



Citation: *PB v Canada Employment Insurance Commission*, 2024 SST 372

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

## Decision

**Appellant:** P. B.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (638114) dated January 11, 2024 (issued by Service Canada)

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**Tribunal member:** Susan Stapleton

**Type of hearing:** Teleconference

**Hearing date:** March 12, 2024

**Hearing participant:** Appellant

**Decision date:** March 22, 2024

**File number:** GE-24-442

## 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 heavy equipment operator in Alberta on October 26, 2023, and returned home to Newfoundland. He applied for EI benefits on October 30, 2023.

[4] 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.

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

[6] The Commission says that instead of leaving his job when he did, the Appellant could have continued working and looked for a more suitable job, gotten a medical note to prove that he had an obligation to care for an immediate family member, talked to his brother about sharing responsibility for caring for their mother, or asked the employer for a period of leave so that he could help his wife during her temporary medical condition.<sup>1</sup>

[7] The Appellant disagrees. He says he quit his job in Alberta for family reasons.<sup>2</sup> He found it difficult to pay bills in Alberta and in Newfoundland at the same time. He

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<sup>1</sup> See GD4-5.

<sup>2</sup> See GD2-7.

could only afford to get home every seven or eight weeks. His wife is in Newfoundland, and it was a strain on his marriage.<sup>3</sup>

## **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 October 26, 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.<sup>4</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>5</sup>

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<sup>3</sup> See GD3-10.

<sup>4</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

<sup>5</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

[14] It is up to the Appellant to prove that he had just cause. 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.<sup>6</sup>

[15] When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit. The law sets out some of the circumstances I have to look at.<sup>7</sup>

[16] After I decide which circumstances apply to the Appellant, he then has to show that he had no reasonable alternative to leaving at that time.<sup>8</sup>

### **The circumstances that existed when the Appellant quit**

[17] The Appellant says that two of the circumstances set out in the law apply. Specifically, he says that one of the reasons he quit his job was to look after his mother<sup>9</sup> and his wife.<sup>10</sup> He says his job was causing him stress and anxiety, so he quit for his mental health as well.<sup>11</sup>

### **Obligation to care for a member of the immediate family**

[18] The law says that a claimant who has an obligation to care for an immediate family member has just cause for leaving if they had no reasonable alternative but to quit.<sup>12</sup>

[19] I find that the Appellant didn't have an obligation to care for his mother or his wife.

[20] The Commission says the Appellant didn't provide any medical evidence to show that he had an obligation to care for an immediate family member. It says his intention

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<sup>6</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

<sup>7</sup> See section 29(c) of the Act.

<sup>8</sup> See section 29(c) of the Act.

<sup>9</sup> See GD3-27.

<sup>10</sup> See GD3-29.

<sup>11</sup> See GD3-29.

<sup>12</sup> See section 29(c)(v) of the Act.

to support his wife and assist his ailing mother is commendable, and is a good reason for wanting to leave his job, but is not just cause within the meaning of the Act.<sup>13</sup>

[21] The Appellant initially reported that the reason for quitting his job was not due to an illness in the family.<sup>14</sup>

[22] In his request for reconsideration form, the Appellant said that his wife and mother needed him at home. He said that the distance between his home in Newfoundland and his job in Alberta was too great, and he could only afford to travel home once every two months. His mother was sick and needed him to help look after her. His wife traveled for work, and she needed him home to help with everyday chores.<sup>15</sup>

[23] During the reconsideration process, the Appellant told the Commission that his mother only needed his help from time to time. He said his wife had a temporary back condition and was in physiotherapy treatment.<sup>16</sup>

[24] The Appellant testified that his mother is 80 years old, and lives across the street from him in Newfoundland. Five years ago, she developed pancreatitis, and she needs him at home to help her when necessary. For example, a week before the hearing, he had to take his mother to the hospital. He is the only one who takes care of his mother. He said his mother is still independent and doesn't need a caregiver, but it's a comfort for her to know that he is there when she needs him.

