. Her benefit rate would then be \$381 a week, and she would be able to receive benefits for a period of up to 42 weeks, once she has served the two-week waiting period.

To reactivate your old claim, you should visit our Web site at www.servicecanada.gc.ca. Click on “Apply for Employment Insurance Benefits” in the menu on the right-hand side of the home page. On the page “Application for Employment Insurance Benefits online,” you will be asked if you wish to reactivate an existing claim or start a new claim. If you indicate that you wish to reactivate an existing claim, you will be presented with a shorter version of the application so that you can then proceed to reactivate your old claim.

Notes

- For information about your previous claim, call **1-800-206-7218** (TTY: 1-800-529-3742) or visit our Web site at www.servicecanada.gc.ca and click on “Access My Service Canada Account.”
- If you asked to reactivate your old claim and you later decide to cancel or end your old claim so you can start a new claim, please contact us within 30 days of the date on which you reactivated your claim.

What documents and information do I need to apply?

It will take about 60 minutes to complete the online application form for EI benefits.

To apply, you will need the following information:

- your Social Insurance Number;
- your mother’s maiden name;
- your mailing and residential addresses, **including the postal codes**;
- your complete banking information to apply for direct deposit, including the financial institution name, the bank branch number, and your account number;
- the names, addresses, dates of employment, and reason for separation for all your employers for the last 52 weeks;
- your detailed version of the facts, if you quit or have been dismissed from any job in the last 52 weeks;
- the dates (Sunday to Saturday) of any weeks in the last 52 weeks when you did not work or receive any earnings, and the reason(s) why; and

- the dates (Sunday to Saturday) for weeks of employment in the last 52 weeks, as well as salary before deductions, if one of the following situations applies to you:
 - o you had weeks where your earnings before deductions were less than \$225 but more than \$0 per week; or
 - o you reside in one of the economic regions designated under the Best 14 Weeks pilot project and you are not applying for fishing benefits.

You may also have to provide the following details if you are reactivating an existing claim:

- the salary amount before deductions you received for the last week you worked (from Sunday to your last day of work), including tips and commissions; and
- any other amounts you received or will receive (for example, vacation pay, severance pay, pension payments, pay in lieu of notice, and other money).

Records of Employment (ROEs)

Missing ROEs can delay the processing of your claim.

- If your employer issues ROEs in **paper** format, you must request copies of all ROEs issued to you during the last 52 weeks and provide them to Service Canada as soon as possible after you submit your EI application. You must either mail us your paper ROEs or drop them off in person at a Service Canada Centre.
- If your employer submits ROEs **electronically** to Service Canada, you do not need to request copies of your ROEs from your employer, and you do not have to provide copies to Service Canada.

Note

Before applying for EI benefits, you should confirm with your employer whether or not your ROE will be issued electronically to Service Canada.

What is the Record of Employment (ROE)?

The ROE is the form that your employer must complete when you stop working and experience an interruption of earnings. Your employer must issue it even if you do not intend to claim EI benefits. On your ROE, you will find information about your employment history.

How will I know that my application for EI benefits has been processed and that a decision has been made?

If you are entitled to receive EI benefits, you should receive your first payment within 28 days of the date we receive your application and all required documents. This is how you will know that your application has been approved. For more information on the status of your application, visit our Web site at www.servicecanada.gc.ca and click on “Access My Service Canada Account” or call **1-800-206-7218** (TTY: 1-800-529-3742).

**Need more information on My Service Canada Account?
See page 45.**

If you are not entitled to receive benefits, we will notify you by letter or by telephone to explain why your application was not approved. If you believe that our decision is unjustified, you have the right to appeal our decision.

**Need more information on the appeal process?
See page 41.**

When will I start to receive EI benefits?

If we have all the information we need and you are entitled to receive EI benefits, your first payment should be issued within 28 days of the date we receive your application for benefits.

What is the two-week waiting period?

Before you start receiving EI benefits, there are two weeks for which you will not be paid. This is what we call the “waiting period.” The waiting period is like the deductible that you must pay for other types of insurance.

You usually serve the waiting period at the very beginning of a benefit period, unless you receive earnings during this two-week period. In that case, the waiting period will start during the first week for which you would otherwise be entitled to benefits.

**Need more information on earnings received during the waiting period?
See page 28.**

If you received EI benefits in the last 52 weeks and you have reactivated your claim and served the two-week waiting period, you do not need to serve an additional waiting period on the existing claim.

Need more information on reactivating a claim?
See page 3.

How much will I get?

We cannot tell you exactly how much you will receive without having processed your application. However, we can tell you that the basic rate for calculating EI benefits is **55%** of your average insurable weekly earnings. As of January 1, 2010, the maximum yearly insurable amount is **\$43,200**. This means that you can receive a maximum amount of **\$457** per week.

Note

These rates and amounts are reviewed each year. For more information on the most recent rates and amounts, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).

Need more information on how benefits are calculated?
See page 20.

For how long will I receive EI benefits?

You may receive EI regular benefits for a period ranging from 14 to 45 weeks.

The number of weeks of benefits depends on the unemployment rate in your region and on the number of hours of insurable employment that you accumulated during your qualifying period, which is usually the last 52 weeks before the start date of your claim.

I heard that I have to submit reports to receive EI benefits. What are these reports?

After you apply for EI benefits, you must complete and submit EI reports to get the benefits you are entitled to receive. During the period your EI claim is active, you have to submit reports to Service Canada every two weeks that show you are still entitled to receive EI benefits.

Shortly after you file your EI application, we will mail you an **EI benefit statement**. This statement will tell you the date you have to submit your first EI report, will provide you with your **access code**, and will include detailed instructions on how to submit your EI reports.

Note

Keep in mind that receiving the EI benefit statement does not mean that your application has been approved.

Important information on your Employment Insurance access code

Your access code is the four-digit code printed in the shaded area of your benefit statement. You need to have it with you whenever you want to obtain information about your benefit claim and when you submit your reports. Your access code is used to identify you and ensure the confidentiality of the information you provide.

Do not share your access code with anyone, since you will be held responsible if someone accesses your information or modifies your claim without your knowledge. Always store it in a safe place and, for added protection, be sure to store it separately from your Social Insurance Number.

If you received a temporary access code, you will need to change it. You can also change your current access code for security reasons. Simply call the EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). Choose “1” and follow the instructions to change your access code.

If you lose your access code, please call the EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742) from 8:30 a.m. to 4:30 p.m., Monday to Friday. Choose “0” to speak to an agent. You may also visit a Service Canada Centre. In either case, you will be asked questions to verify your identity, and you will be issued a new access code.

How do I submit my EI reports?

