



Citation: *JA v Canada Employment Insurance Commission*, 2025 SST 347

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: J. A.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (700689) dated December 3,
2024 (issued by Service Canada)

Tribunal member: Gary Conrad

Type of hearing: Videoconference

Hearing date: January 21, 2025

Hearing participant: Appellant

Decision date: January 27, 2025

File number: GE-24-4119

Decision

[1] The appeal is dismissed.

[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 a reasonable alternative to leaving. This means he is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Appellant separated from his employment, but says he did not quit.

[4] The Appellant says that he was hired to teach a course, but all the material he needed to teach the course was not being given to him, which made it very difficult to do his job.

[5] Also, the students in his class were being very abusive to him and it was causing him mental health problems.

[6] He says he tried to talk to multiple people at the school, but no one actually did anything to help him.

[7] The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for separating from his employment. They decided that he voluntarily left (or chose to quit) his job without just cause, so they aren't able to pay him benefits.

[8] The Commission says that the Appellant could have worked to resolve any issues he had with his employer as he only worked for two days, and his employer offered to speak with him.

Issues

[9] Did the Appellant voluntarily leave his employment?

[10] If so, does he have just cause for doing so?

Analysis

Voluntary leaving

[11] The Appellant says he did not quit.

[12] He says that he spoke to the Vice President of the school and informed her that, for a multitude of reasons, he could not continue working. He says the Vice President took that as him quitting, so in reality, he was let go.

[13] To determine whether the Appellant voluntarily left his employment the question to be asked is a simple one, did he have a choice whether to stay or leave?¹

[14] I find the Appellant did voluntarily leave because he quit, and he could have kept working if he had chosen not to quit. In other words, he had choice whether to stay or to leave.

[15] The Appellant sent an email to the Vice President of the school on August 13, 2024, where he listed a bunch of problems he was having. He closed out the emails by saying that he felt it was not ideal for his mental well being to continue teaching the class he was assigned.²

[16] The Vice President responded later that day saying that she appreciated the Appellant brining these concerns to her attention, and she was willing to call him to discuss further. However, she stated that due to the wording in his email, it appeared he was resigning, so she asked the Appellant to confirm if he was in fact resigning.³

¹ *Canada (Attorney General) v Peace*, 2004 FCA 56

² GD03-26 and 27

³ GD03-25

[17] The Appellant responded the next morning that the Vice President should treat his previous email as his resignation and confirmed he was no longer interested in working for the employer.⁴

[18] I find this email exchange shows that it was the Appellant who chose to end the working relationship, and that he could have kept working for his employer had he chosen not to quit.

[19] He had a choice to stay or to leave. He had not been fired, he still had his job, and there is no evidence to support that he could not have continued working if he had chosen to not resign.

[20] So, since he had the choice to stay or to leave, this means his leaving was voluntary.

Just cause for leaving

[21] The law says that the Appellant is disqualified from receiving benefits if he left his job voluntarily and didn't have just cause.⁵ Having a good reason for leaving a job isn't enough to prove just cause.

[22] The law explains what it means by "just cause." The law says the Appellant will have just cause to leave his job if he had no reasonable alternative to quitting at the time he did.

[23] It is up to the Appellant to prove that he had just cause.⁶ 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.

⁴ GD03-25

⁵ Section 30 of the *Employment Insurance Act* (Act) explains this.

⁶ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

What the Appellant says

[24] The Appellant says that his class started on August 12, 2024, but the materials he needed to teach the class were not given to him until August 8, 2024, so he had very little time to prepare for the class.

[25] Now, he was not paid for prep time, and he was aware of that, but that is because he was told that he would not have to do any prep time, that everything would be done for him.

[26] Unfortunately, the materials that were given to him for the class did not match what was in the syllabus. There is talk of assignments, handouts, and readings in books, that were not available to him.

[27] He attempted to reach out to several people about this issue, but none of them got back to him with a solution.

