



Citation: *LB v Canada Employment Insurance Commission*, 2022 SST 777

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

## Decision

**Appellant:** L. B.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (440500) dated December 7, 2021 (issued by Service Canada)

---

**Tribunal member:** Candace R. Salmon

**Type of hearing:** Teleconference

**Hearing date:** May 10, 2022

**Hearing participant:** Appellant

**Decision date:** May 31, 2022

**File number:** GE-22-982

## **Decision**

[1] The appeal is dismissed. The Tribunal disagrees with the Claimant.

[2] The Claimant hasn't shown just cause (in other words, a reason the law accepts) for leaving her job when she did. The Claimant didn't have just cause because she had reasonable alternatives to leaving. This means she is disqualified from receiving Employment Insurance (EI) benefits.

## **Overview**

[3] The Claimant left her job on November 19, 2020. The Canada Employment Insurance Commission (Commission) looked at the Claimant's reasons for quitting her job. It decided that she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits.

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

[5] The Commission says that the Claimant could have met with her employer to discuss options, obtained the note requested by the employer, from her child's school, or asked for a leave of absence instead of quitting her job.

[6] The Claimant disagrees and states that she had to quit her job to care for her child, because her employer refused to accommodate her and was harassing her with requests for a note from her child's school.

## **Issue**

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

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

## Analysis

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

[9] I accept that the Claimant voluntarily left her job. The Claimant agrees that she quit and her last day worked was November 18, 2020. I see no evidence to contradict this.

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

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

[11] The law 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 a good reason for leaving a job isn't enough to prove just cause.

[12] The law explains what it means by "just cause." It says that you have just cause to leave if you had no reasonable alternative to quitting your job when you did.

[13] It is up to the Claimant to prove that she had just cause.<sup>2</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. When I decide whether the Claimant had just cause, I have to look at all of the circumstances that existed when the Claimant quit.<sup>3</sup>

[14] The Claimant says that she left her job because she had to care for her child. Since her child's school had a COVID-19 policy that sent her child home whenever she had a symptom that might be COVID-19, the Claimant felt forced to choose between her job and caring for her child. She says that she had no reasonable alternative to leaving when she did because her child needed someone to be with her when she was home, and the employer wouldn't allow the Claimant to permanently work from home.

[15] The Commission says that the Claimant didn't have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it says that the Claimant

---

<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.

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

could have provided the document requested by the employer, further discussed alternate working possibilities with the employer, or requested a leave of absence.

[16] I find that the Claimant has proven she had an obligation to care for a child, because she is a parent.<sup>4</sup> However, this alone does not mean she meets the legal test to receive EI benefits. The Claimant still has to show that she acted as a reasonable person in her circumstances would have done, including the circumstance of being obligated to care for a child.

[17] The Claimant told the Commission that she frequently had to leave her job to pick up her daughter from school. She said that the school regulations regarding COVID-19 often caused her child to be sent home for up to 72 hours at a time, and it happened so often that she had no leave left at work and had to take time off. She testified that her child has allergies, which mimic symptoms of COVID-19. She said that she asked her employer to give her alternate shifts, to work from home, or to work part-time, but there were no options available.

[18] The Claimant said that she worked as a payroll clerk, so was able to do her job from home, but was not allowed to work from home. She initially said her employer wanted staff at the physical office, and “working from home was not an option.”

[19] The employer told the Commission that employees were allowed to work from home for 16 weeks while the office was closed, until they were eventually recalled to work. He said the Claimant returned to work in June 2020, but they noticed that between June and November, 2020, the Claimant used up a lot of leave. The employer confirmed that the Claimant’s supervisor was aware that the Claimant experienced issues relating to her child’s school, and said they tried to accommodate the Claimant and continued to allow her to work from home when they could.

[20] The employer added that while they continued to allow the Claimant to work from home at times, they also asked her to provide a letter from the school about the COVID-

---

<sup>4</sup> This is a circumstance I must consider when determining if the Claimant had just cause for leaving her job. *Employment Insurance Act*, section 29(c)(v).

19 situation. The employer said that many employees were in the same situation as the Claimant, and their children's schools were providing updates by letter. Additionally, the employer did not want employees to work in the office when their child was exposed to COVID-19 at school. The employer said that the Claimant submitted a generic government COVID-19 symptom letter, and later a resignation letter where she did not mention a failure to accommodate.

[21] The Commission contacted the Claimant after speaking to the employer. She stated that on November 18, 2020, her child was sick and she asked her employer to allow her to work from home for a few days. She said the employer told her they would "get back to her" after they spoke to human resources, because of the amount of time she had been taking off. She added that the employer asked her to provide a letter from her child's school, confirming the COVID-19 situation. She stated that she provided the form given to her by her daughter's school.