There are two ways to complete and submit your EI reports:

1. You can use the **EI Internet Reporting Service**, which allows you to answer questions at your own pace by reading and verifying your answers before submitting your report. To use this service, visit our Web site at **www.servicecanada.gc.ca** and, from the “On-line Services and Forms” menu on the right-hand side of the page, click on “Complete your EI report.”
2. You can call the **EI Telephone Reporting Service** at **1-800-531-7555**. Please note that, if you use a cellular or cordless phone, we cannot assure your privacy or security.

On your EI reports, you must indicate whether you:

- were outside Canada during the period of the report;
- worked or received earnings, including self-employment earnings;
- started a full-time job;
- attended school or a training course;
- were ready, willing, and capable of working each day; and
- received or will receive money other than that already reported.

Note

The week of work covered by the reports begins on Sunday and ends on Saturday. You must therefore complete your report by Saturday, even if your regular work week does not necessarily correspond to these days.

For more information on EI reports, see the publication called *What You Need to Do Now to Receive Your Employment Insurance Benefits* (IN-076).

Call **1 800 O-Canada** (1-800-622-6232) to order a copy, or visit our Web site at www.servicecanada.gc.ca.

How will my benefits be paid?

Direct deposit ensures that you will get your payment as quickly as possible. Direct deposit is reliable, convenient, and easy to set up. When you use direct deposit, we deposit your EI payments into your bank account two business days after we process your EI report.

You can register for direct deposit when you apply for EI. If you do not register for direct deposit when you apply for EI, we will mail your payments to you.

You can apply for direct deposit or update your bank account information by visiting our Web site at any time or by calling us.

- Visit our Web site at www.servicecanada.gc.ca and click on “Access My Service Canada Account” from the “On-line Services and Forms” menu on the right-hand side of the page.
- By telephone, call **1-800-206-7218** (TTY: 1-800-529-3742) and press “0” to speak with a representative.

You will need to provide your complete banking information, including the financial institution name, the bank branch number, and your account number. You will find this information on your cheques or on your bank statements.

Note

You need to notify us if you change your bank account information or if you move.

Where can I get more information about my benefit claim?

You need to contact Service Canada. You may obtain more information online or by telephone.

Online

For information about your claim, you first need to register at My Service Canada Account. Go to Service Canada's Web site at www.servicecanada.gc.ca. Under "On-line Services and Forms," click on "Access My Service Canada Account."

Need more information on My Service Canada Account?
See page 45.

By telephone

You can also get information about your benefit claim by using our EI Telephone Information Service. Call **1-800-206-7218** (TTY: 1-800-529-3742) and choose option "1." Be sure to have your Social Insurance Number and your access code on hand when you call.

Section 2 – Eligibility criteria

To be entitled to receive EI regular benefits, I need to have lost my employment through no fault of my own. What does this mean?

If we consider that you are responsible for the loss of your employment, you may not be entitled to receive EI benefits. Here are a few examples of situations in which you may be considered to be responsible for the loss of your employment:

- you left your employment voluntarily and without just cause (you did not consider all the reasonable alternatives available to you to keep your job);
- you were dismissed for misconduct (your employer considered that you voluntarily or deliberately committed an inappropriate action, a violation, or professional misconduct);
or
- you are unemployed as a result of a labour dispute in which you participated, whether it is a strike, a lockout, or other type of dispute.

However, we may consider that you are **not** responsible for the loss of your employment if:

- your employer ended your employment, but it was not as a result of misconduct on your part; or
- you left your employment for reasons that could be considered just cause for leaving the employment (for example, harassment, discrimination, or dangerous working conditions).

In these cases, you may be entitled to receive regular benefits if you meet the eligibility criteria.

**Need more information on these situations?
See the “Additional information” section on page 15.**

How many hours of insurable employment do I need to qualify for regular benefits?

It depends on your situation. However, in all cases, the hours of insurable employment that are used to calculate your benefit period must have been accumulated during your qualifying period.

What is the qualifying period?

The qualifying period is the shorter of:

- the 52-week period immediately before the start date of your claim; or
- the period from the start of a previous benefit period to the start of your new benefit period, if you applied for benefits earlier and your application was approved in the last 52 weeks.

Exception: In some cases, the qualifying period may be extended to a maximum of 104 weeks if you were not employed in insurable employment or if you were not receiving EI benefits.

If you were already a member of the work force or if you previously received maternity or parental benefits

You will need to have accumulated between 420 and 700 hours of insurable employment during the qualifying period to be entitled to receive EI regular benefits, as long as:

- you can show that you accumulated at least 490 hours of participation in the labour market during the labour force attachment period (the 52-week period immediately preceding the qualifying period); or
- you received at least one week of maternity or parental benefits in the 208 weeks preceding the 52 weeks before the qualifying period (in other words, in the four years preceding the labour force attachment period).

What is the labour force attachment period?

You should not confuse the labour force attachment period with the qualifying period. The labour force attachment period is the 52-week period immediately preceding the qualifying period. It corresponds to the number of hours for which a person was a member of the labour force (in other words, the person worked or received earnings, received benefits or compensation, participated in an approved training or other program, was serving a waiting period, or participated in a labour dispute).

You need to have accumulated at least 490 hours as a member of the labour force during the labour force attachment period to be required to accumulate only between 420 to 700 hours of insurable employment during the qualifying period.

The number of hours of insurable employment required is determined when you apply for benefits, depending on the following:

- your place of residence; and
- the unemployment rate for your region.

Table 1 – Number of hours of insurable employment required to qualify for benefits

Regional rate of unemployment	Required number of hours of insurable employment in the last 52 weeks
6% or less	700 hours
6.1% to 7%	665 hours
7.1% to 8%	630 hours
8.1% to 9%	595 hours
9.1% to 10%	560 hours
10.1% to 11%	525 hours
11.1% to 12%	490 hours
12.1% to 13%	455 hours
13.1% or more	420 hours

If this is your first job or if you are re-entering the work force after an absence of two years

If this is your first job or if you are re-entering the work force after an absence of two years, you will need to have accumulated at least 910 hours of insurable employment during the qualifying period to qualify for EI regular benefits.

However, effective December 7, 2008, until December 4, 2010, if you live in one of the designated economic regions, you may be able to qualify for EI regular benefits by accumulating only 840 hours of insurable employment instead of 910.

What are the designated economic regions?

Special measures have been put in place to provide workers with increased access to EI benefits if they live in certain regions with high unemployment rates. These regions are called the “designated economic regions.”

If you made a false statement or misrepresentation when filing a previous EI claim

If you made a false statement or misrepresentation on a previous EI claim, you may be required to accumulate a greater number of hours of insurable employment to qualify for benefits in the future. The increase in the number of hours you will need depends on the seriousness of the violation.

**Need more information on misrepresentation?
See page 36.**

What do you mean by “ready, willing, and capable of working each day”?

To receive EI benefits, you need to show that you are ready, willing, and capable of working each day.

Being “ready to work” means that your conduct shows your desire to work, but you have been unable to find a job.