[28] He said this made it very difficult to teach the class since the students were getting frustrated that the materials that were being referenced were not the ones they had.

[29] Further, the Appellant says the students were being abusive towards him. They shouted at him, refused to listen to him, and were just generally disrespectful.

[30] He says this abuse was causing him mental health issues, on top of the fact he was looking after his father who is dying of cancer.

[31] He says the stress led to him having a heart attack in December 2024.

[32] He says that he brought all this up to the Vice President, and while he tried to get a hold of her multiple times, he was never able to directly speak with her.

[33] Finally, the Appellant says that he had another job when he quit, as he was working at the Catholic school board as a supply teacher and teaching at an academy.

What the Commission says

[34] The Commission says a reasonable alternative to leaving would have been to discuss his issues with the Vice President as she had offered.

[35] The Commission also says that the Appellant only worked at the job for two days and did not give the employer sufficient time to try and rectify the issues he raised.

My findings on just cause

[36] I find the Appellant did not have just cause for leaving his job because he did not have a reasonable assurance of other employment in the immediate future at the time he left.

[37] He testified that he stopped teaching at the academy in April 2024, due to a shortage of work. Since he quit his employer in this appeal in August 2024, he was clearly not working at the academy at that time.

[38] As for the Catholic school board, he left the employer in this appeal in August 2024, and the Catholic school was on the summer break. He says it started back up in September 2024.

[39] Further, he was a supply teacher, meaning he filled in for people who were off work, so he had no guarantee of work, so he could not even know when, or if, he would be working for the school board.

[40] So, for these reasons, I find the Appellant did not have any reasonable assurance of employment in the immediate future when he left his job in August 2024. He was creating a risk of unemployment by leaving this job since he only had the possibility of work with the Catholic school board, and that possibility would be in the future, not at the time he quit.

[41] As for all the reasons the Appellant stated he left the job related to this appeal:

- I accept that the material the Appellant was provided to teach the course was not matching what was laid out in the syllabus.
- I accept that he reached out to a couple of people to try and remedy what he felt were the issues with the material he was being provided not matching the syllabus.
- I accept that he was not able to reach the person who was supposed to be responsible for the learning materials.⁷
- I accept he was not paid for prep time.
- I accept that the students were treating him poorly.

[42] However, despite accepting all of these things, I find that it was still a reasonable alternative to speak with the Vice President rather than quit.

[43] First, he was aware that he would not be paid for prep time and accepted the job anyway.⁸ He cannot now say a condition he accepted is the cause for his leaving.

[44] Second, I understand all the problems he was having, but the Vice President said that she was willing to talk to him about all his issues, and even said she had reached out to the person in charge of providing the teaching materials.

[45] It would have been reasonable for the Appellant to speak to the Vice President and see what could be done about the issues he was having since it was literally his second day, and perhaps the Vice President could have helped him. Maybe she could not have, but since he never had that conversation with her, we shall never know.

[46] Third, while I can understand it would be upsetting to have the students treat him disrespectfully, the Appellant has not proven the situation was so bad that it was

⁷ GD02-31

⁸ GD02-18

creating such a mental health crisis he could not continue working. It would also have been reasonable to speak to the Vice President about it as she offered.

[47] Further, while I can accept it was stress that caused his heart attack in December 2024, that was months after he left the job, and I can only consider issues that existed at the time he left his employment to determine if he had just cause.⁹

[48] So, since I have found the Appellant had a reasonable alternative to quitting his job at the time he did, this means he did not have just cause for quitting, so he is disqualified from EI benefits.

Conclusion

[49] The appeal is dismissed.

[50] The Appellant did not have just cause for quitting his job because he had a reasonable alternative to quitting.

[51] Since the Appellant did not have just cause for leaving his employment, this means the Appellant is disqualified from receiving benefits.

Gary Conrad
Member, General Division – Employment Insurance Section

⁹ *Canada (Attorney General) v Lamonde*, 2006 FCA 44 at para 8.