[25] The Appellant testified that his wife has been in physiotherapy for a couple of years for problems with her back. He said she had been off work due to her back problem, and returned to work around November 2023. He said that his wife didn't need a caretaker, and that she tried to manage things on her own. He said that his wife found

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<sup>13</sup> See GD4-5.

<sup>14</sup> See GD3-21.

<sup>15</sup> See GD3-27.

<sup>16</sup> See GD3-29.

it hard that he was away at work for two months at a time, and she wanted and needed him home. Being away at work was a stress on his marriage after awhile.

[26] I find that the Appellant didn't leave his job because he had an obligation to care for his mother, or his wife. He confirmed in his testimony that neither his mother nor his wife required a caregiver. It was a comfort for his mother to have him nearby, and his wife found it hard having him away at work for long periods of time, but they didn't require his assistance in their care.

[27] I recognize that the Appellant wanted to be at home in Newfoundland to be there for his wife and mother, but his personal feelings are not the same as an obligation. As there is no evidence before me that the Appellant was obligated to care for an immediate family member, I find that section 29(c)(v) of the Act does not apply in this case.

### **Working conditions that constitute a danger to health or safety**

[28] The law says that a claimant who experiences working conditions that constitute a danger to health or safety has just cause for leaving if they had no reasonable alternative but to quit.<sup>17</sup>

[29] I find that the Appellant's working conditions didn't constitute a danger to his health or safety.

[30] Where a claimant says they quit their job because their working conditions were dangerous for their health or safety, they usually need to:

(a) provide medical evidence;<sup>18</sup>

(b) attempt to resolve the problem with the employer;<sup>19</sup> **and**

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<sup>17</sup> See section 29(c)(iv) of the Act.

<sup>18</sup> See *CUB 11045*.

<sup>19</sup> See *Hernandez 2007 FCA 320* and *CUB 21817*.

(c) attempt to find other work prior to leaving.<sup>20</sup>

[31] The Appellant has the onus of establishing that his work caused negative health effects.

[32] The Commission says the Appellant wasn't advised by a doctor to leave his job because it wasn't good for his mental health, and he didn't speak to the employer about finding his job stressful.<sup>21</sup>

[33] During the reconsideration process, the Appellant told the Commission that his mental health was one of the reasons why he quit his job. He said he was an electrician by trade, but he worked for the employer driving a big heavy-haul truck. Although he had all of the necessary training, he felt anxious and stressed doing the job some days, because a mistake could cause a fatality. He didn't talk to his employer about his concerns, because he was afraid that if he did, he would be let go. He said he started taking medication for anxiety and stress in the spring of 2023. He said that he didn't go see a doctor before he quit, and that no doctor advised him to leave his job, or that his job wasn't good for his mental health.<sup>22</sup>

[34] The Appellant testified that the situation back home in Newfoundland with his wife and mother was also causing him stress, because he was away working for such long periods. He worked on a seven-day rotation, and he could only afford to fly home every 8-10 weeks. It was hard to stay on top of his household chores back home.

[35] The Appellant testified that he had worked in Alberta for many years, as an electrician. But in that job, he worked on a different schedule and his flights were paid for by his employer, so he was able to go home regularly.

[36] The Appellant testified that he saw a doctor in Alberta in September or October 2023, and he was prescribed medication for stress and anxiety, which made him feel worse. He also saw his family doctor while he was in Newfoundland, who prescribed a

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<sup>20</sup> See *Murugaiah* 2008 FCA 10 and *CUBs 18965* and *27787*.

<sup>21</sup> See *GD4-5*.

<sup>22</sup> See *GD3-30*.

different medication, but that medication didn't help him either. He feels better since leaving the stress of his job and returning home to Newfoundland.

[37] I understand that the Appellant was feeling stressed at the time that he quit. He felt that his job was dangerous, and he was stressed that he couldn't get home to his family often enough. It was causing a strain on his marriage. But he didn't provide a doctor's note or any medical evidence to support that his job was endangering his health and/or that he had to leave his job for a medical reason.

[38] As there is no evidence before me that the Appellant's work conditions constituted a danger to his health or safety, I find that section 29(c)(iv) of the Act does not apply in this case.

