Citation: *MA v Canada Employment Insurance Commission*, 2023 SST 802

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

# Decision

| | |
|---|---|
| **Appellant:** | M. A. |
| **Respondent:** | Canada Employment Insurance Commission |

| | |
|---|---|
| **Decision under appeal:** | Canada Employment Insurance Commission reconsideration decision (561071) dated January 10, 2023 (issued by Service Canada) |

| | |
|---|---|
| **Tribunal member:** | Gary Conrad |
| **Type of hearing:** | Teleconference |
| **Hearing date:** | March 14, 2023 |
| **Hearing participant:** | Appellant |
| **Decision date:** | March 17, 2023 |
| **File number:** | GE-23-339 |

## Decision

[1] The appeal is dismissed.

[2] The Appellant hasn't shown just cause (in other words, a reason the law accepts) for leaving his job when he did. The Appellant didn't have just cause because he had a reasonable alternative to leaving. This means he cannot be paid the Employment Insurance (EI) benefits he is requesting.

## Overview

[3] The Appellant quit his job and applied for EI benefits.

[4] The Appellant says he quit because his workload was overwhelming, which led to very high stress.

[5] He says he spoke to his manager multiple times asking for more training in his new position and help to deal with the workload, but all she ever told him was that he needed to manage his time better.

[6] He says he spoke to Human Resources (HR) but all they told him was they could not guarantee anything he asked for would happen.

[7] The Appellant says as the workload and stress continued to pile up, he decided to quit, as he could see that nothing was going to change.

[8] The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. It decided that he voluntarily left (or chose to quit) his job without just cause, because he had reasonable alternatives to leaving, so it wasn't able to pay him benefits.

[9] I must decide whether the Appellant has proven that he had no reasonable alternative to leaving his job.

# Matter I have to consider first

## The Appellant's witness

[10] The Appellant had a witness. I considered the testimony of the Appellant's witness in making my decision, but it was not extremely helpful, as the witness did not work directly with the Appellant and was not able to speak much to the Appellant's work situation.

[11] The witness mainly spoke to the Appellant's character as a hard worker, which I can accept as a fact, but the fact the Appellant may have been a hard worker does little to assist me in determining whether he had just cause for his voluntary leaving.

# Issue

[12] Is the Appellant disqualified from receiving benefits because he voluntarily left his job without just cause?

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

# Analysis

## The parties agree that the Appellant voluntarily left

[14] I accept the Appellant voluntarily left his job. The Appellant says that he quit, and I see no evidence to contradict this.

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

[15] The parties don't agree that the Appellant had just cause for voluntarily leaving his job when he did.

[16] The law says that the Appellant is disqualified from receiving benefits if he left his job voluntarily and didn't have just cause.[1] Having a good reason for leaving a job isn't enough to prove just cause.

[17] The law explains what it means by "just cause." The law says that in order for the Appellant to have just cause, he must have had no reasonable alternative to quitting his job when he did.[2]

[18] It is up to the Appellant to prove that he had just cause.[3] 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. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

**Background**

[19] The Appellant started working for his employer as a night auditor and eventually made it to the position of night supervisor.

[20] In the summer of 2022, his employer offered him the position of accounts receivable. The Appellant accepted the offer.

[21] However, there had not been a full-time employee in the position of accounts receivable for many months, only someone working part-time. The Appellant says when he started the position there was a ton of backlogged work.

[22] He says this backlog was made worse by the fact that for the first couple weeks of taking the accounts receivable position he was also still doing work for the night supervisor position until it was filled.

[1] Section 30 of the *Employment Insurance Act* (Act) explains this.
[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 3.

**Why the Appellant left**

[23] The Appellant says that while he has a degree in accounting, and was doing accounting work for his employer for years as a night auditor and night supervisor, there were new systems to learn in his position of accounts receivable.

[24] When he started in his new position he was trained by a manager; however, there were things the manager did not know how to do, and she told him to speak with V, the director of finance.

[25] The Appellant said this was a problem, as V worked from home for 2 days a week, so there were periods where he could not get help from her, which lead to work piling up since there was no one to show him how to do it.

[26] The Appellant said that V would also try and manage his work by interrupting him when he was working on a task to ask him why he had not immediately answered emails. He says he told her that he would answer the emails when he had finished his current task, but she always wanted him to interrupt what he was doing to deal with the emails.

[27] The Appellant says this was not practical when he is trying to do complex accounting.

[28] V kept piling more work on the Appellant, and he had difficulty trying to keep up with it all. He says he would ask her for help, but all she would ever do is tell him to manage his time better. This buildup of work, lack of help from V, and her constant interruptions to try and direct his work, led to the Appellant experiencing increasing amounts of stress.

[29] He went to speak to HR about his problems a couple of days before he quit. HR asked him what he needed, and he told them that the amount of work at his position required two people. He says HR told him they could not guarantee a second person would be hired.

[30] The Appellant says that on his last day of work he was constantly being asked by V why he was not doing this or that task, and near the very end of his shift she assigned him more work she wanted done that day. He told her again that the workload was too high and he was stressed, but her only response was that he needed to manage his time better. He says he then told V he was quitting, as he realized that his issues would never be solved.[4]

**Reasonable alternatives**

[31] The Appellant says he tried talking to his manager and HR, but nothing came of it, so, as the situation was not going to change, he quit.

[32] The Commission says the Appellant had the reasonable alternative of letting HR have time to try and assist him, rather than quitting right after speaking with them.[5]

[33] The Commission says they can understand the Appellant being upset with V piling on more work right before his shift ended and asking him to respond to emails immediately after receiving them, but argues these actions are not so grievous that the Appellant had no choice but to immediately leave.[6]

[34] The Commission also says that if the Appellant was getting severely stressed, he could have spoken to a doctor to see if there was something that could be done to help him with the stress.[7]

[35] I find the Appellant does not have just cause because, considering all the circumstances at the time he left, he had a reasonable alternative to leaving; he could have kept working until he secured a different job.

[36] I note the Appellant said he was working overtime, but he says this was his choice, not something his employer asked him to do, as he wanted to try and clear his

[4] GD03-14
[5] GD04-4
[6] GD04-4
[7] GD04-5

work to make sure there was nothing hanging over him the next day. He specifically told the Commission the fact he chose to work overtime was not why he quit.[8]

[37] I find the fact he chose to work overtime does not provide just cause for his leaving because it was his choice, he could have stopped at any time.

[38] I can understand the Appellant's frustration with V piling on more work, not always being around to assist him, and trying to micromanage his day by asking him to instantly reply to emails. However, as frustrating as this situation may have been, it was not so bad that the Appellant could not have continued working while searching for and securing an alternative job more to his liking.

[39] I understand he says he was stressed, but there is no objective information to show his stress was so bad he could not continue working. I note he even testified that it was his plan to continue working at his job, despite the workload and increasing stress, but V's actions on the final day aggravated him enough that he quit.

[40] So, since I have found, considering all his circumstances at the time he quit, that he had a reasonable alternative to quitting (continuing to work until he secured a new job) this means the Appellant does not have just cause for his voluntary leaving.

## Conclusion

[41] The appeal is dismissed.

[42] The Appellant had a reasonable alternative to quitting, which means he does not have just cause for his voluntary leaving. This means he cannot be paid the EI benefits he is requesting.

Gary Conrad

Member, General Division – Employment Insurance Section

[8] GD03-36