



Citation: *PR v Canada Employment Insurance Commission*, 2022 SST 873

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

## **Decision**

**Appellant (Claimant):** P. R.  
**Respondent (Commission):** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (461778) dated April 13, 2022 (issued by Service Canada)

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**Tribunal member:** Gerry McCarthy  
**Type of hearing:** Teleconference  
**Hearing date:** July 27, 2022  
**Hearing participants:** Appellant  
**Decision date:** August 8, 2022  
**File number:** GE-22-1539

## **Decision**

[1] The appeal is allowed.

[2] The Claimant has shown just cause (in other words, a reason the law accepts) for leaving his job when he did. The Claimant had just cause because he had no reasonable alternative to leaving. This means he isn't disqualified from receiving Employment Insurance (EI) benefits.

## **Overview**

[3] The Claimant provided the employer ("X") 90-days notice in mid-December 2018 that he was leaving his job. The Claimant left his job on February 14, 2019, and applied for EI benefits on April 3, 2019. The Claimant established his claim on March 31, 2019. The Claimant applied for EI benefits again on October 16, 2019, and established a claim on October 13, 2019. The Canada Employment Insurance Commission (Commission) looked at the Claimant's reasons for leaving. It decided that he voluntarily left (or chose to quit) his job without just cause, so it wasn't able to pay him benefits.

[4] I have to decide whether the Claimant has proven that he had no reasonable alternative to leaving his job.

[5] The Commission says that, instead of leaving when he did, the Claimant could have maintained his employment while he looked for more suitable work.

[6] The Claimant disagrees and says he left his job because the working conditions constituted a danger to his health. The Claimant says the employer's working conditions affected him physically and mentally.

## **Issue**

[7] Is the Claimant disqualified from receiving benefits because he voluntarily left his 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 the Claimant voluntarily left his job. The Claimant agrees that he quit on February 14, 2019. 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 his job when he 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." 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>

[13] It is up to the Claimant to prove that he had just cause. He has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not that his only reasonable option was to quit.<sup>3</sup>

[14] 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.<sup>4</sup>

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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 4.

<sup>4</sup> See section 29(c) of the Act.

[15] After I decide which circumstances apply to the Claimant, he then has to show that he had no reasonable alternative to leaving at that time.<sup>5</sup>

### **The circumstances that existed when the Claimant quit**

[16] The Claimant says that one of the circumstances set out in the law applies. Specifically, he says the employer's working conditions constituted a danger to his health.

[17] The Claimant testified that he worked as a warehouse manager for the employer starting in mid-June 2018. He explained that the working conditions were not good. For example, the Claimant testified there was a high staff turnover, internal theft by employees, and drug and alcohol abuse in the workplace. He further testified that these problems were continuous from July 2018 until he provided his notice in mid-December 2018.

[18] The Claimant also testified that the employer's working conditions affected his physical and mental health. Specifically, the Claimant explained that he suffered from significant stress. The Claimant further testified that he was diagnosed with Shingles in early January 2019, but was having symptoms in December 2018.

[19] I accept the Claimant's testimony on the employer's working conditions, because his statements were detailed and consistent. I further accept the Claimant's testimony that his health suffered as a result of the employer's working conditions because his statements were detailed and plausible.

[20] In summary: The circumstances that existed when the Claimant quit were that his employer's working conditions constituted a danger to his health.

### **The Claimant had no reasonable alternative**

[21] I must now look at whether the Claimant had no reasonable alternative to leaving his job when he did.

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<sup>5</sup> See section 29(c) of the Act.

[22] The Claimant says he had no reasonable alternative, because the employer's working conditions seriously affected his mental and physical health.

[23] The Commission disagrees and says the Claimant could have could have continued to work for his employer, taken a leave of absence, or sought workplace accommodations before he left his position without first securing other work.

[24] I find the Claimant had no reasonable alternative to leaving for the following reasons:

[25] First: The Claimant's health was significantly affected by the employer's working conditions. Specifically, the Claimant was suffering from personal stress having to cope with a high staff turnover, drug abuse in the workplace, and internal theft by employees. I realize the Commission submitted the Claimant could have taken a leave of absence. However, the Claimant was never offered a leave of absence when he provided his 90-day notice to the employer in mid-December 2018. Furthermore, I accept the Claimant's testimony that he didn't know a leave would be an option for him at the time.

[26] Second: The employer's working conditions didn't improve over the seven-months the Claimant worked for the company. I recognize the Commission argued the Claimant could have sought workplace accommodation before he left his position. However, the Claimant did provide the employer with a 90-days notice and planned to secure another job prior to mid-February 2019. However, the Claimant was suffering from Shingles in January 2019 which affected his ability to secure alternate work.

### **Additional Submissions from Commission**

[27] I recognize the Commission submitted that the Claimant hadn't filed any supporting information to prove that maintaining his employment was not a reasonable alternative. However, the Claimant did submit a medical note from a doctor that confirmed he was diagnosed with Shingles in January 2019 (GD3-55). Furthermore, I accept as credible the Claimant's testimony that his health was affected by the employer's working conditions because his statements were forthright and detailed.

[28] Considering the circumstances that existed when the Claimant quit, the Claimant had no reasonable alternative to leaving when he did, for the reasons set out above.

[29] This means the Claimant had just cause for leaving his job.

## **Conclusion**

[30] I find the Claimant isn't disqualified from receiving benefits.

[31] This means the appeal is allowed.

*Gerry McCarthy*

Member, General Division – Employment Insurance Section