



[TRANSLATION]

Citation: *SG v Canada Employment Insurance Commission*, 2023 SST 996

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

**Decision**

**Appellant:** S. G.  
**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (579187) dated April 11, 2023  
(issued by Service Canada)

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**Tribunal member:** Manon Sauvé  
**Type of hearing:** Teleconference  
**Hearing date:** July 6, 2023  
**Hearing participant:** Appellant  
**Decision date:** July 25, 2023  
**File number:** GE-23-1225

## **Decision**

[1] The appeal is dismissed.

[2] The Appellant voluntarily left her job.

[3] In addition, she hasn't shown just cause for voluntarily leaving her job. She had reasonable alternatives to leaving.

[4] This means that the Appellant is disqualified from receiving Employment Insurance (EI) benefits.

## **Overview**

[5] The Appellant worked for a fast food chain for nearly 30 years. On October 5, 2022, she voluntarily left her job because the employer didn't let her wear a religious symbol.

[6] She applied to the Commission for EI benefits. After investigating, the Commission denied her EI benefits.

[7] According to the Commission, the employer didn't prohibit the Appellant from wearing a religious symbol, but rather asked her to wear it under her clothes, because there are hygiene standards to be met in food service. Wearing jewellery and other accessories is prohibited.

[8] The Appellant disagrees. Her employer discriminated against her. A new employee was allowed to wear a veil, which is a religious symbol, but she wasn't allowed to wear a chain with a cross.

## **Issue**

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

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

## **Analysis**

### **The parties don't agree that the Appellant voluntarily left**

[11] First, I have to decide whether the Appellant voluntarily left her job. It is up to the Commission to prove, on a balance of probabilities, that the Appellant voluntarily left her job.<sup>1</sup> Essentially, it has to show that it is more likely than not that the Appellant voluntarily left.

[12] The determination of whether an employee voluntarily left is a simple one. The question to be asked is this: Did the employee have a choice to stay or to leave?<sup>2</sup>

[13] I note that the Appellant had worked for a fast food chain for 27 years. On October 4, 2022, a new employee showed up for work with a hijab. The next day, the Appellant showed up for work with a Catholic rosary around her neck.

[14] The employer met with the Appellant and asked her to take the rosary off or at least wear it under her shirt. This is a standard of hygiene required by government authorities. You can't have jewellery or other items that could, among other things, fall into food.

[15] The Appellant told her employer that she wanted to wear her religious symbol just like the new employee. Otherwise, she would have to leave her job. The employer invited her to quit, since it would not change its mind on that issue.

[16] At the hearing, the Appellant said that she hadn't left her job. Instead, she told her employer that she should leave her job because it hadn't respected her right to wear a religious symbol. It told her to leave her job at that time.

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<sup>1</sup> See *Green v Canada (Attorney General)*, 2012 FCA 313.

<sup>2</sup> See *Canada (Attorney General) v Peace*, 2004 FCA 56.

[17] I disagree with the Appellant. Based on the evidence on file, I find that she voluntarily left her job. She told the Commission that she voluntarily left her job because of discrimination.<sup>3</sup> In her reconsideration request, she wrote that she left her job because of discrimination.<sup>4</sup>

[18] Also, when she told her employer that she should leave her job if she could not wear her rosary, she had a choice to stay or to leave. The employer didn't prohibit her from wearing her rosary; it asked her to wear it under her shirt to comply with hygiene standards.

[19] In the circumstances, I find that the Commission has shown that the Appellant voluntarily left her job.

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

[20] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.<sup>5</sup> Having a good reason for leaving a job isn't enough to prove just cause.

[21] 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 of your case.<sup>6</sup>

[22] It is up to the Appellant to prove that she had just cause.<sup>7</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 Appellant had just cause, I have to look at all of the circumstances that existed when she quit.

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<sup>3</sup> See GD3-7.

<sup>4</sup> See GD3-29 and GD3-30.

<sup>5</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

<sup>6</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

<sup>7</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

[23] The Appellant says that she left her job because her employer didn't let her display her religious beliefs, since she could not wear her Catholic rosary. Her employer discriminated against her on religious grounds.

[24] According to the Appellant, she was entitled to wear a rosary just like her co-worker who wore a hijab. If the employer made an exception for her Muslim co-worker in terms of how she dressed, it had to do so for her, a Christian.

[25] The Appellant also argues that a rosary isn't a piece of jewellery but an object of religious devotion.

[26] For its part, the Commission says that the Appellant showed up wearing a religious symbol the very next day after the arrival of her new co-worker. She didn't discuss the situation with her employer; she showed up with her rosary. In addition, it was her first time wearing a religious symbol in 27 years of service.

[27] Moreover, it isn't necessarily discriminatory not to allow the Appellant to wear a rosary, since it goes against hygiene standards.

[28] After reviewing the record, hearing the Appellant, and considering the parties' submissions, I find that the Appellant didn't have just cause for voluntarily leaving her job.

[29] The Appellant can't claim that she was discriminated against because she wanted to wear a rosary over her clothes. This violates hygiene standards. I won't waste time arguing the definition of a piece of jewellery or a rosary. Both are objects that can end up in a dish.

[30] In addition, I find that the Appellant had reasonable alternatives to voluntarily leaving. She could have worn her rosary under her clothes to comply with hygiene standards. It isn't that she wasn't allowed to express her religion.

[31] I note that she took the initiative of showing up for work without having discussed the situation with her employer. She presented the employer with a done deal and didn't accept the accommodation it suggested.

[32] In the circumstances, the Appellant hasn't shown that she had just cause for voluntarily leaving her job. She had reasonable alternatives to leaving.

## **Conclusion**

[33] I find that the Appellant is disqualified from receiving benefits.

[34] This means that the appeal is dismissed.

Manon Sauvé  
Member, General Division – Employment Insurance Section