Being “willing to work” means that you are willing to accept all types of work that your abilities, skills, training, or experience enable you to do, and you are willing to accept labour market conditions (for example, going rate of pay, hours of work).

Being “capable of working” means that you are, first of all, able to work. Ability to work is characterized by the physical and mental strength required to perform the duties of an employment under the same conditions as workers who usually do that type of work.

Can you tell me more about the premiums paid into the EI Account?

To be entitled to receive benefits, you need to have paid premiums into the EI Account. These are premiums that are deducted from your wages or salary by your employer. There is no minimum or maximum age for paying EI premiums. In fact, whenever you are employed in insurable employment, your employer deducts the applicable EI premiums from your wages or salary, regardless of your age.

You need to pay premiums on all your earnings until your annual earnings reach the established maximum amount. In 2010, this means a deduction of \$1.73 for every \$100 of earnings, until your annual earnings reach \$43,200. The maximum amount of premiums to be paid in 2010 is therefore \$747.36.

For workers in Quebec, the premium rate is set at \$1.36 for every \$100 of earnings until the annual earnings reach \$43,200. The maximum amount of premiums to be paid in 2010 is therefore \$587.52.

Note

These rates and amounts are reviewed each year. For more information on the most recent rates and amounts, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).

Additional information

What happens if...

...you are dismissed for misconduct?

In general, “misconduct” means any inappropriate action, violation, or professional misconduct committed voluntarily or deliberately by a person who is employed by an employer. Misconduct exists when the employee’s behaviour goes against the obligations set out in the employment contract and when the employee should normally know that the actions, omissions, or professional misconduct in question could lead to dismissal.

If you are dismissed as a result of misconduct, you are not entitled to receive EI regular benefits. After being dismissed, you will need to return to work for the minimum number of hours of insurable employment required to receive EI regular benefits. However, you may still receive maternity, parental, sickness, or compassionate care benefits as long as you qualify for them.

**Need more information on other types of benefits?
Visit our Web site at www.servicecanada.gc.ca.**

...you leave your employment voluntarily?

If you took the initiative to end the employment, you are considered to have left your employment voluntarily. What's more, if you do not consider all the reasonable alternatives available to you to keep your job, we consider that you did not have just cause for leaving your employment voluntarily. To receive EI regular benefits, you need to show that leaving your employment voluntarily was the only reasonable alternative in your case, given the circumstances.

If you leave your employment voluntarily and without just cause, you are not entitled to receive EI regular benefits. After leaving your employment, you will need to return to work for the minimum number of hours of insurable employment required to receive regular benefits. However, you may still receive maternity, parental, sickness, or compassionate care benefits, as long as you qualify for them.

**Need more information on other types of benefits?
Visit our Web site at www.servicecanada.gc.ca.**

...you leave your employment voluntarily but you believe you have valid reasons for doing so?

You may have excellent reasons for leaving your employment voluntarily, but this does not mean that you have just cause for leaving your employment. Before deciding to leave your employment, you should always analyze the problem and use the measures or reasonable alternatives available to you to fix the situation. If you leave your employment without considering all the measures or reasonable alternatives available to you, you will need to explain why you did not consider these measures or reasonable alternatives.

Depending on the circumstances, the reasons listed below may be just cause for leaving your employment voluntarily:

- you are a victim of sexual or other harassment, or you are a victim of discrimination because you belong to an association, organization, or union of workers;
- you need to accompany your spouse or dependent child to another residence;
- you are a victim of discrimination;
- your working conditions are dangerous to your health and safety;
- you need to care for a child or a member of your immediate family;
- you have reasonable assurance of another employment in the immediate future;
- your wages or salary have been significantly changed, or your employment conditions have changed to the extent that they have significantly impacted your wages or salary;

- you are asked to work an unreasonable amount of overtime or your employer refuses to pay you for the overtime work;
- your duties have changed significantly;
- you experience antagonism with a supervisor, and you are not primarily responsible for the antagonism;
- your employer has certain practices that are contrary to law; or
- you are unduly pressured by your employer or your co-workers to leave your employment.

If your employer is permanently reducing its work force and offers you the option of leaving your job to protect the job of a co-worker, we consider that you had just cause for leaving your employment voluntarily. However, the company you work for must show that the downsizing is permanent and that your resignation allowed the company to protect the job of another employee. If your employer gives you the option of leaving your job within the context of a work-force reduction, it is best to first consult an EI agent before making a decision. You should not assume that you will automatically be entitled to receive benefits.

Other reasonable circumstances may be considered to be just cause for leaving an employment voluntarily. However, while you may be considered to have just cause for leaving your employment in certain situations, there may be doubts as to your availability for work. An example of this is a person who leaves an employment to look after a child or a member of the person's family. If you are not sure whether you can establish just cause for leaving your employment voluntarily, contact us for more information.

...you are affected by a labour dispute?

When a strike, lockout, or other type of labour dispute makes you lose your employment or stops you from working, you are usually not entitled to receive EI benefits. The following conditions apply, regardless of whether or not you are unionized or whether you are employed in full-time or part-time employment.

If you directly participate in a labour dispute, you are not entitled to receive EI benefits until:

- the strike or the lockout is over; or
- you find another regular employment for which you are paying EI premiums and you work for the minimum number of hours of insurable employment required to receive EI regular benefits.

However, you may be entitled to receive benefits if:

- you are not participating in the labour dispute;
- you are not directly financing the dispute;
- you are not directly affected by the dispute (that is, the conflict at issue will not change your pay or your working conditions); or
- you had already made arrangements to have a leave of absence approved before the work stoppage started (for example, you applied for sick leave, maternity leave, parental leave, compassionate care leave, or leave to take authorized training—in these cases, you may be entitled to receive benefits, as long as you qualify for them).

**Need more information on other types of benefits?
Visit our Web site at www.servicecanada.gc.ca.**

Section 3 – Duration of benefits and amounts paid

If I am entitled to receive benefits, what amount can I expect to receive?

For most people, the basic rate for calculating benefits is **55%** of the weekly average insurable earnings. Effective January 1, 2010, the maximum yearly insurable earnings is **\$43,200**. This means that you can receive a maximum amount of **\$457** per week.

Note

These amounts are reviewed each year. For the most recent amounts, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).

**If you are a member of a low-income family, your benefit rate may be higher.
For more information, see page 32.**

Your EI benefits are taxable. This means that federal and provincial or territorial taxes, where applicable, will be deducted from your payment.

Definitions

Average insurable earnings: The average income earned on which EI contributions were paid. This is used to calculate the weekly benefit rate to which you are entitled.

Maximum yearly insurable earnings: The highest amount of income on which EI contributions can be paid.

How do you calculate the amount of my benefits?

