



Citation: *RG v Canada Employment Insurance Commission*, 2023 SST 1080

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

Decision

Appellant: R. G.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (559320) dated December 19, 2022 (issued by Service Canada)

Tribunal member: Marisa Victor

Type of hearing: Videoconference

Hearing date: May 18, 2023

Hearing participant: Appellant

Decision date: May 31, 2023

File number: GE-23-43

Decision

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

[2] The Appellant hasn't shown that he has worked enough hours to qualify for Employment Insurance (EI) benefits.

Overview

[3] The Appellant applied for EI benefits, but the Canada Employment Insurance Commission (Commission) decided that the Appellant hadn't worked enough hours to qualify.¹

[4] I have to decide whether the Appellant has worked enough hours to qualify for EI benefits.

[5] The Commission says that the Appellant doesn't have enough hours because he needs 665 hours but has only 513.

[6] The Appellant disagrees and says that when he started his job, the number of hours required was just 420. However, that number changed after September 24, 2022. When he was laid off on October 30, 2022, he had to meet the higher amount of 665. The Appellant feels it is unfair to change the requirements of the number of hours he had to have.

Issue

[7] Has the Appellant worked enough hours to qualify for EI benefits?

¹ Section 7 of the *Employment Insurance Act* (EI Act) says that the hours worked have to be "hours of insurable employment." In this decision, when I use "hours," I am referring to "hours of insurable employment."

Analysis

How to qualify for benefits

[8] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.² The Appellant has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not that he qualifies for benefits.

[9] To qualify, you need to have worked enough hours within a certain timeframe. This timeframe is called the “qualifying period.”³

[10] The number of hours depends on the unemployment rate in your region.⁴

The Appellant’s region and regional rate of unemployment

[11] The Commission decided that the Appellant’s region was the Toronto region and that the regional rate of unemployment at the time was 6.1%.

[12] This means that the Appellant would need to have worked at least 665 hours in his qualifying period to qualify for EI benefits.⁵

– The Appellant disagrees with the Commission

[13] The Appellant agrees with the Commission’s decisions about which region and regional rate of unemployment apply to him. However, the Appellant does not agree that he needed to work 665 hours to qualify for benefits. Instead, he wants the temporary Covid measure of 420 hours to apply to his application.

[14] The Appellant testified that when he started his position on July 18, 2022, he only needed 420 hours to qualify for EI. This requirement changed on September 24, 2022, but the Appellant says he wasn’t aware of the change until he was laid off and tried to

² See section 48 of the EI Act.

³ See section 7 of the EI Act.

⁴ See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.

⁵ Section 7 of the EI Act sets out a chart that tells us the minimum number of hours that you need depending on the different regional rates of unemployment.

apply for EI benefits. He believes it is unfair to change the number of hours as it applies to him. He says, had he known he needed 665 hours, he would have asked his employer to find him a few more weeks of seasonal employment in a different department so he could qualify. The Appellant wants the 420-hour minimum to apply to his case.

[15] Unfortunately, I find that there is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant needs to have worked 665 hours to qualify for benefits.

[16] The number of hours usually depends on the unemployment rate in your region. But the government brought in several temporary rules to help people qualify for EI benefits during the covid pandemic. One of those temporary changes meant that most people only needed 420 hours to qualify for benefits. The temporary change was in place for new EI applications made between September 26, 2021 and September 24, 2022.

[17] The Appellant stopped work on October 30, 2022. His application does not fall within the applicable window. The Appellant was required to work 665 insurable hours throughout his qualifying period. The Appellant cannot back-date his application because he was working until October 30, 2022 and therefore did not qualify for EI benefits until he lost his job.

[18] I understand the Appellant's desire to qualify under the temporary Covid policy. But that policy doesn't apply to him because it had already expired when the Appellant applied for benefits.

[19] So, I accept as fact that the Appellant's region was the Toronto region and that the regional rate of unemployment at the time was 6.1%. This means that the Appellant would need to have worked at least 665 hours.

The Appellant's qualifying period

[20] As noted above, the hours counted are the ones that the Appellant worked during his qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.⁶

[21] Your benefit period isn't the same thing as your qualifying period. It is a different timeframe. Your benefit period is the time when you can receive EI benefits.

[22] The Commission decided that the Appellant's qualifying period was the usual 52 weeks. It determined that the Appellant's qualifying period went from November 7, 2021 to November 5, 2022.

– The Appellant agrees with the Commission

[23] The Appellant agrees with the Commission's decision about his qualifying period.

[24] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant's qualifying period is from November 7, 2021 to November 5, 2022.

The hours the Appellant worked

– The Appellant agrees with the Commission

[25] The Commission decided that the Appellant had worked 513 hours during his qualifying period.

[26] The Appellant doesn't dispute this. So, I accept it as fact.

So, has the Appellant worked enough hours to qualify for EI benefits?

[27] I find that the Appellant hasn't proven that he has enough hours to qualify for benefits because he needs 665 hours but has worked 513 hours.

⁶ See section 8 of the EI Act.

[28] EI is an insurance plan, and, like other insurance plans, you have to meet certain requirements to receive benefits.

[29] In this case, the Appellant doesn't meet the requirements, so he doesn't qualify for benefits. While I sympathize with the Appellant's situation, I can't change the law.⁷

Conclusion

[30] The Appellant doesn't have enough hours to qualify for benefits.

[31] This means that the appeal is dismissed.

Marisa Victor

Member, General Division – Employment Insurance Section

⁷ See *Pannu v Canada (Attorney General)*, 2004 FCA 90.