### **Financial concerns**

[39] The Commission says that the Appellant quit his job due to financial concerns. It noted that he said he quit because he found it financially difficult to work and pay bills back in Newfoundland, while paying rent, bills, and flights to Alberta at the same time. It says the employer confirmed that the Appellant quit due to financial concerns related to the cost of travel.<sup>23</sup>

[40] The Appellant argues that while the Commission says that he left his job for financial reasons, he actually left his job for family reasons.<sup>24</sup>

[41] I find that financial concerns played a part in the Appellant quitting his job. He said in his application for benefits that he found it financially difficult to pay bills in both Newfoundland and Alberta. He said he could only afford to fly home every seven or eight weeks, which was a strain on his marriage.<sup>25</sup> He told the Commission that being away was causing a strain on his marriage and financial issues.<sup>26</sup> During the reconsideration process, he said that he couldn't afford to fly home to see his family

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<sup>23</sup> See GD4-4.

<sup>24</sup> See GD2-7.

<sup>25</sup> See GD3-10.

<sup>26</sup> See GD3-21.



regularly, which was causing stress for him and his wife.<sup>27</sup> He testified that he worked on a seven-day rotation, but he couldn't fly home every seven days, because it wasn't economical.

[42] The Appellant testified that being away for work for eight to ten weeks at a time meant he couldn't properly take care of his chores at home or be there for his wife and mother. He couldn't afford to fly home more regularly to take care of things at home. Everything kept adding up, and his wife and mother had to come first, so he made the decision to quit his job and go back to Newfoundland.

[43] So, the circumstances that existed when the Appellant quit his job were that he was working away from home. He couldn't afford to fly home regularly to take care of things there and be there for his wife and mother. He found his job was stressful some days, and being gone for long periods was putting a strain on his marriage, which was also causing him stress. He decided his wife and mother came first, and decided to quit his job and return home to Newfoundland.

### **The Appellant had reasonable alternatives**

[44] I must now look at whether the Appellant had no reasonable alternative to leaving his job when he did.

[45] The Appellant says that he had no reasonable alternative, because his wife and mother needed him at home, and his work schedule and the cost of flights prevented him from flying home regularly. He was stressed out by the strain his extended periods away at work had on his marriage, and also found his job stressful some days.

[46] The Commission disagrees and says that the Appellant could have continued working in his job and looked for one that better suited him, tried to get a medical note to prove that he had an obligation to care for a member of his immediate family,

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<sup>27</sup> See GD3-29-30.

arranged a schedule with his brother to take turns caring for their mother, or asked his employer for a period of leave to help his wife during her temporary medical condition.<sup>28</sup>

[47] I find that the Appellant didn't have the reasonable alternative of asking a doctor for a medical note to support that he had an obligation to care for his mother or his wife. He testified, and I accept, that neither his mother nor his wife required a caregiver.

[48] I asked the Appellant at the hearing whether it would have been an option for him to talk to his brother, who lives in Alberta, about taking turns caring for their mother in Newfoundland. He said that his brother is on disability and isn't able to travel to Newfoundland, due to failed back surgery. So, I find that this would not have been a reasonable alternative for him.

[49] The Appellant testified that he broke his arm, and he was off work on sick leave until August 2023. He said he didn't want to ask the employer to take a period of leave, because he was worried about how that would make him look, after just being off sick for four months.

[50] The employer told the Commission that there was nothing in the Appellant's employee file showing he had asked for any type of leave before quitting his job. It said a request for a personal family leave would be reviewed and may be allowed, depending on the situation. It said that even if someone has taken a medical leave recently, with another medical note they would be granted a medical leave. The employer said it does not have short term disability, but it does have long term disability.<sup>29</sup>

[51] Although he saw a doctor in Alberta and his family doctor in Newfoundland, the Appellant testified that he didn't speak to either of them about quitting his job, or taking some time off work, to address his concerns with his mental health.

[52] I find that talking to his doctor about his mental health concerns was a reasonable alternative to the Appellant quitting when he did. He could have asked his

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<sup>28</sup> See GD4-5.