If your earnings are less than \$225 in some weeks

When you are entitled to receive EI benefits and we calculate the amount of your benefits, wherever possible we do not take into account any weeks in which you earned less than \$225. These are what we call “small weeks” (weeks in which you earned more than \$225 are called “regular weeks”). This measure allows us to increase the amount of benefits to which you are entitled.

However, in certain cases, we must take into account small weeks in order to calculate your benefits. As part of the calculation, we must determine the divisor that corresponds to your regional rate of unemployment. If the number of regular weeks in the calculation period is less than the divisor, the small weeks cannot all be excluded from the calculation. For example, if the divisor is 18 and there are 16 regular weeks and three small weeks, two of these small weeks will be used for the calculation and one will be excluded—the one in which you earned the smallest amount.

**Need more information on the divisor used to calculate benefits?
See Table 2 on page 21.**

If you live in one of the designated economic regions

Effective from October 26, 2008, to October 23, 2010, if you live in one of the designated economic regions, you can benefit from a new method for calculating the amount of your benefits. Benefits are calculated using the best 14 weeks of earnings in the last 52 weeks of work. However, the rate (55%) and the maximum amount (\$457) remain the same.

Note

This amount is reviewed each year. For the most recent amount, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).

**Need more information on the designated economic regions?
See the box on page 14.**

If you do not live in a designated economic region

If you do not live in one of the designated economic regions, the amount of your weekly benefits will be calculated based on your total income before deductions, including tips and commissions, earned in the last 26 weeks of work. The amount of weekly benefits is calculated as follows:

- We determine your total earnings for the 26 consecutive weeks up to your last day of work.
- We determine the number of weeks in which you worked during this period.
- We determine the divisor that corresponds to your regional rate of unemployment (see Table 2).
- We divide your total earnings for the last 26 weeks by the higher of the following two numbers:
 - the number of weeks in which you worked during this period; or
 - the corresponding divisor in Table 2 below.
- We then multiply the result by 55% to obtain the amount of your weekly benefits.

Note

The divisor cannot be less than 14 or greater than 26.

Table 2 – Divisor used to calculate benefits based on the regional rate of unemployment

Regional rate of unemployment	Divisor
6% or less	22
6.1% to 7%	21
7.1% to 8%	20
8.1% to 9%	19
9.1% to 10%	18
10.1% to 11%	17
11.1% to 12%	16
12.1% to 13%	15
13.1% or more	14

Below are some examples that will help you better understand how your benefits are calculated.

Example 1

In the last 26 weeks, Julie worked 26 weeks and earned \$10,400. She lives in a region where the unemployment rate is 13.1%. The divisor is therefore 14. In this case, we use the number of weeks of work, since it is greater than the divisor. To calculate Julie's weekly average insurable earnings, we divide her income by the number of weeks of work as follows: $\$10,400 \div 26 = \400 . To figure out the amount of her weekly benefits, we calculate 55% of \$400, which equals \$220.

Example 2

In the last 26 weeks, Mark worked 12 weeks and earned \$3,600. He lives in a region where the unemployment rate is 13.1%. The divisor is therefore 14. In this case, we use the divisor because it is greater than the number of weeks of work. To calculate Mark's weekly average insurable earnings, we divide his income by the divisor as follows: $\$3,600 \div 14 = \257 . To figure out the amount of his weekly benefits, we calculate 55% of \$257, which equals \$141.

Example 3

In the last 26 weeks, Robert worked 17 weeks and earned \$5,100. He lives in a region where the unemployment rate is 11.5%. The divisor is therefore 16. In this case, we use the number of weeks of work, since it is greater than the divisor. To calculate Robert's weekly average insurable earnings, we divide his income by the number of weeks of work as follows: $\$5,100 \div 17 = \300 . To figure out the amount of his weekly benefits, we calculate 55% of \$300, which equals \$165.

For how long will I receive benefits?

The number of weeks in which you receive benefits is determined at the beginning of your benefit period and depends on the following:

- the regional rate of unemployment; and
- the number of hours of insurable employment that you accumulated in your qualifying period.

You can receive benefits for a period that varies from 14 to 45 weeks. However, the benefits corresponding to the number of weeks payable must be paid within a maximum of 52 weeks following the start date of your benefit period. If, for any reason, you interrupt your benefit claim, you cannot reactivate it after this 52-week period, even if you have not yet received all the benefits to which you are entitled.

Note

The number of weeks payable does not change even if you move to another region after your benefit period begins.

You will stop receiving benefits once the first of the following has occurred:

- all the weeks of benefits to which you were entitled have been paid to you;
- the maximum duration of 52 weeks was reached; or
- you requested to have your active benefit claim terminated to file a new claim (you must, however, meet the eligibility requirements).

Table 3 – Number of weeks of benefits that will be paid based on the number of hours of insurable employment and the regional rate of unemployment

Number of hours of insurable employment in the qualifying period	Regional rate of unemployment											
	6% and less	More than 6% but not more than 7%	More than 7% but not more than 8%	More than 8% but not more than 9%	More than 9% but not more than 10%	More than 10% but not more than 11%	More than 11% but not more than 12%	More than 12% but not more than 13%	More than 13% but not more than 14%	More than 14% but not more than 15%	More than 15% but not more than 16%	More than 16%
420 - 454	0	0	0	0	0	0	0	0	26	28	30	32
455 - 489	0	0	0	0	0	0	0	24	26	28	30	32
490 - 524	0	0	0	0	0	0	23	25	27	29	31	33
525 - 559	0	0	0	0	0	21	23	25	27	29	31	33
560 - 594	0	0	0	0	20	22	24	26	28	30	32	34
595 - 629	0	0	0	18	20	22	24	26	28	30	32	34
630 - 664	0	0	17	19	21	23	25	27	29	31	33	35
665 - 699	0	15	17	19	21	23	25	27	29	31	33	35
700 - 734	14	16	18	20	22	24	26	28	30	32	34	36
735 - 769	14	16	18	20	22	24	26	28	30	32	34	36
770 - 804	15	17	19	21	23	25	27	29	31	33	35	37
805 - 839	15	17	19	21	23	25	27	29	31	33	35	37
840 - 874	16	18	20	22	24	26	28	30	32	34	36	38
875 - 909	16	18	20	22	24	26	28	30	32	34	36	38
910 - 944	17	19	21	23	25	27	29	31	33	35	37	39
945 - 979	17	19	21	26	25	27	29	31	33	35	37	39
980 - 1014	18	20	22	24	26	28	30	32	34	36	38	40
1015 - 1049	18	20	22	24	26	28	30	32	34	36	38	40
1050 - 1084	19	21	23	25	27	29	31	33	35	37	39	41
1085 - 1119	19	21	23	25	27	29	31	33	35	37	39	41
1120 - 1154	20	22	24	26	28	30	32	34	36	38	40	42
1155 - 1189	20	22	24	26	28	30	32	34	36	38	40	42
1190 - 1224	21	23	25	27	29	31	33	35	37	39	41	43
1225 - 1259	21	23	25	27	29	31	33	35	37	39	41	43
1260 - 1294	22	24	26	28	30	32	34	36	38	40	42	44
1295 - 1329	22	24	26	28	30	32	34	36	38	40	42	44
1330 - 1364	23	25	27	29	31	33	35	37	39	41	43	45
1365 - 1399	23	25	27	29	31	33	35	37	39	41	43	45
1400 - 1434	24	26	28	30	32	34	36	38	40	42	44	45
1435 - 1469	25	27	29	31	33	35	37	39	41	43	45	45
1470 - 1504	26	28	30	32	34	36	38	40	42	44	45	45
1505 - 1539	27	29	31	33	35	37	39	41	43	45	45	45
1540 - 1574	28	30	32	34	36	38	40	42	44	45	45	45
1575 - 1609	29	31	33	35	37	39	41	43	45	45	45	45
1610 - 1644	30	32	34	36	38	40	42	44	45	45	45	45
1645 - 1679	31	33	35	37	39	41	43	45	45	45	45	45
1680 - 1714	32	34	36	38	40	42	44	45	45	45	45	45
1715 - 1749	33	35	37	39	41	43	45	45	45	45	45	45
1750 - 1784	34	36	38	40	42	44	45	45	45	45	45	45
1785 - 1819	35	37	39	41	43	45	45	45	45	45	45	45
1820 -	36	38	40	42	44	45	45	45	45	45	45	45

