



Citation: *MM v Canada Employment Insurance Commission*, 2025 SST 205

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

## **Decision**

**Appellant:**

M. M.

**Respondent:**

Canada Employment Insurance Commission

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**Decision under appeal:**

Canada Employment Insurance Commission  
reconsideration decision (681504) dated September 20,  
2024 (issued by Service Canada)

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**Tribunal member:**

Catherine Shaw

**Type of hearing:**

In person

**Hearing date:**

December 30, 2024

**Hearing participant:**

Appellant

**Decision date:**

January 3, 2025

**File number:**

GE-24-3727

## Decision

[1] The appeal is dismissed. The General Division 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 worked at a convenience store. Over the course of her employment, she felt the owner of the store was constantly picking on her. The owner would often blame the Appellant for things that had been done wrong, even if it wasn't the Appellant's fault. The Appellant tried discussing this with the employer, but the treatment never improved. She decided to resign because being treated poorly was stressful and affected her health.

[4] 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.

[5] I must decide whether the Appellant has proven that she had no reasonable alternative to leaving her job.

[6] The Commission says that the Appellant could have looked for other work before quitting or sought medical attention for her stress.

[7] The Appellant disagrees and states that she couldn't continue working there while she looked for other work or waited for a medical appointment. The stress and pressure of her employer's treatment built up and she couldn't take it any longer.

## **Matter I have to consider first**

### **The employer is not a party to this appeal**

[8] The Tribunal identified the Appellant's former employer as a potential added party to the Appellant's appeal. The Tribunal sent the employer a letter asking if they had a direct interest in the appeal and wanted to be added as a party. The employer did not respond by the date of this decision. As there is nothing in the file that shows the employer has a direct interest in the appeal, I have decided not to add them as a party to this appeal.

## **Issue**

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

[10] 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**

[11] I accept that the Appellant voluntarily left her job. The Appellant agrees that she gave the owner her resignation on May 19, 2024, and stopped working as of May 25, 2024. I see no evidence to contradict this.

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

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

[13] 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.

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<sup>1</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

[14] 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>

[15] 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.

[16] When I decide whether the Appellant had just cause, I have to look at all the circumstances that existed when the Appellant quit. The law sets out some of the circumstances I have to look at.<sup>4</sup>

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

[17] The Appellant was employed at a convenience store. She resigned from the job because the owner treated her poorly, including:

- speaking disrespectfully to the Appellant
- not returning or appreciating any of the Appellant’s friendly gestures
- blaming the Appellant for things that were not her fault
- making the Appellant do tasks that she knew were painful for due to the Appellant’s arthritis.

[18] The Appellant spoke to the Tribunal openly about her experience working for the employer. She said the owner continuously harassed her. The owner lived above the store and would watch the Appellant on the store’s cameras while she was working. She would often come down during the Appellant’s shifts and yell at her for something.

[19] The Appellant said the owner blamed her for everything. If products on the shelves weren’t facing forward, the owner would blame the Appellant and tell her to fix it right away, even if it wasn’t the Appellant’s fault. The owner would often yell at the

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<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.

<sup>4</sup> See section 29(c) of the Act.

Appellant in front of customers and other staff. The Appellant cried at work after these incidents. She said she tried to speak to the owner about it, but the owner just walked away or dismissed what she was saying.

[20] The Appellant told her employer when she started that she had arthritis and would struggle to work on the lower shelves. Despite that, she described an incident in which the employer directed her to get down on the floor and fix some products that hadn't been pulled forward on their shelf. Once the Appellant finished that and painfully got back up, the owner told her to get down on the floor and fix some other things.

[21] The Appellant testified that the stress of her treatment at work began affecting her health. She became irritable with her family. Her children told her they noticed this change and that she had to leave her job to get away from that treatment.

[22] The Appellant said that she loved her job and the people she worked with. She genuinely loved seeing the customers each day. She had to leave her job because the owner was continuously harassing her.

[23] The Appellant says that she was being harassed at work. This is one of the circumstances set out in law.<sup>5</sup> Another circumstance in the law may also apply to the Appellant's situation, even though she didn't directly argue it. That is whether she experienced antagonism with a supervisor for which she was not primarily responsible.<sup>6</sup>

[24] After I decide which circumstances apply to the Appellant, she then has to show that she had no reasonable alternative to leaving at that time.<sup>7</sup>

– **Was the Appellant being harassed at work?**

[25] No. I find there isn't sufficient evidence to show that the Appellant was harassed at work.

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<sup>5</sup> See section 29(c)(i) of the EI Act.

<sup>6</sup> See section 29(c)(x) of the EI Act.

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

[26] Harassment is usually seen as acts or verbal comments that could mentally hurt or isolate a person in the workplace. It commonly involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade, or humiliate someone.<sup>8</sup>

[27] The Appellant felt that the owner deliberately targeted her. She says the owner would walk past other staff to yell at the Appellant about something that was wrong in the store. She would blame the Appellant for things that were done even when she wasn't working. The Appellant says the owner didn't treat the other staff that way, though she also says that other workers have quit because of the owner's poor treatment of them.

[28] The Commission asked the owner about her treatment of the Appellant. The owner said she didn't pick on the Appellant; she was directing the Appellant on what she wanted done in the store. She said her conversations with the Appellant weren't any different than her conversations with other employees.

[29] There is a question about the reliability of the owner's statements to the Commission.<sup>9</sup> Specifically, the owner told the Commission that the Appellant had asked for a layoff from work because she had to look after her grandchild while the father was out fishing.