[22] The Claimant said that on November 19, 2020,<sup>5</sup> she worked from home and sent a message to her employer to ask for an update. She received no response. The Claimant said that she told the employer that she would probably be able to return to work on Monday, but as the evening progressed her child was more sick and she knew that she wouldn't be able to return to work on Monday, November 23, 2020. She felt that she had asked the employer to accommodate her many times and they wouldn't let her stay home any longer, so she decided to quit.

[23] The Claimant said that when COVID-19 first started to impact her ability to work, she spoke to her employer and tried to create a plan that would let her work from home part-time if her daughter got sick. She said she offered to teach someone else to do her job and issue cheques if she wasn't available, but the employer wouldn't let her do that. The Claimant said that she was the only one who was able to issue cheques, so she had to be at work. She stated that she, "just knew" her employer wouldn't let her work from

---

<sup>5</sup> The Claimant slightly changed the dates in various conversations with the Commission. The dates are all within a day or two of each other. The specific dates of her last days of work aren't vital to the decision, so I am including the dates as they are provided in the file. This is why the dates may seem inconsistent to the reader.

home. She emailed the employer on Thursday, November 19, 2020, stating she immediately resigned from her job and found herself, “facing some drastic matters which lead me to this decision.”

[24] Following this conversation, the Commission spoke to another employer representative. This person said the employer had to ask the Claimant to provide a letter to support that her child had to be out of school, because it was happening so often. The Claimant provided a generic government letter, but did not provide a letter from the school confirming the situation. The employer said the Claimant told them she would be working from home on November 17 and 18, 2020, and would return to work on November 19, 2020. Instead, she emailed a resignation letter on November 19, 2020.

[25] The employer disputed the Claimant’s statements about her role being the only one that could print cheques. They said the Claimant was an accounts payable clerk who used specific software to print cheques, but that her colleagues could do the same job and did not require training. Additionally, since the start of the pandemic, no employees were required to print cheques because senior management did that. The Claimant’s job was to enter information, do research, and other tasks. The employer also said that the only arrangements the Claimant discussed with her supervisor related to what type of proof of documentation from the school was required.

[26] The Commission contacted the Claimant on October 13, 2021, to advise that her claim was denied because she voluntarily left her job without just cause for leaving. The Claimant said that she, “did not want to put up with the harassment endured from the employer from asking for that letter.” This is the first mention of harassment in the file. She said she was “constantly harassed” by her supervisor, and chose to be “mentally stable for her child” and would not remain in the work environment. She added that the employer just wanted her to be at work and did not try to understand her situation with her child.

[27] The Claimant wrote a letter to request reconsideration. She said that as soon as she realized COVID-19 was causing problems with her ability to do her job, she spoke to her supervisor, asked to adjust her schedule, asked to work from home, provided

alternative options, and eventually went to human resources and asked to work part-time. She said the human resources manager told her that her supervisor had to decide if that would be allowed, but her supervisor was the person who ignored or refused her other attempts to arrange a solution.

[28] The Claimant said that as time went on, the “pressure and the harassment” from her employer was increasing because she couldn’t report to work on several occasions as a result of her child care requirements. She said she decided that for her family and mental health, the right decision was to quit because it was not acceptable for her employer to bully, pressure, and harass her for fulfilling her duties as a parent.

[29] A different Commission agent contacted the Claimant during reconsideration. She reiterated much of what she said before, but said that her employer accommodated her and allowed her to work from home until November 2020, when she was not allowed to work from home and was “required to report to the office to perform any type of work.” The Claimant said that her employer continuously asked for things that she couldn’t provide and was upset with her for things she couldn’t control. She felt harassed and targeted, because employees in other departments were not required to provide specific documents from their children’s schools.

[30] The Claimant said that being asked to provide additional documentation was the final act that pushed her over the edge. She said her daughter’s school would only provide her with a generic document. She added that she never asked her daughter’s school for a unique letter because, “it was unfair and she refused to go along with it.” She felt the generic government form should have been enough, and the employer was being unreasonable in not accepting it. She felt the request for a unique form from her daughter’s school was “unfair” and said the stress and anxiety of being targeted for a new note was too much so she decided to care for her child and quit her job.

[31] The employer reiterated much of the same evidence it previously told the Commission. It added that the only ongoing issue with the Claimant’s employment was the difficulty they had in obtaining proof that she needed to be home to watch her children. It denied any harassment or targeting took place, stating they received letters from other

schools and they felt it was reasonable to ask for documentation showing that the Claimant needed to be home. They added that no disciplinary action had taken place, and they intended for the Claimant to be allowed to take leave to watch her child, they just wanted documentation supporting that her child couldn't be in school.

