



[TRANSLATION]

Citation : *CH v Canada Employment Insurance Commission*, 2021 SST 180

**Social Security Tribunal of Canada  
General Division – Employment Insurance Section**

**Decision**

**Appellant:** C. H.  
**Representative:** Nicole Lavallée

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (416696) dated February 23, 2021 (issued by Service Canada)

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**Tribunal member:** Josée Langlois

**Type of hearing:** Teleconference  
**Hearing date:** April 7, 2021  
**Hearing participants:** C. H., Appellant  
Nicole Lavallée, Representative for the Appellant

**Decision date:** April 7, 2021

**File number:** GE-21-411

## Decision

[1]The appeal is dismissed.

[2]The Appellant hasn't shown just cause (in other words, a reason the law accepts) for leaving her job when she did. This means that she is disqualified from receiving benefits.

## Overview

[3]The Appellant left her job at X on July 13, 2020. She didn't apply for benefits until October 15, 2020. A benefit period for sickness benefits was established. The Appellant started working again and applied to renew her benefit period to get regular benefits on December 27, 2020.

[4]The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving her job at the employer X on July 13, 2020. It decided that she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits.

[5]I must decide whether the Appellant has proven that she had no reasonable alternative to leaving her job.

[6]The Commission says that the Appellant could have waited until she had assurance of another job before leaving the one she had. It also argues that, even if the Appellant didn't like the quality of the product she had to pack, she could have discussed the situation with the employer, but she didn't.

[7]The Appellant disagrees. Essentially, she explains that her salary wasn't high enough for the tasks she was doing. She also explains that this job didn't suit her because she is a meticulous person and because assembly-line work is focused on production rather than quality.

## Issues

[8]Is the Appellant disqualified from receiving benefits because she voluntarily left her job without just cause?

[9]To answer this, I must first address the Appellant's voluntary leaving. I then have to decide whether the Appellant had just cause for leaving.

## Analysis

### **The parties agree that the Appellant voluntarily left**

[10]I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit on July 13, 2020. I see no evidence to contradict this.

### **The parties don't agree that the Appellant had just cause**

[11]The parties don't agree that the Appellant had just cause for voluntarily leaving her job when she did.

[12]The *Employment Insurance Act* (Act) says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.<sup>1</sup> Having good cause (that is, a good reason) for leaving a job isn't enough to prove just cause.

[13]The law explains what it means by "just cause." The law says that you have just cause to leave if you had no reasonable alternative to quitting your job when you did. It says that you have to consider all the circumstances.<sup>2</sup>

[14]It is up to the Appellant to prove that she had just cause.<sup>3</sup> She has to prove this on a balance of probabilities. This means that she has to show that it is more likely than not that her only reasonable option was to quit. I have to look at all of the circumstances that existed when the Appellant quit.

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<sup>1</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

<sup>2</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

<sup>3</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

[15]The Appellant initially explained that she left her job because she wasn't happy with the salary.<sup>4</sup> During the reconsideration, she explained that she hadn't discussed the situation with her employer before leaving her job. Being a perfectionist, she wasn't happy with the quality expected of her work.

[16]The Appellant argues that she is doubly entitled to receive benefits, particularly during a pandemic, essentially because, like everyone, she has obligations and she has to pay her rent. She says that she was unfamiliar with the Act and that she didn't know that, by voluntarily leaving her job, she would be excluded from the opportunity to receive benefits.

[17]The Commission says that the Appellant didn't have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it argues that the Appellant could have waited until she had assurance of another job before leaving the one she had. It says that, despite this disqualification, the Appellant has enough hours of insurable employment to establish a benefit period later.

[18]In most cases, claimants have an obligation to make efforts to seek alternative employment before making a unilateral decision to quit a job.<sup>5</sup> The Appellant did make efforts to find employment, and she started a job at X on November 1, 2020. However, this opportunity materialized after she quit on July 13, 2020. When she left her job at X, the Appellant didn't have assurance of any other job.

[19]I find that the Appellant didn't have just cause for leaving her job when she did.

[20]The Appellant was unhappy with the salary and with the work quality the employer required. But she left her job without discussing the situation with her supervisor.

[21]As the Commission argues, the Appellant could have waited until she had assurance of another job before leaving the one she had.

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<sup>4</sup> GD3-31.

<sup>5</sup> This principle is explained in *Canada (Attorney General) v White*, 2011 FCA 190.

[22]I understand from the explanations of the Appellant's representative that the Appellant didn't intend to be unemployed and that she didn't apply for benefits when she stopped working for X. She started working again for another employer, and it wasn't until October 15, 2020, that she applied for benefits.

[23]However, the Act says that, to be able to get benefits, the Appellant has to show that she had just cause for leaving her job at X on July 13, 2020. This means that she has to show that her only option was to quit. That's not the case.

[24]When she quit on July 13, 2020, the Appellant had other options. She could have talked to her supervisor about what she was uncomfortable with. She also could have looked for another job and made sure that she had another job before leaving the one she had.

[25]Given the circumstances, the Appellant didn't have just cause for leaving.

## **Conclusion**

[26]I find that the Appellant is disqualified from receiving benefits.

[27]This means that the appeal is dismissed.

Josée Langlois  
Member, General Division – Employment Insurance Section