<sup>29</sup> See GD3-31.

doctor to support him taking sick leave to address his mental health issues, instead of quitting his job. If he felt he had to quit his job for the sake of his mental health, he could have consulted a doctor for medical support before doing so.

[53] The Appellant also had the reasonable alternative of asking his employer if he could take a personal leave, to attend to his personal issues in Newfoundland. He testified that he would possibly like to return to Alberta to work, if he could get his family and financial issues at home straightened out.

[54] The Appellant told the Commission that he made efforts to look for other work before quitting his job in Alberta.<sup>30</sup> He said he couldn't find a job in Newfoundland before he quit.<sup>31</sup>

[55] The Appellant testified that he previously worked as an electrician, in Newfoundland and in Alberta. He said he inquired with the electrical union before he quit, and he has now re-joined the electrical union. But he has to complete some courses before he can get back to doing electrical work, and right now, he can't afford to do that.

[56] I asked the Appellant if he had looked for other work before quitting his job in Alberta. He said he was too stressed out at the time and wasn't even thinking about looking for another job. He figured he would look for work once he got home to Newfoundland. He hasn't found a job yet, but he has a chance to go lobster fishing for eight weeks in May.

[57] I find that the Appellant didn't look for other work before he quit his job. I prefer the Appellant's testimony that he didn't start looking for another job until after he quit, over his statement to the Commission that he had done so. There were no details provided to the Commission about where or when he had looked for work before quitting his job in Alberta. And when I asked him about it at the hearing, he testified under affirmation that he was "mesmerized" and too stressed out to look for other work

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<sup>30</sup> See GD3-21.

<sup>31</sup> See GD3-30.

before he quit. He said he figured he would look for a new job once he got home to Newfoundland, adding “where was I going to find a job in Newfoundland last October?”

[58] I find that a reasonable alternative to the Appellant quitting his job when he did, would have been to look for a job in Newfoundland before he left his job in Alberta. I find that this was a reasonable alternative because none of the circumstances that existed when he quit created an urgency for him to leave. Neither his wife nor his mother required a caregiver, and the evidence doesn’t support that his job posed a risk to his health, so there was no urgent need for the Appellant to quit his job and return to Newfoundland when he did. The Federal Court of Appeal is clear that staying employed until a new job is secured is generally a reasonable alternative to leaving.<sup>32</sup>

[59] Considering all of the circumstances that existed at the time the Appellant quit, I find that the Appellant had the reasonable alternatives of consulting his doctor for support in taking a medical leave or leaving his job, asking his employer if he could take a personal leave, and looking for another job in Newfoundland, before quitting his job in Alberta. This means the Appellant didn’t have just cause for leaving his job.

[60] There is no doubt that the Appellant had good reasons for leaving his job. He wanted to be close to his family, and his work schedule and the cost of flying didn’t allow him to get home regularly. This was putting a strain on his marriage, and was causing him stress. He also found his job stressful some days. But those reasons, even when considered together, don’t amount to just cause under the Act.

[61] The Federal Court of Appeal has clearly held that good cause for quitting a job is not the same as the statutory requirement for “just cause,”<sup>33</sup> and that it is possible for a claimant to have good cause for leaving their employment, but not “just cause” within the meaning of the law.<sup>34</sup>

[62] EI isn’t an automatic benefit. Ei is meant to compensate people who are unemployed through no fault of their own and like any other insurance program, you

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<sup>32</sup> See *Canada (Attorney General) v Graham*, 2011 FCA 311.

<sup>33</sup> See *Laughland* 203 FCA 129.

<sup>34</sup> See *Vairumuthu* 2009 FCA 277.

must meet certain requirements to qualify. In this case, the Appellant doesn't meet the requirements to receive benefits, because he put himself in a position of unemployment when there were reasonable alternatives to leaving his job.

## **Conclusion**

[63] The Appellant has not shown that he had just cause for leaving his job when he did, because he had reasonable alternatives to leaving his job. He is therefore disqualified from receiving benefits.

[64] This means that the appeal is dismissed.

Susan Stapleton  
Member, General Division – Employment Insurance Section