[32] The file includes a copy of the generic form provided to the Claimant by her child's school. It is a public health document that outlines the symptoms of COVID-19, including respiratory symptoms of a new or aggravates cough, sore throat, or runny nose or nasal congestion. The letter directs that children should not be left in school if :

- they have been directed by public health to isolate at home;
- there is a risk or you are aware that the child was in contact with a case of COVID-19; or
- you are in quarantine after a trip outside of Canada.

[33] It also says that where COVID-19 is not detected, children and adults who had flu-like symptoms could continue with regular activities after two conditions were met:

- 48 hours after the reduction of the fever; and
- 24 hours after significant improvement of other symptoms.

[34] The Commission asked the Claimant why she didn't ask her child's school for a letter explaining the COVID-19 situation. She said the, "entire scenario was simply not fair and she refused to participate in it." When asked if she discussed her concerns with the employer or human resources department, she said that the situation was "too stressful" and she had to choose between her child and her work. In a later call, the Claimant said that the generic letter should have been enough and reiterated that she was the only employee that was required to get a note, which she believes is harassment.

[35] The Claimant added that she was previously told that she wouldn't be able to work from home, so her only option was to quit her job. She added that she had explained her situation to the employer several times, they knew she had no childcare arrangements, they had denied her permission to work from home, and they knew the only note she had was a generic government letter. She stated there was no way to resolve her work



schedule issues, so she had to quit. She added that she did not discuss the situation with a medical professional, and primarily left her job because she did not think it was fair for her employer to require her to, “submit all these documents to prove her daughter had to be home from school.”

[36] At the hearing, the Claimant said that not every department was able to work from home. She said that in her department, because of the work they did, they had to be at the office. She then stated that, “sometimes they would” let her work from home, but then told her she had to be at the office.

[37] At the hearing, the Claimant said that she felt she was being harassed because she couldn’t control the situation and her employer was pressuring her. She also said that no one else was asked to provide a letter from their child’s school. I asked her how she would know if anyone else was asked to provide a letter. She said that “it’s discussed.” She said that she told other employees that she was asked to provide a letter and they “were shocked.” I asked the Claimant how many people worked at her employer’s company. She said over 100 people worked there.

[38] I asked the Claimant why she didn’t ask her child’s school for another document, since her employer wanted a more specific document. She said it was the school’s policy to give a generic letter. She added that the employer never told her that the document wasn’t sufficient. She also said that she didn’t think she could ask for anything else.

[39] I find the Claimant made numerous inconsistent statements. Some relevant examples are;

- In the file, she told the Commission that she felt harassed and targeted because the employer asked her to provide specific documents from the school and she felt they were targeting her by asking her to provide additional information.<sup>6</sup> She also said that being asked to provide additional documentation, over and above the generic government letter, was the “act that pushed her over the edge”<sup>7</sup> and

---

<sup>6</sup> See GD3-34.

<sup>7</sup> See GD3-34.

caused her to quit. This is inconsistent with her statements at the hearing that her employer never told her that the document she provided wasn't sufficient.

- The Claimant initially told the Commission that she was not allowed to work from home. She later said that she was allowed to work from home for a while, but that stopped and she had to go to the office to perform any type of job task. Later, she admitted she was sometimes allowed to work from home. Her employer confirmed this was occasionally allowed. The Claimant was working from home on her last two days of employment before she quit, so her own evidence doesn't support the initial statements that the employer didn't allow her to work from home.
- The Claimant stated multiple times that she tried to make arrangements with her employer to change her schedule, or do something that would allow her to be able to care for her daughter when she was unexpectedly sent home from school. She said she had no choice but to quit her job because her employer wouldn't accommodate her and there was no option to do anything else. In the file, the employer stated that it wanted to meet with the Claimant when she returned to work to discuss an action plan.
- The Claimant said it was school policy to provide a generic letter. However, she also stated that she didn't ask the school for any additional documentation despite knowing the employer wanted a more detailed letter.

[40] The result of these inconsistencies is a reduction in the Claimant's credibility. I find her statements are less reliable because she has given evidence that doesn't match her previous statements.

[41] In the Claimant's resignation letter, she refers to drastic matters leading her to quit her job, and thanks the employer for the "great journey" and "beautiful...atmosphere." The Claimant did not make any statements in her resignation letter relating to a negative work environment, harassment, bullying, targeting, refusal to accommodate her, or any other statements that would support that the employer mistreated her in any way.

