



[TRANSLATION]

Citation: *VA v Canada Employment Insurance Commission*, 2022 SST 771

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

Decision

Appellant: V. A.
Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (459916) dated March 16, 2022 (issued by Service Canada)

Tribunal member: Manon Sauvé
Type of hearing: Teleconference
Hearing date: June 2, 2022
Hearing participant: Appellant
Decision date: June 29, 2022
File number: GE-22-1077

Decision

[1] The appeal is dismissed. The Claimant hasn't shown just cause for leaving her job. She had reasonable alternatives to leaving. This means the Claimant is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[2] The Claimant worked as a cleaner for her employer for three days. She left her job on June 21, 2021. She didn't like the employer's attitude. She started a new job on July 12, 2021, and stopped working there on September 14, 2021.

[3] She applied for EI sickness benefits on September 14, 2021. The Commission paid her 15 weeks of sickness benefits. Then, it denied her regular benefits because she voluntarily left her job without just cause on June 21, 2021. She didn't have reasonable assurance of another job before leaving.

[4] The Claimant disagrees. She started making efforts to find a job before leaving, but she started working on July 12, 2021. She made efforts to find a job with both employers.

[5] Also, the employer had an aggressive attitude towards her. She didn't accept its comments and she left her job.

Issue

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

[7] To answer this, I have to first address the Claimant's voluntary leaving. Second, I have to see whether she had just cause for leaving.

Analysis

The parties agree that the Claimant voluntarily left

[8] I accept that the Claimant voluntarily left her job. The Claimant agrees that she quit on June 21, 2021. I see no evidence to contradict this.

The parties don't agree that the Claimant had just cause

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

[10] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.¹ Having a good reason for leaving a job isn't enough to prove just cause.

[11] 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.²

[12] It is up to the Claimant to prove that she had just cause. 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.³

[13] When I decide whether the Claimant had just cause, I have to look at all of the circumstances that existed when the Claimant quit. The law sets out some of the circumstances I have to look at.⁴

[14] After I decide which circumstances apply to the Claimant, she then has to show that she had no reasonable alternative to leaving at that time.⁵

¹ See section 30 of the *Employment Insurance Act* (Act).

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

³ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

⁴ See section 29(c) of the Act.

⁵ See section 29(c) of the Act.

The circumstances that existed when the Claimant quit

[15] I note that the Claimant started a new job on June 18, 2021, as a full-time cleaner. She voluntarily left her job on June 21, 2021. She started a new part-time job on July 12, 2021, with the possibility of completing her hours by doing other tasks.

[16] She left her job because the employer was aggressive towards her. It wasn't satisfied with her performance and would tell her by yelling. She didn't like that way of doings things.

[17] When she made efforts to find a job with her employer, she also contacted another employer to ask if it was hiring. It said that, during the summer, it needed to hire cleaners.

[18] According to the evidence on file, she sent an email on June 23, 2021, to offer her services. After a few discussions and an injury, she started working on July 12, 2021.

[19] The Claimant says she had just cause for leaving her job because her employer had been aggressive towards her. Also, she had another job before leaving her job.

The Claimant had reasonable alternatives

[20] I now have to look at whether the Claimant had no reasonable alternative to leaving her job when she did.

[21] First, I will determine whether the Claimant had reasonable assurance of another job before leaving her job. She told the Commission that she had not received a job offer before leaving her job. She was sure she would work for the new employer because it had openings.

[22] I am of the view that the Claimant didn't have reasonable assurance of another job. I consider the information the Commission obtained, like the email the Claimant sent on June 23, 2021, after leaving her job.

[23] The explanations she gave at the hearing to show whether she had a job before leaving weren't convincing. The Claimant admitted having applied after she left. She should have worked for the employer until she found a new job.⁶ She didn't have reasonable assurance of another job when she left.⁷ Also, she left her full-time job for a part-time one.⁸

[24] The Claimant also said that she left her job because the employer made aggressive comments.

[25] I find that she told the Commission that she left her job for another one. It was only after that she said she had received aggressive comments. I give little weight to that statement and the explanations given at the hearing. She hesitated during her testimony, and she wasn't able to give concrete examples.

[26] Even if the employer had made aggressive comments, I am of the view that she had reasonable alternatives to voluntarily leaving. She could have talked with her employer or human resources. In her case, it wasn't reasonable for her to leave her job after three days.

[27] For the reasons I have mentioned, I find that she had other reasonable alternatives to leaving her job, taking into account the circumstances that existed when the Claimant left her job. Also, she didn't show that she had reasonable assurance of another job before she left.

[28] This means the Claimant didn't have just cause for leaving her job.

Conclusion

[29] I find that the Claimant is disqualified from receiving benefits.

⁶ See also *Canada (Attorney General) v Graham*, 2011 FCA 311 at para 6: "The jurisprudence of this Court states that remaining in employment until a new job is secured is, without more, generally a reasonable alternative to taking a unilateral decision to quit a job: *Canada (Attorney General) v. Murugaiah*, 2008 FCA 10; *Canada (Attorney General) v. Campeau*, 2006 FCA 376."

⁷ *Canada (Attorney General) v Imran*, 2008 FCA 17.

⁸ *Canada (Attorney General) v Lamonde*, 2006 FCA 44.

[30] This means that the appeal is dismissed.

Manon Sauvé
Member, General Division – Employment Insurance Section