[30] The Appellant denies asking for a layoff and says that she doesn't have any grandchildren that would require her care. Her son does fish. So does her grandson. But her youngest grandchild, who would be the only one that she could possibly care for, is already in full-time care.

[31] In further proof of her point, the Appellant provided a copy of her resignation letter that she provided to the owner on May 19, 2024. The letter said that she was

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<sup>8</sup> See Canadian Umpire Benefits (CUB) decisions 57619, 55611, 56604, and 57338. CUB decisions aren't binding on the General Division, but I can follow the

<sup>9</sup> I'm referring to the notes of the conversation the Commission had with the owner on GD3-28.

leaving the job for her health. There is no way the owner could have understood that she was asking for a layoff for family reasons from that letter.

[32] The Appellant gave open and credible testimony about the events leading up to her resignation. I prefer to rely on her version of events where they conflict with the owner's statements because they were given directly to me under a solemn affirmation and the owner's statements are less plausible and reliable than the Appellant's testimony.

[33] I believe that the owner treated the Appellant unkindly in the workplace. It's plausible that she yelled at the Appellant in front of customers and other staff, which embarrassed and upset the Appellant. The Appellant has consistently said this happened and that it caused her to cry at work several times. It's also plausible that this behaviour was repeated throughout the Appellant's employment. However, I don't find the Appellant has proven that the incidents were intended to humiliate, intimidate, offend, or degrade her.

[34] The owner told the Commission that she was merely directing the Appellant to do her work. This isn't wholly believable, as it is not necessary to yell at an employee to direct their work. But it is still plausible that the owner did not intend to embarrass or degrade the Appellant with her behaviour. The incidents the Appellant described were all related to workplace duties, directing her to re-do other staff's work, or nitpicking things the owner felt the Appellant had done wrong. Even though it's believable that the owner didn't treat the Appellant respectfully during those exchanges, the Appellant's examples and testimony fall short of showing the owner intended to hurt her.

[35] For this reason, I find the evidence doesn't support the Appellant experienced harassment at work.

**– Did she experience antagonism with a supervisor?**

[36] Yes. I find the Appellant has shown that she experienced antagonism with a supervisor for which she was not primarily responsible.

[37] Antagonism is a form of hostility or attitude which in most cases cannot be detected or decided by what may have occurred in one incident or in one dispute. Where antagonism is prevalent it is more likely that a pattern of behaviour will emerge over a period from which antagonistic relations may be detected.<sup>10</sup>

[38] I believe that the Appellant experienced antagonism from the owner. The Appellant's testimony supports that the owner yelled at her in front of customers and other staff on several occasions. She also continually complained about the Appellant's work and dismissed her concerns about the treatment she was experiencing.

[39] While it's expected that an employer is able to direct their employees, any employee should be able to expect to be treated with respect in the workplace. The employer clearly did not treat the Appellant with respect when she yelled at her in front of other people and caused her to cry at work multiple times.

– **Did her work environment affect her health?**

[40] Yes. I find the Appellant has shown that the work environment negatively affected her health.

[41] The Appellant testified that she noticed the stress of her job was affecting her health. She was irritable with her family. She was tense and stressed on the way to work and throughout her shift. After she quit, she visited her doctor who reported that her blood pressure had risen and recommended she start anxiety medication.

[42] The Appellant's uncontested testimony supports that her work environment negatively affected her health, so I accept that was the case.

**Did she have reasonable alternatives?**

[43] Yes. I find the Appellant had reasonable alternatives to leaving her job when she did.

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<sup>10</sup> CUB 36792. Although I am not bound by CUB decisions, I will rely on this description of antagonism as a suitable test to be met when deciding whether an antagonistic relationship exists



[44] 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 continued working while looking for another job.

[45] It points out that the Appellant had worked under the same conditions for seven months before quitting. Further, the Appellant gave the employer one-weeks' notice of her quitting. It says this shows the Appellant didn't urgently have to leave the job.

[46] The Commission also says the Appellant could have sought medical attention for her stress, especially if she felt it was affecting her health.

[47] At the hearing, the Appellant said these weren't reasonable options for her. She couldn't continue working there any longer due to the treatment she was experiencing, and she couldn't concentrate on finding work until she had left. Further, she lost her primary care doctor several years ago and getting a medical appointment at a local clinic now took months. She couldn't wait that long.

[48] Considering all the circumstances, I find that the Appellant had reasonable alternatives to leaving her job.

[49] The courts have said that in most cases, it's reasonable for a claimant to make efforts to find another job before deciding to quit.<sup>11</sup>

[50] I recognize that the Appellant was experiencing antagonism at work and that it was affecting her health. However, she didn't make any effort to look for work before she resigned, or even during her one-week notice period.

[51] Even though she found the workplace stressful and unpleasant, she hasn't shown that she had an urgent need to leave such that it would exempt her from the reasonable alternative of trying to find another job before quitting. In fact, the Appellant's willingness to continue working for one-week past her resignation date, while done with

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<sup>11</sup> See *Canada (Attorney General) v White*, 2011 FCA 190.

the intention of being professional, supports that her workplace was not so intolerable that she had to leave without exhausting other reasonable courses of action.

[52] Trying to find other work before quitting would have been a reasonable thing for her to do. This means the Appellant had reasonable alternatives to leaving, so she didn't have just cause for leaving her job.

## **Conclusion**

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

[54] This means that the appeal is dismissed.

Catherine Shaw

Member, General Division – Employment Insurance Section