The benefit period can be extended to a maximum of 104 weeks in certain situations, but the number of weeks that benefits can be paid will not change. The benefit period can be extended if your benefits are interrupted because you find yourself in one of the following situations:

- you were confined to a jail, penitentiary, or other similar institution;
- you temporarily received compensation payments for a work accident, illness, or injury;
- you received severance pay from your former employer;
- your newborn or newly adopted child was hospitalized; or
- you were pregnant or breastfeeding and stopped working because, otherwise, your health or your child's health would have been in danger and, accordingly, you received benefits under a provincial law.

In this case, with the exception of severance payments from your employer, it is up to you to request an extension of your benefit period and to provide supporting evidence, if requested. To find out how to proceed, visit our Web site at www.servicecanada.gc.ca and click on "Access My Service Canada Account" or call **1-800-206-7218** (TTY: 1-800-529-3742).

What will happen if I work or receive other payments during my benefit period?

That depends on your situation. Two types of income can affect your EI benefits:

- income earned while you are receiving EI benefits; and
- payments made to you by your employer when you stop working.

If you work and earn income while receiving benefits

You cannot work full-time while receiving regular benefits. However, you are entitled to work part-time and keep a portion of your benefits.

Usually, if you work and receive regular benefits at the same time, you are entitled to earn a certain amount without having your benefits reduced. You can usually earn up to **\$50 per week** or **25% of your weekly benefit**, whichever is higher. Any money earned above that amount will be deducted dollar for dollar from your benefit.

However, effective December 7, 2008, until December 4, 2010, you can earn the higher of the following two amounts:

- \$75 per week; or
- 40% of your weekly benefits.

Any amount exceeding \$75 per week or 40% of your weekly benefits will be deducted from your weekly benefits.

Example

Isabelle collects EI benefits. She receives the maximum amount allowed, which is \$457 a week. During her benefit period, she finds part-time work for \$10 an hour. She is entitled to earn \$75 a week or 40% of her weekly benefits, which, in her case, amounts to \$182.80 (this amount is rounded to the nearest dollar: \$183). Since the higher amount is used, Isabelle is therefore entitled to earn \$183 a week without having her benefits reduced. She works 20 hours a week, earning a total of \$200. Her benefits will therefore be reduced by \$17.

When you work and receive benefits at the same time, you must **not** combine the hours and earnings of more than one week. It is essential that you report your work earnings and hours during the week in which you worked.

If you notice that you made an error on your report (for example, if you forgot to report some work hours or you did not report them in the right week), tell us immediately so that we can make the necessary corrections.

The amount of your EI benefits can also be reduced if you receive other income during your benefit period, including:

- damages and interest for wrongful dismissal;
- call-back pay;
- a partial payment of an amount owed;
- income from self-employment; or
- income from a pension plan through the employer, a pension plan for military service or work in a police force, the Canada Pension Plan or the Quebec Pension Plan, or provincial employment plans.

This income is considered earnings arising from employment and must be deducted from benefits. You must report any of the income above to Service Canada when you file your benefit claim and in the reports that you submit. If you stop receiving this income or the amount that is paid to you changes, contact us.

On the other hand, some income has no effect on your regular benefits, including:

- pension payments from a registered retirement savings plan (RRSP) or a registered retirement income fund (RRIF);
- disability pensions;
- survivor or dependant benefits;
- additional voluntary contributions that are paid into a pension fund;
- the Old Age Security pension;
- the portion of the pension payable to the spouse in the event of a legal separation or divorce; or
- a pension paid by Veterans Affairs Canada.

If your employer made a payment to you when you stopped working

When you stopped working, you may have received severance pay, vacation pay, or an amount that was put into an RRSP. If this is the case, the date on which you begin to receive benefits may be delayed.

For example, if you received severance pay equal to 12 weeks of earnings, the payment of your regular benefits will be delayed by 12 weeks, whether you received this amount as a lump-sum payment or it was paid to you over 12 weeks. In this situation, you will still have to file a benefit claim as soon as you become unemployed so that your claim can be processed as quickly as possible.

You may also receive severance pay, vacation pay, or termination pay after filing your benefit claim. These amounts must also be reported; they will be processed in the same way as if you received them when your employment ended. The addition of these amounts to your insurable earnings may, among other things, extend the duration of your benefit claim or increase the amount of the benefits to which you are entitled.

However, you could be in a situation where you do not know whether you will receive the severance pay that you are owed (for example, if your employer declares bankruptcy). You may be required to pay back part or all of the EI benefits that you received if severance pay was paid to you afterwards. If you believe that you are in this situation, contact us.

If you receive vacation pay or pay in lieu of notice following a layoff, these amounts are insurable and will be included in the calculation of your weekly average earnings.

If you receive money during the waiting period

Any amounts you earn or are allocated during the two-week waiting period, including vacation pay or severance pay, will be deducted during the first three weeks in which you should receive benefits, because the allowable earnings do not apply during the waiting period. These amounts are deducted dollar for dollar.

Note

These three weeks do not have to be consecutive or immediately follow the two-week waiting period.

Example 1 – Total amount of earnings deducted during the first week of benefits

Anne is unemployed and filed a claim for benefits, which was approved. Her benefit period began on January 1. She had to serve a two-week waiting period, from January 1 to January 14. Her first week of benefits began on January 15. Her weekly benefit amount is \$300.

