Citation: *FP v Canada Employment Insurance Commission*, 2025 SST 349

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant:	F. P.
Respondent:	Canada Employment Insurance Commission

Decision under appeal:	Canada Employment Insurance Commission reconsideration decision (703145) dated January 9, 2025 (issued by Service Canada)

Tribunal member:	Nathalie Léger
Type of hearing:	Teleconference
Hearing date:	February 18, 2025
Hearing participant:	Appellant
Decision date:	February 20, 2025
File number:	GE-25-320

Decision

[1] The appeal is dismissed.

[2] The Appellant hasn't shown that she has worked enough hours to qualify for Employment Insurance (EI) benefits.

Overview

[3] The Appellant applied for EI benefits, but the Canada Employment Insurance Commission (Commission) decided that the Appellant hadn't worked enough hours to qualify.[1]

[4] I have to decide whether the Appellant has worked enough hours to qualify for EI benefits.

[5] The Commission says that the Appellant doesn't have enough hours because she needs 665 hours but has only 585.

[6] The Appellant says that the Tribunal should make an exception in her case since not many hours are missing. She also says that if her employer had treated her fairly and had not given her files to colleagues, she would have accumulated enough hours.

Issue

[7] Has the Appellant worked enough hours to qualify for EI benefits?

Analysis

How to qualify for benefits

[8] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.[2] The Appellant has to prove this on a balance of probabilities.

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[1] Section 7 of the *Employment Insurance Act* (EI Act) says that the hours worked have to be "hours of insurable employment." In this decision, when I use "hours," I am referring to "hours of insurable employment."
[2] See section 48 of the EI Act.

This means that she has to show that it is more likely than not that she qualifies for benefits.

[9] To qualify, you need to have worked enough hours within a certain timeframe. This timeframe is called the "qualifying period."[3]

[10] The number of hours depends on the unemployment rate in your region.[4]

The Appellant's region and regional rate of unemployment

[11] The Commission decided that the Appellant's region was Montreal and that the regional rate of unemployment at the time was 6.7%.[5]

[12] This means that the Appellant would need to have worked at least 665 hours in her qualifying period to qualify for EI benefits.[6]

[13] The Appellant agrees with the Commission's decisions about which region and regional rate of unemployment apply to her.

[14] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant needs to have worked 665 hours to qualify for benefits.

The Appellant's qualifying period

[15] As noted above, the hours counted are the ones that the Appellant worked during her qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.[7]

[16] Your **benefit period** isn't the same thing as your **qualifying period**. It is a different timeframe. Your benefit period is the time when you can receive EI benefits.

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[3] See section 7 of the EI Act.
[4] See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.
[5] See GD3-15.
[6] Section 7 of the EI Act sets out a chart that tells us the minimum number of hours that you need depending on the different regional rates of unemployment.
[7] See section 8 of the EI Act.

[17] The Commission decided that the Appellant's qualifying period was the usual 52 weeks. It determined that the Appellant's qualifying period went from October 29, 2023, to October 26, 2024.[8]

[18] The Appellant agrees with the Commission's decision about her qualifying period.

[19] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant's qualifying period is from October 29, 2023, to October 26, 2024.

The hours the Appellant worked

[20] The Commission decided that the Appellant had worked 585 hours during her qualifying period.

[21] The Appellant doesn't dispute this. She confirmed that she has not worked elsewhere and that no ROEs are missing. There is no evidence that makes me doubt this. So, I accept the number of hours as fact.

[22] The Appellant said at the hearing that the Tribunal should be able to make an exception in her case for two reasons. First, because she is missing only 70 hours, which is not a lot in her view. Second, because after working 16 years for this employer, he treated her poorly when she came back to work, taking files away from her. This happened even if she kept telling him that she had recovered enough to take those files.

[23] If the employer had not taken those files away, she would have accumulated the number or hours necessary to qualify. Because she did not work enough hours through no fault of her own, she should be allowed to qualify.

[8] See GD3-16.

[24] Un fortunately, the Tribunal does not have the power to modify the law. The Federal Court of Appeal has repeatedly said that the Tribunal is bound by the law and cannot refuse to apply it, even on grounds of equity. [9]

[25] Furthermore, it is not the Tribunal's role to decide if the Appellant has or has not been treated fairly by her employer. If the Appellant believed it was the case, she had to go to the Commission des normes, de l'équité et de la santé et sécurité du travail.

So, has the Appellant worked enough hours to qualify for EI benefits?

[26] I find that the Appellant hasn't proven that she has enough hours to qualify for benefits because she needs 665 hours but has worked 585 hours.

[27] EI is an insurance plan and, like other insurance plans, you have to meet certain requirements to receive benefits.

[28] In this case, the Appellant doesn't meet the requirements, so she doesn't qualify for benefits. While I sympathize with the Appellant's situation, I can't change the law.[10]

Conclusion

[29] The Appellant doesn't have enough hours to qualify for benefits.

[30] This means that the appeal is dismissed.

Nathalie Léger
Member, General Division – Employment Insurance Section

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[9] See *Granger v. Canada (Employment and Immigration Commission)* ,1986 CanLII 7610 (FCA), [1986] 3 F.C. 70, affirmed 1989 CanLII 111 (SCC), [1989] 1 S.C.R. 141. See also *Pike* v. *Canada (Attorney General),* 2019 FC 135.
[10] See *Pannu v Canada (Attorney General)*, 2004 FCA 90.