[42] At the hearing, the Claimant said that her employer failed to accommodate her because she specifically asked them to consider multiple options that would allow her to continue working and they did not find a solution. She said that there was “no point” in giving the employer more details in the resignation letter, because her supervisor didn’t have any compassion or understanding of the situation. She said the real reason she quit is because the employer wouldn’t accommodate her need to parent her child.

[43] I find the Claimant has not proven that she had just cause to voluntarily leave her employment when she did. The Claimant was missing time from work because her daughter had some symptoms of COVID-19 and was frequently sent home from school. The Claimant had to go home at these times, to care for her child. This is not in question.

[44] The Claimant says that she spoke to her supervisor and human resources manager, who didn’t help her find a compromise that would allow her to continue working. She felt her only option was to quit her job. I find it was not her only reasonable option. The Claimant could have attended work on the next date when her child wasn’t sick, and met with her employer to discuss the action plan they proposed in November 2020. She submits the employer previously refused to accommodate her. The employer denies this. Even if the Claimant is correct, the fact remains that her employer offered to and wanted to meet with her to establish a plan moving forward. The Claimant did not explore this option, because she quit her job before the conversation could occur.

[45] The Claimant could also have sought another job before quitting, instead of choosing to quit her job and put herself in a guaranteed position of unemployment. The Claimant says that when her employer asked her to provide a specific note from her child’s school, it was the final straw that caused her to quit her job. At the hearing, she said that she felt this request was harassing. When she spoke to the Commission, she said it wasn’t fair and she wouldn’t do it. She confirmed that despite saying she couldn’t get a unique letter from the child’s school, she never asked the school for a document.

[46] The Claimant stated she felt harassed, bullied, and targeted by the employer. She did not make these statements during initial adjudication of the file, but began stating she felt harassed when the Commission called to give her the initial claim decision. These

statements continued during reconsideration. She stated that no one else was asked to provide notes from their child's school, so she was being singled out. I find the evidence does not support her contention.

[47] On October 13, 2021, the employer told the Commission that it thought it was reasonable to ask the Claimant to provide a note, because it would support that the Claimant needed to work from home and would let them know if an employee may have been exposed to COVID-19 so they could remain at home instead of working in the office. The employer said that they had many employees in the same situation as the Claimant, and schools were providing updates by letter.

[48] On December 3, 2021, the Claimant said that employees in other departments were not required to provide specific documents from the school so she felt targeted and harassed. At the hearing, I asked how she would know if she was the only person that was asked for this information, since she doesn't work in human resources. She said that people talk, and she told co-workers about the request and they were shocked that the employer would ask for a letter.

[49] I find the Claimant could not have known whether other staff members were asked to provide letters from their children's schools. She was not in human resources, and anecdotal conversations with a few colleagues doesn't mean that other staff were not being asked for the same material. She stated the employer is a medium sized company with 100 or more employees. I find it isn't reasonable to expect she had conversations with all of those people, so she could not know if anyone else was asked to provide similar information. Additionally, the employer said from the outset that multiple people were in the same situation as the claimant, and were providing update notes from their children's schools.

[50] Further the issue does not appear to be solely that the employer wanted to verify that the Claimant had to work from home because her child needed to be home, but also that it wanted to be sure that there wasn't a COVID-19 exposure at a child's school. It appears the employer would have asked employees with children who were exposed, to also remain home to avoid spreading the virus. It is reasonable to conclude that the

employer asked multiple employees to provide similar information, because they were seeking to protect the safety of their staff. Therefore, there is no differential treatment or harassment in asking the Claimant to provide a letter from the child's school.

[51] I considered whether the Claimant had just cause for leaving her job due to harassment.<sup>8</sup> I find the Claimant failed to establish that harassment existed. She failed to show that she was treated in a different way than other staff. While she felt that being asked to provide a document from her child's school was harassment, I find an employer may ask an employee to provide appropriate evidence to justify an absence. The Claimant refused to ask the child's school for the documentation her employer requested, which could have entirely addressed the issue.

[52] Considering all of the circumstances, including that the Claimant is a parent who was required to care for her seven year old daughter, I find she has failed to show that she had just cause for voluntarily leaving her job when she did. The Claimant had numerous reasonable alternatives available to her, including meeting with her employer to discuss an action plan, asking her child's school for the note her employer requested, requesting a leave of absence from her job, or obtaining a new job before quitting her position. She did none of these things. Since I find that reasonable alternatives existed, I further find the Claimant did not have just cause for leaving her job.

## **Conclusion**

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

[54] This means the appeal is dismissed.

Candace R. Salmon  
Member, General Division – Employment Insurance Section

---

<sup>8</sup> *Employment Insurance Act*, section 29(c)(i).