She received vacation pay of \$195 during the two-week waiting period. Normally, this amount must be deducted in the first three weeks during which benefits are to be paid. However, since this amount is less than the amount of her weekly benefits (\$300), it will be deducted only in the first week of benefits, which began on January 15. The calculation is the following: \$300 (amount of benefits) – \$195 (amount of vacation pay) = \$105. Therefore, Anne will receive \$105 in her first week of benefits. There will be no other amount to deduct afterward.

Example 2 – A portion of earnings deducted in the first three weeks of benefits and remaining amount set aside after this period

Frédéric is unemployed and filed a claim for benefits, which was approved. His benefit period began on January 1. He had to serve a two-week waiting period, from January 1 to January 14. His first week of benefits began on January 15. His weekly benefit amount is \$400. However, since filing his claim, Frédéric has gone back to work.

Any person who receives EI benefits can usually earn up to **\$50 per week** or **25% of their weekly benefit**, whichever is higher. Any money earned above that amount will be deducted dollar for dollar from their benefit.

However, effective December 7, 2008, until December 4, 2010, they can earn the higher of the following two amounts:

- \$75 a week; or
- 40% of the weekly benefit amount.

Any amount exceeding \$75 per week or 40% of your weekly benefits will be deducted from your weekly benefits.

Frédéric is entitled to earn up to \$160 per week, which is equal to 40% of his weekly benefit amount. Any amount greater than \$160 will be deducted in full from his benefits.

As of January 1, he earned the following amounts:

- vacation pay of \$395 that was paid to him in the week of January 1 (the first week of the waiting period)
- earnings of \$350 in the week of January 8 (the second week of the waiting period)
- earnings of \$380 in the week of January 15 (the first week of benefits)
- earnings of \$360 in the week of January 22 (the second week of benefits)
- earnings of \$380 in the week of January 29 (the third week of benefits)

Since he received vacation pay of \$395 and earnings of \$350 in the two-week waiting period, a total amount of \$745 must be deducted from his benefits over three weeks as of January 15.

The **first** week in which he received benefits began on January 15. He earned \$380 in that week. The calculation is the following:

$$\$400 \text{ (amount of benefits)} + \$160 \text{ (earnings allowed)} - \$380 \text{ (amount earned)} = \$180$$

An amount of \$180 should be paid to him, but he will not receive any money during this week because he received earnings during the waiting period and the amount of \$180 must be deducted from the total amount that he has to pay back (\$745) as follows: $\$745 - \$180 = \$565$. Therefore, a deduction of \$565 remains.

The **second** week in which he received benefits began on January 22. He earned \$360 in that week. The calculation is the following:

$$\$400 \text{ (amount of benefits)} + \$160 \text{ (earnings allowed)} - \$360 \text{ (amount earned)} = \$200$$

An amount of \$200 should be paid to him, but he will not receive any money during this week because this amount must be deducted from the remaining amount of the earnings received during the waiting period (\$565) as follows: $\$565 - \$200 = \$365$. Therefore, a deduction of \$365 remains.

The **third** week in which he received benefits began on January 29. He earned \$380 in that week. The calculation is the following:

$\$400$ (amount of benefits) + $\$160$ (earnings allowed) – $\$380$ (amount earned) = $\$180$

An amount of \$180 should be paid to him, but he will not receive any money during this week because this amount must be deducted from the remaining amount of the earnings received in the waiting period (\$365) as follows: $\$365 - \$180 = \$185$.

Since the three weeks have passed, although there is a remaining amount of \$185 to be paid back, it is set aside as of the fourth week.

Section 4 – Specific situations

Can I receive regular benefits and other types of EI benefits (that is, maternity, parental, sickness, or compassionate care benefits) in the same benefit period?

Yes. You can receive up to 50 weeks of regular benefits combined with maternity, parental, sickness, or compassionate care benefits in the same benefit period. However, you cannot receive two types of benefits at the same time.

If you are in this situation and want to know more, please visit our Web site at www.servicecanada.gc.ca, call **1-800-206-7218** (TTY: 1-800-529-3742), or visit your local Service Canada Centre.

What are pilot projects and how can I find out whether I am eligible?

EI pilot projects are designed to assess the effects of possible amendments to the *Employment Insurance Act* or its regulations. When you apply for EI benefits and you meet the conditions to benefit from a pilot project in your region, we will inform you or automatically adjust your claim to ensure that you are signed up for the project and that you receive all the benefits to which you are entitled. The pilot projects may result in an increase in your benefit amount or a decrease in the number of hours of insurable employment that you require to qualify for benefits; the projects may also lead to an increase in the number of weeks during which benefits will be paid to you. To find out more about the pilot projects, visit our Web site at www.servicecanada.gc.ca, call **1-800-206-7218** (TTY: 1-800-529-3742), or visit your local Service Canada Centre.

Is it true that the benefit rate is higher for low-income family members?

Yes. If it is determined that your net family income does not exceed \$25,921 per year, that you have children, and that you or your spouse receives the Canada Child Tax Benefit, you are considered a member of a low-income family. You may therefore be eligible to receive the EI Family Supplement, depending on your net family income.

The Family Supplement rate is based on:

- your net family income up to a maximum of \$25,921 per year; and
- the number of children in the family and their ages.

The Family Supplement may increase your benefit rate up to 80% of your average insurable earnings. If you and your spouse claim EI benefits at the same time, only one of you can receive the Family Supplement. It is generally better for the spouse with the lower benefit rate to receive the supplement.

If your income level rises, the Family Supplement gradually decreases, so that when the maximum income of \$25,921 is reached, no supplement is payable.

Notes

- These amounts are reviewed each year. For the most recent amounts, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).
- The Family Supplement is automatically added to eligible claims.

Can I receive too many benefits and be asked to repay part or all of the amounts received when I do my income tax return?

That depends on your situation. EI payments are taxable, no matter what type of benefits you receive. Federal and provincial or territorial taxes, where applicable, will therefore be deducted from your payment.

After filing your income tax return, you may be required to repay your EI benefits based on:

- your net income; and
- the amount of EI benefits that you received.

If your 2010 net income from all sources exceeds \$54,000, you will be required to repay 30% of whichever is less:

- the amount by which your net income exceeds \$54,000; or
- the total regular benefits paid in the tax year.

You **do not have** to repay your EI benefits, no matter what type you receive, if:

- your 2010 net income is less than \$54,000;
- you received less than one week of regular benefits in the preceding 10 tax years; **or**
- you were paid special benefits (maternity, parental, sickness, or compassionate care benefits).

However, if you received both special and regular benefits in the same tax year, you may be required to repay a portion of your regular benefits.

If you received regular benefits that overlap two calendar years, you can be exempt from repayment in the first tax year. However, in the second tax year, you cannot qualify for exemption.

You will be informed by the Canada Revenue Agency (CRA) if you have to repay EI benefits. All details will be included on the Notice of Assessment that the CRA will send to you after reviewing your income tax return.

