



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *D. D. v Canada Employment Insurance Commission*, 2019 SST 1315

Tribunal File Number: GE-19-3247

BETWEEN:

D. D.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Glen Johnson

HEARD ON: October 24, 2019

DATE OF DECISION: October 24, 2019

DECISION

- [1] The Claimant has not taken advantage of an opportunity of suitable employment. This means that she is disqualified from being paid employment insurance (EI) benefits for 7 weeks.

OVERVIEW

- [2] To be paid regular EI benefits, Claimants must take suitable employment when they have a chance. The Commission decided that the Claimant was disqualified from being paid EI benefits for 7 weeks because she did not take an offer of suitable employment.
- [3] I must decide whether the Claimant refused an offer of suitable employment and if so, whether there was good cause for the refusal.
- [4] The Claimant testified that she did not decline an opportunity to start a call center training program followed by full-time work at a call center. However, she admits to sending the potential employer an email declining the invitation to go to the training program.
- [5] The Claimant was offered a training program as a call center operator with full-time employment after training. She claims she declined the offer because she could not work inconsistent shift hours due to her health. She says that she is used to working a regular daytime shift. Her doctor says working shifts sometimes in the afternoons and sometimes in the evenings is not good for her health.
- [6] I find that the employment offered to the Claimant was suitable for her and the Commission exercised its jurisdiction in a judicial manner in disqualifying her from 7 weeks of EI benefits. She has failed to show good cause for not taking the employment. She did not discuss her health issues with her new employer to find a way to work around the health issues, when the employer appeared willing to give her shift hours which are better for her health.

ISSUES

- [7] Issue 1: Did the Claimant refuse to take a job offer?
- [8] Issue 2: Was the employment suitable for her?
- [9] Issue 3: Was there good cause to refuse to take the job?

ANALYSIS

- [10] The law says that a claimant is disqualified from collecting EI benefits if they fail to take a suitable job offer (subsection 27(1)(b) of the *Employment Insurance Act (EI Act)*).
- [11] When the Commission shows that a claimant does not take a suitable job offer, the claimant must show good cause for not taking the job (*Canada (Attorney General) v. Campeau*, 2006 FCA 376).
- [12] Good cause to not take a job offer is where a claimant does the same as a reasonable person in her shoes would (*Pacquette v. Canada (Attorney General)*, 2006 FCA 309).

Issue 1: Did the Claimant refuse to take a job offer?

- [13] Yes; I find that emails sent between the Claimant and the employer show that she did not take the call center training program offered. In one email, she thanked the potential employer for reaching-out with an invitation to participate in the training program (GD3-29). She said that she wanted to move to a new region and find other work due to personal reasons.

Issue 2: Was the employment suitable for her?

[14] Yes; I find that the Claimant worked in computer and administrative duties before being offered the call center training program. Although she claims that she heard from others that the call center job was about arguing on the phone with customers, the job duties at a call center and administrative duties are quite similar in that they are desk jobs. She testified that she understood the call center job included sitting at a desk, answering telephone calls and working on computers, just like her past employment.

Issue 3: Was there good cause to refuse to take the job?

[15] No; I find that a reasonable person in the Claimant's shoes would have taken the call center training program job.

[16] The Claimant says that she was unable to take the job because of her health. She says that she is unable to work at a job with shifts sometimes in the afternoons and sometimes in the evenings and her doctor says working those inconsistent shifts is not good for her health.

[17] I find that the Claimant did not discuss her health issues with her new employer to find a way to work around the health issues, when the employer appears willing to give her shift hours which are more consistent and better for her health. She testified that she did not raise her health concerns about shift hours with the employer before deciding to decline the job offer.

[18] The Claimant admits that she did not discuss working consistent shift hours before she decided to not take the call center training program offer. I find that it is not reasonable for the Claimant to refuse to take the job offer before first trying to find a way to work around her health issues with her employer. A reasonable person in her shoes would have taken the suitable job at the call center and had discussions with the employer to try to take her health condition into account.

[19] The Claimant sent an email to the employer saying that she was not going to take the job. She said that she wanted to move to a new region and find other work due to some personal reasons. I understand the Claimant had personal reasons to not take the job, but personal reasons do not always mean there is good cause to make others bear the cost of failing to take suitable employment when it is offered.

[20] The Commission exercised its discretion in a judicial manner in disqualifying the Claimant from collecting EI benefits for 7 weeks. They took into account all relevant factors and did not consider irrelevant factors in making their decision to impose the minimum allowable disqualification of 7 weeks as indicated in the law (subparagraph 28(1)(a), *EI Act*).

CONCLUSION

[21] The appeal is dismissed. This means that she is disqualified from collecting EI benefits for a 7 week period because she did not accept a suitable job offer.

Glen Johnson
Member, General Division - Employment Insurance Section

HEARD ON:	October 24, 2019
METHOD OF PROCEEDING:	Telephone
PARTIES IN ATTENDANCE:	D. D., Appellant

