



Citation: *SM v Canada Employment Insurance Commission*, 2023 SST 1842

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

## Decision

**Appellant:** S. M.  
**Representative:** T. G.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (555958) dated November 30,  
2022 (issued by Service Canada)

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**Tribunal member:** Edward Houlihan

**Type of hearing:** Videoconference  
**Hearing date:** April 11, 2023  
**Hearing participants:** Appellant  
Appellant's representative

**Decision date:** August 21, 2023  
**File number:** GE-22-3826

## **Decision**

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

[2] The Appellant hasn't shown just cause (in other words, a reason the law accepts) for leaving her job when she did. The Appellant 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 Appellant left her job on August 3, 2022, and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. 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 Appellant has proven that she had no reasonable alternative to leaving her job.

[5] The Appellant says she had just started a new job and she had problems with a co-worker. She says she was bullied and harassed.

[6] The Commission says that the Appellant could have tried to work out the problems she had with the co-worker. She could have told her employer she was having problems with a co-worker to see if they had other solutions.

[7] The Appellant disagrees and says she felt the workplace was a toxic environment. She had no choice but to quit the job.

## **Issue**

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

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

## **Analysis**

### **The parties agree that the Appellant voluntarily left.**

[10] I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit on August 3, 2022. I see no evidence to contradict this.

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

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

[12] 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.

[13] 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>

[14] It is up to the Appellant to prove that she had just cause.<sup>3</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 the Appellant quit.

[15] The Appellant says that she left her job because she was bullied and harassed by a co-worker.

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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 3.

[16] The Appellant moved to start a new job at a fish plant. When she started working, another employee was assigned to teach her the job. She says this co-worker was aggressive and rude to her. She made her feel stupid.

[17] She says the co-worker spoke down to her and was always rolling her eyes at her as if she couldn't believe how bad the Appellant was at doing the job.

[18] A friend of the Appellant who was working at the plant says that she saw the co-worker bullying and harassing the Appellant.<sup>4</sup>

[19] The Appellant says she felt the workplace was a toxic environment.

[20] The Appellant worked one four-hour shift and quit. She says that she had no reasonable alternative to leaving at that time.

[21] The Commission says that the Appellant didn't have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it says that the Appellant could have tried to resolve the problem she was having with her co-worker. Also, she could have spoken to her employer to see if they could fix the problem with the co-worker.

[22] I find that the Appellant hasn't shown just cause for quitting her job. She had reasonable alternatives to leaving.

[23] The Appellant couldn't give an example of the bullying by the co-worker as it was mostly the co-worker's body language and tone of voice.<sup>5</sup>

[24] The Appellant says she was a victim of bullying in the past and had lost confidence in herself.<sup>6</sup>

[25] The Appellant's friend that came to work with her says a supervisor was screaming in the Appellant's face about how she wasn't doing her job right.<sup>7</sup> However

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<sup>4</sup> See GD6-2

<sup>5</sup> See GD3-28

<sup>6</sup> See GD3-35

<sup>7</sup> See GD6-2

the Appellant didn't recall this event. She says she just felt the co-worker was very condescending towards her.

[26] The employer says the co-worker is a very good worker with experience. She was placed with the Appellant because she could help the Appellant learn the job<sup>8</sup>

[27] The Appellant says that the co-worker tried to apologize to her after work.<sup>9</sup> However, the Appellant says her friend wouldn't let the co-worker talk to the Appellant.

[28] The Appellant says she sent a text message or left a message with the supervisor that she was quitting her job. She didn't speak to her supervisor or the plant manager before she quit. She just wanted to leave and feel safe.

[29] The employer says they knew nothing about a problem in the plant with the Appellant and the co-worker. They say that they take those situations seriously and take action to correct the problem. They say if they that if they had known about the problem, they could have tried to fix it.

[30] They say they could have put the Appellant and the co-worker on different shifts or put them at different workstations in the plant<sup>10</sup>.

[31] I accept that the Appellant may have difficulties with her self-confidence from her life experiences. However, the co-worker tried to apologize to the Appellant if she had done something to upset her, but the Appellant wouldn't accept the apology.<sup>11</sup>

[32] The Appellant could have accepted the apology of the co-worker and then continued working to see if they were able to work better together in the future.

[33] The Appellant could have told her employer about her problem with the co-worker and see if the employer could fix the problem. The employer says that they had possible solutions to the problem that they were prepared to try.

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<sup>8</sup> See GD3-30

<sup>9</sup> See GD-3-37

<sup>10</sup> See GD3-38

<sup>11</sup> See GD3-40

[34] Considering all the circumstances the Appellant hadn't exhausted all reasonable alternatives before quitting her job.

## **Conclusion**

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

[36] This means that the appeal is dismissed.

Edward Houlihan  
Member, General Division – Employment Insurance Section