Note

These amounts are reviewed each year. For the most recent amounts, visit our Web site at www.servicecanada.gc.ca or call **1-800-206-7218** (TTY: 1-800-529-3742).

Am I allowed to leave Canada while receiving regular benefits?

Usually, you are not eligible to receive regular benefits while you are away from Canada. However, you can receive regular benefits if you show that you are available for work in Canada while abroad and you inform your local Service Canada Centre that you will be away temporarily.

You can be outside Canada for a period of seven consecutive days for the purpose of:

- attending the funeral of a member of your immediate family or a close relative;
- accompanying a member of your immediate family to a medical facility, provided that the treatment sought is not readily available in the family member's area of residence in Canada;
- visiting a member of your immediate family who is seriously ill or injured; or
- attending a bona fide job interview.

You can be away from Canada for a period of 14 consecutive days for the purpose of conducting a bona fide job search.

If you indicate that you have taken measures to be reached if an employment opportunity presents itself during your absence and that you are able to return to Canada within 48 hours, we will accept that you have proven your availability.

Section 5 – Protecting Employment Insurance—with your help

Service Canada works to protect the EI program from misuse. One of the ways we do this is by working with employers and claimants to ensure the accuracy of the information we receive. With your help, we can reduce the amount of misuse and ensure that the EI program is used as it should be—as a program that provides temporary financial assistance to Canadians.

What is a mistake?

A mistake is an unintentional act. We know claimants can make mistakes when filing their reports. Common mistakes include:

- estimating weekly earnings instead of putting in the actual amount earned;
- forgetting to declare all the earnings received;
- writing or entering the wrong number when reporting earnings; or
- adding the number of hours or amount of earnings incorrectly.

Some mistakes can delay benefit payments, while others can affect the amount of benefits you receive—meaning you are paid more or less than you are entitled to receive.

For example, estimating your earnings can have the following effects:

- If you estimated your earnings in any one week and your estimate was higher than the earnings you actually received, your benefit amount will be less than it should be. Let us know if this happens. We will adjust your file and ensure that you receive all the benefits to which you are entitled.
- If you estimated your earnings in any one week and your estimate was lower than the earnings you actually received, your benefit amount will be more than it should be. Let us know if you receive an overpayment. You will have to repay the excess amount, but we will ensure that this causes no undue hardship. As well, we will adjust your file to reflect your accurate information.

If you notice a mistake on a completed form or report, or if there is a change in your circumstances that could affect your EI claim, **tell Service Canada immediately**. This will help prevent future problems with your claim and help you avoid penalty or prosecution.

Absence from Canada

Usually, you cannot receive EI regular benefits while outside Canada. (For exceptions, see “Am I allowed to leave Canada while receiving regular benefits?” on page 34.) One measure we take to enforce this rule is to compare EI information with information from the Canada Border Services Agency. If we find you have been out of the country while collecting regular benefits, we will try to determine whether you are entitled to those benefits. If not, we will calculate your overpayment, which you will then have to repay.

We may also impose penalties of up to three times your weekly benefit rate or three times the amount of your overpayment. As well, you may have to work more hours to qualify for regular benefits in the future.

Misrepresentation

If you knowingly withhold information, make misleading statements, or misrepresent the facts to make a false claim for benefits, this is considered misrepresentation. You could face severe monetary penalties or prosecution. This could also affect your future benefits. However, if you notify Service Canada of your actions before an investigation begins, we can waive the monetary penalties and prosecutions that might otherwise apply.

Consequences of misrepresentation: Interest and penalties

Interest on debt

When EI claimants receive benefits to which they are not entitled, the amount of the overpayment counts as a debt that must be repaid.

Service Canada charges interest on this debt when it results from claimants who knowingly withhold information or make false or misleading representations or statements. However, we do not charge interest on debt that results when Service Canada makes an error in the benefit payment.

The rate of interest is the Bank of Canada average rate plus 3 percent. Interest is calculated daily and compounded monthly.

Penalties

A penalty may be imposed on a claimant, an employer, or an individual acting on their behalf in relation to a claim for benefit, when he or she has:

- knowingly made false or misleading representations or statements; or
- completed a statement without declaring essential information.

Here is an example of a situation where penalties may be imposed:

Example

An EI benefit claimant goes on an ocean cruise for a month and arranges for a friend to conceal the absence by signing and returning two EI claimant reports. As a result, the claimant illegally receives \$350 in benefits for each of the four weeks of the cruise. After investigation, we find that this was the first time the claimant and the friend had misused the EI system. As well, we find that they both knew that what they did was illegal but they did it anyway.

In this case, the claimant will have to repay \$1,400 (four weeks of benefits at \$350 per week) and may have to pay a penalty of \$700 (\$350 for each of the two false reports filed during the holiday). The friend may also have to pay a penalty of \$700 for the illegal act of filing two false reports on behalf of the claimant.

There are many situations where a penalty can apply, and the amount can become very high. Depending on the circumstances, the maximum penalty can be up to three times the amount of the overpayment, three times the weekly benefit rate for each incident of misrepresentation, or three times the maximum benefit rate.

As well, claimants who misuse the EI program may need more insurable hours to qualify for regular benefits in the future. The required number of insurable hours to qualify rises based on the seriousness of previous incidents of misrepresentation. The amount of the penalty will also depend on the amount of the overpayment and the number of previous incidents of misrepresentation.

Section 6 – Rights and responsibilities

The EI program guarantees certain rights. There are also some basic responsibilities, for both you and Service Canada.

What are my rights?

You have the right to:

- file a claim for EI benefits;
- receive any benefits that are owing to you;
- appeal any decisions we make about your benefits that you find unsatisfactory;
- see any government record that contains your personal information; and
- be served in the official language of your choice.

What are Service Canada's responsibilities?

At Service Canada, we are responsible for:

- giving you prompt and courteous service;
- advising you of the programs and services that are available to you;
- serving you in the official language of your choice;
- determining if you are eligible to receive benefits—that is, whether or not you meet the qualifying conditions specified in the *Employment Insurance Act* and Regulations—and determining how many weeks of benefits you can receive;
- processing all claims within the same timeframe;
- issuing your first payment no later than 28 days after the date we receive your application, if you have provided us with all the required information and if you are eligible for benefits;

- giving you accurate information about your claim, including how you can share parental benefits with your EI-eligible spouse or partner and compassionate care benefits with other EI-eligible family members, and whether or not you will need to serve a two-week waiting period; and
- informing you about decisions we have made about your claim, and explaining the process you should follow if you decide to appeal our decision.

What are my responsibilities?

