



Citation: *GF v Canada Employment Insurance Commission*, 2023 SST 1869

Social Security Tribunal of Canada General Division – Employment Insurance Section

Decision

Appellant: G. F.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (621704) dated October 13, 2023 (issued by Service Canada)

Tribunal member: Paula Turtle

Type of hearing: Teleconference

Hearing date: November 24, 2023

Hearing participant: Appellant

Decision date: December 1, 2023

File number: GE-23-3038

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 his job when he did. The Appellant didn't have just cause because he had reasonable alternatives to leaving. This means he is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Appellant left his job as a truck operator at a remote worksite on July 14, 2023, and applied for EI benefits. 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, so it wasn't able to pay him benefits.

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

[5] The Appellant says the workplace rules were always changing. And sometimes it was unsafe. He was disciplined twice. His supervisor said he would be let go if he screwed up again.

[6] The Commission says that the Appellant could have discussed his concerns with his supervisor or with his union. He could have filed a complaint. Or he could have found another job before he quit.

[7] The Appellant disagrees and states that he had no choice but to quit when he did. His union rep was away. He didn't think about filing a complaint. And it was hard to look for another job while he was on site.

Issue

[8] Is the Appellant disqualified from receiving benefits because he voluntarily left his 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 his job. The Appellant agrees that he quit on July 14, 2023. 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 his job when he 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.¹ 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.²

[14] 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.

[15] The Appellant says that he left his job because he was going to be let go anyway. It was too hard to follow the rules. Sometimes he was told to do things that were against the rules. He used radios to communicate with supervisors and other

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.

workers. But they didn't work properly. He was on his last warning. And it was just a matter of time before he screwed up again.

[16] The Commission says that the Appellant didn't have just cause, because he had reasonable alternatives to leaving when he did. Specifically, it says that the Appellant could have discussed his concerns about what was happening at work with his supervisor or with his union. He could have filed a complaint. Or he could have found another job before he quit.

[17] He says that he had no reasonable alternative to leaving at that time because his union rep was away. He didn't think about filing a complaint. And he couldn't look for work while he was in camp.

– **The circumstances that existed when the Appellant left**

[18] The Appellant worked at a remote location in northern Alberta. It was a fly-in site. The workers lived in a camp.

[19] The Appellant drove a truck. He had to pick up waste material and dump it. The rule is that when you dump the waste, you are not supposed to back up. But sometimes conditions were bad. And then, the operators would tell him to back up.

[20] The Appellant and the operators and supervisors communicated by radio. But often, the radios didn't work. It was hard to hear instructions and directions.

[21] When he quit, the Appellant was still in his probationary period.

[22] The Appellant told me at the hearing he wasn't sure if he had two warnings. But he told a Service Canada agent he had two warnings. And he said in his request for reconsideration that his employer told him he had two warnings.

[23] I think what the Appellant told the agent and what was in his request for reconsideration is reliable. He had two earlier chances to think about the issue and he indicated both times that he had two warnings. It is more reliable than what he said at the hearing. So, I find that he had two warnings.

[24] The warnings were for not following procedures and for not using proper radio channels. The Appellant says it was a matter of time before he got another warning. And then he would be let go. So, he decided to quit.

[25] The Appellant says directions were inconsistent. And the radios didn't work properly. So, he says the working conditions were unsafe.

[26] On his last shift, the Appellant's supervisor told him to park his truck. She said she would come and talk to him.

[27] Later that shift, the supervisor talked to the Appellant. She told him he wasn't doing very well at work. She asked if it would help if he tried a different truck. The Appellant didn't think that would help. He was on his third truck. And, it had the best radio of all the trucks he'd used.

[28] She asked if he was having mental health issues or problems at home. The Appellant said nothing was bothering him. He said sometimes the radios don't work properly.

[29] The supervisor said he'd been written up twice. She said he should not work for the rest of his shift. He went back to camp.

[30] The Appellant was scheduled to work the next day at 5:30 pm. He decided to quit before his shift started the next day. So, he called a cab to take him to the airport.

[31] He did not talk to anyone before he left camp. His supervisor texted him soon after 5:30 pm. They asked why he wasn't at work. The Appellant said he was done.

– **Why did the Appellant leave?**

[32] The Appellant said he could not stay there another day. He was frustrated with the directions he was given and the condition of the radios. He felt like those things wouldn't change.

[33] The Appellant was on his last warning. He would be let go the next time something went wrong. And he was sure something would go wrong. So, he quit before he could be let go.

– **There were many reasonable alternatives available to the Appellant**

[34] The Appellant left work without telling the employer he was going. This tells me that he was frustrated. But his frustration does not excuse him from considering other reasonable alternatives to leaving when he did. There were many reasonable alternatives available to the Appellant.

[35] The Appellant had a union. He said the union had been pretty good to him. His union rep was away. So, the Appellant couldn't contact him.

[36] The Appellant said he couldn't wait until the rep got back from vacation because he couldn't stay in camp if he was not working.

[37] There was another union rep in camp. He worked the other shift. The Appellant didn't know that rep. He agreed the union could have told him who it was. But he didn't call the union and ask.

[38] There were regular safety discussions on site – every shift and every week. The Appellant didn't raise his health and safety concerns at those meetings.

[39] And, he didn't raise his health and safety concerns with a provincial regulator.

[40] The Appellant was looking for other jobs before he decided to quit. He told me he couldn't look for jobs at camp because there was no Wi-Fi. He later agreed that he could have looked for jobs while he was in camp, by using data.

[41] I find that the Appellant had reasonable alternatives to leaving when he did. He could have raised his safety concerns at the safety meetings, he could have spoken to a union rep – either by waiting until his rep returned, or by finding out who was the rep on the other shift, or he could have kept working until he found another job.

Conclusion

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

[43] This means that the appeal is dismissed.

Paula Turtle

Member, General Division – Employment Insurance Section