When you apply for **regular benefits**, including **fishing benefits**, you must:

- be ready, willing, and capable of working at all times;
- actively look for work and keep a written record of employers you contact, including when you contacted them;
- report all periods when you are not available for work;
- provide all the required information and documents;
- keep any appointments you have with our office;
- notify us of any separation from employment and the reasons for the separation, both when you apply for benefits and throughout the period you are receiving benefits;
- report any absences, either from your area of residence or from Canada;
- report all employment, whether you work for someone else or for yourself;
- accurately report all your employment earnings before deductions for the week(s) in which you earn them, as well as any other money you receive; and
- tell us if you are registered in a training program.

For more information on rights and responsibilities, see the publication called *Rights and Responsibilities* (IN-044).

Call **1 800 O-Canada** (1-800-622-6232) to order a copy, or visit our Web site at **www.servicecanada.gc.ca**.

Section 7 – The appeal process

Service Canada always tries to be fair when making decisions about EI benefits. If we make a decision **not** to pay you, or if we ask you to refund an overpayment and pay a penalty, you will receive a letter from us giving you the reason. If you disagree, you should get in touch with your Service Canada benefits officer right away and explain why you don't agree. Ensure your benefits officer has all the details of your case, including any information that you have not previously presented.

How do I appeal a decision?

If you decide to appeal, you will need to submit either Form INS5210, *Notice of Appeal to the Board of Referees*, or a written notice of appeal to your local Service Canada Centre **within 30 days** of receiving notice of the decision. You can download the form at www.ei-ae.gc.ca. For a paper copy of the Board of Referees appeal form, contact your Service Canada Centre or call **1-800-206-7218** (TTY: 1-800-529-3742).

Your notice of appeal should contain:

- your name;
- your Social Insurance Number;
- the reasons why you are filing an appeal;
- whether you want to attend the hearing;
- whether you want your appeal heard in English or French;
- whether you will have someone representing you at the appeal (if so, include their name and address); and
- the date and your signature.

Even if you file an appeal, we recommend that you continue to fill out your EI claimant reports every two weeks, as usual, and submit them via the Internet or by telephone.

Note

Before it reaches the first level of appeal, Service Canada Centre employees will review your appeal to see if it can be resolved right away. If this Service Canada review does not change the original decision, your appeal is sent to the Board of Referees.

What can I do if I'm not satisfied with the decision of the Board of Referees?

In addition to the Board of Referees, there are two other levels where you can appeal one of our decisions: the Umpire and the Federal Court of Appeal. In some cases, you can also appeal to the Supreme Court of Canada.

Can my employer contest a decision concerning my EI benefits application?

Yes. If we decide to pay you benefits even if you quit, were fired for misconduct, refused work, or are involved in a labour dispute, we will notify your employer. If an employer believes that our decision is not justified, he or she can appeal by following the same process as employees. For more details, see the preceding question.

For more information on the appeal process, see the following publications:

- *Appealing a Decision* (IN-209)
- *Employers: The Appeal Process* (IN-135)

Call **1 800 O-Canada** (1-800-622-6232) to order copies, or visit our Web site at **www.servicecanada.gc.ca**.

You can also visit the EI Appeals Web site at **www.ei-ae.gc.ca**.

Section 8 – Contacts and other useful information

EI Telephone Information Service

The EI Telephone Information Service is an automated telephone service that is available 24 hours a day, seven days a week. If you would prefer to speak to a representative, call this service between 8:30 a.m. and 4:30 p.m., Monday to Friday, and press “0.” You can get general information about the EI program, the Social Insurance Number (SIN), and your specific EI claim.

Information about your claim is updated every morning from Monday to Friday. To access information about your EI claim, you will need your SIN and access code, which you will find on the benefit statement that is mailed to you after you apply for EI benefits.

**Employment Insurance Telephone Information Service – 1-800-206-7218
(TTY: 1-800-529-3742)**

Option 1	Information on your benefit claim, your payments, and how to change your access code		
	1 Information about a decision, a payment, or a deduction	2 Information about remaining weeks of benefits, your benefit amount, and your allowable earnings	3 How to change your access code
Option 2	General information about Employment Insurance (EI)		
	1 Information on how to apply for EI benefits, how we calculate your benefits, the Family Supplement, and repaying benefits	2 Information about the types of EI benefits	3 Information on the Career Transition Assistance initiative
Option 3	Information about the Social Insurance Number (SIN)		
	1 Information on how to apply for a SIN, how to replace a SIN card, or how to change a name on the Social Insurance Register	2 Information on how to report a lost or stolen SIN card, or how to let us know that a family member has died	3 Other questions related to the SIN
Option 4	Information on EI reports, office locations, and Internet addresses		
	1 Information on submitting EI reports on the Internet or by telephone	2 Nearest Service Canada Centre	3 Internet addresses
Option 0	Speak to a Service Canada representative		
	You can speak to a Service Canada representative from Monday to Friday, 8:30 a.m. to 4:30 p.m.		

My Service Canada Account

What is My Service Canada Account?

My Service Canada Account is a secure online account available on the Service Canada Web site. Using this account, you can access all your EI information in one place. With My Service Canada Account, you can:

- confirm any decision made about your EI application;
- see details on your payments and deductions;
- view and update your personal information, including your mailing address, telephone number, and banking information for direct deposit;
- view your EI tax information slips; and
- view all Records of Employment that your employers have submitted electronically in the last two years.

To use My Service Canada Account, you will need to create an Access Key user ID and password. To do this, you will need your access code, which you will find on the benefit statement that is mailed to you after you apply for EI benefits. For more information, visit our Web site at www.servicecanada.gc.ca. From the “On-line Services and Forms” menu on the right-hand side of the page, click on “Access My Service Canada Account.”

How can I register for My Service Canada Account?

Before you register, you must have your four-digit EI access code (printed in the shaded area at the bottom of your benefit statement). You can then register for My Service Canada Account. It will take about 10 minutes to complete the registration process.

Step 1

If not already done, you will need to create a user ID and password during the registration process; this is called an Access Key. Please enter your information on the Access Key login page.

Step 2

You will need to provide personal information such as your Social Insurance Number to validate your identity and make sure that only you can access your information. We always ensure that this **information is kept private and secure**.

Looking for a job

The Government of Canada offers an online job-search tool called Job Bank. There, you will find not only a list of jobs available in Canada, but also many tools such as the Résumé Builder, as well as links to other job sites and labour market information. You can view the Job Bank at www.jobbank.gc.ca.

You will also find a great deal of information on the Service Canada Web site at www.servicecanada.gc.ca. Most of this information is grouped by category (for example, employment, education and training, and finding a job):

- **Employment:** Under “Services by Subject,” click on “Employment”
- **Education and Training:** Under “Services by Subject,” click on “Education and Training”
- **Finding a Job:** Under “Life Events,” click on “Finding a Job”

Contact Service Canada

CLICK	servicecanada.gc.ca
CALL	1 800 O-Canada (1-800-622-6232) TTY: 1-800-926-9105
VISIT	a Service Canada Centre

