



Citation: *JG v Canada Employment Insurance Commission*, 2024 SST 1730

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

## **Decision**

**Appellant:** J. G.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (628178) dated November 16,  
2023 (issued by Service Canada)

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**Tribunal member:** Gary Conrad

**Type of hearing:** Teleconference

**Hearing date:** January 22, 2024

**Hearing participant:** Appellant

**Decision date:** February 2, 2024

**File number:** GE-23-3518

## Decision

[1] The appeal is dismissed.

[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 quit her job.

[4] She says she quit because she was constantly being assigned tasks that were outside of her responsibilities, but it was intimated to her that doing these tasks would help her get a promotion.

[5] Two promotion positions came up, the Appellant did not get the first one. She tried to get ahead of the issue and talk to her manager, and her manager's boss about doing these extra tasks and getting the next promotion position that was coming up.

[6] Her manager's boss did not show up to the meeting scheduled between the three of them, and her manager told her that she would not be getting any promotions because she did not socialize with team members outside of work. After hearing this, the Appellant quit.

[7] The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving her job. They decided that she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits. The Commission says the Appellant had reasonable alternatives to quitting.

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

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

### **Post hearing documents**

[9] The Appellant sent in post-hearing documents,<sup>1</sup> which I accepted and considered in making my decision as they were documents the Appellant referenced at the hearing and I specifically asked her to send them in.

### **Issue**

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

[11] 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**

[12] I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit. I see no evidence to contradict this.

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

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

[14] The law says that the Appellant is disqualified from receiving benefits if she left her job voluntarily and didn't have just cause.<sup>2</sup> Having a good reason for leaving a job isn't enough to prove just cause.

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<sup>1</sup> GD07 and GD08

<sup>2</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

[15] The law explains what it means by “just cause.” The law says that the Appellant will have just cause to leave if she had no reasonable alternative to quitting her job when she did.

[16] 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. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

### **What the Appellant says**

[17] The Appellant worked for an airline. She says that COVID had decimated the airline industry. Once the pandemic started to wane, her employer started to gear up for the return of regular air travel.

[18] At the time she quit, her employer was still working on restaffing. Being short staffed, the Appellant says she was constantly assigned work that was outside the duties of her position.

[19] The Appellant says that her manager intimated that there were two positions opening up that would be a promotion for the Appellant, so it would be in her interest to keep doing these extra duties, since they were a regular part of the duties of the two possible promotion positions.

[20] Unfortunately, the Appellant was not given the first promotion position to come up. The Appellant says she accepted this, but when the next promotion position opened up, she sent an email to her manager, and her manager’s boss, to try and get ahead of the situation.

[21] She says that she did have a meeting with her manager (the manager’s boss declined to attend) and at that meeting she was given some very distressing news. She

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<sup>3</sup> See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

says her manager told her that since she did not socialize with others on the team outside of work, she would not be given the other possible promotion position.

[22] The Appellant says this made her extremely upset, that she was being asked to do all this extra work, led into believing it would lead to a promotion, and then be discriminated against for how she chose to spend her time after work. The Appellant said the reason she did not go to these social events after work was that they involved drinking and inappropriate behaviour that she wanted no part of.

[23] The Appellant says that after this meeting she quit.

### **What the Commission says**

[24] The Commission says the Appellant does not have just cause for leaving because she had a reasonable alternative to quitting. The Commission says it would have been reasonable for her to stay working with her employer of five years while seeking other suitable employment.

### **My findings on just cause**

[25] I find the Appellant did not have just cause for leaving as she had a reasonable alternative to quitting her job.

- Promotion

[26] I find the Appellant was not promised, or guaranteed, a promotion.

[27] I can understand the Appellant's frustration about her managers hinting that doing extra duties could assist her in getting a promotion, but there is insufficient evidence to support there was ever an explicit promise from her employer that the Appellant would get either of the promotion positions.

- Modification to her salary

[28] I find the Appellant has failed to prove, on a balance of probabilities, that her salary was significantly modified in some way, or that she was not being paid appropriately.

[29] The Appellant argues that she was not being paid in accordance with her last contract she signed with her employer,<sup>4</sup> but I find, and the Appellant testified as such, that her last contract was for a different position than the one she occupied at the time she quit.

[30] I find her last contract was for a position as a Coordinator in Corporate Security,<sup>5</sup> and according to the Appellant, she was moved from that position into a Specialist I position which is the position she was working in at the time she quit.

[31] I find the fact the Appellant may have been paid a certain salary in her Coordinator role, does not mean she should have been paid the exact same amount in her Specialist I position.

[32] I understand the Appellant has said that she was working without an employment contract, as her employer kept saying they would get around to giving her one, but that does not change my findings. Despite not having a contract explicitly spelling out her salary for the position she was in, that still does not prove that she should have been paid the salary from her previous position, which I note again, the Appellant has said was entirely different than the position she was in when she quit.

- Changes in duties

[33] As already stated, the Appellant says she was working without an employment contract, but I find her testimony credible that she was being assigned duties that were outside the scope of her position.

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<sup>4</sup> GD06-3

<sup>5</sup> GD07-4

[34] I find her testimony credible for two reasons.

[35] The first reason is that she had worked in the position of Specialist I in the past, so I accept that she would be familiar with the regular scope of duties for that position.<sup>6</sup> Although her previous Specialist I position was part-time, and she says she was in a full-time Specialist I position when she quit, I would still expect the duties to be relatively the same.

[36] The second reason is because it is plausible that her employer, an airline recovering from the severe downturn caused by COVID, would be short staffed, and would ask employees it did have, to cover off tasks for positions they may not have filled yet.

- Discrimination

[37] The Appellant says that she was discriminated against by her employer as the sole reason given by her employer for not giving her one of the two possible promotion positions was because she did not socialize with team members outside of work hours.

[38] The Appellant says she is free to spend her personal time how she sees fit, and she should not be punished by her employer for doing so.

[39] I struggle to find the Appellant's testimony on this issue credible. It seems bizarre for an employer to say that the Appellant's lack of after-hours social interaction is a stumbling block in advancing her career. However, it is so bizarre that I am inclined to believe it, as I image that if the Appellant were to make something up out of whole cloth, it would be more plausible.

[40] Despite this, I find the Appellant was not facing discrimination. In looking at the grounds of discrimination set forth in the *Canadian Human Rights Act*,<sup>7</sup> which the

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<sup>6</sup> GD08-3.

<sup>7</sup> Section 3(1) of the *Canadian Human Rights Act* says: "For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered."

*Employment Insurance Act*, says I am to have regard for,<sup>8</sup> I find that the Appellant's situation does not fall into any of those categories.

[41] So, while the employer's feelings towards the Appellant's lack of after-hours socialization may have been bizarre and nonsensical, they were not discriminatory.

- Reasonable alternatives

[42] While I have found there is insufficient evidence to prove, on a balance of probabilities, that the Appellant was ever guaranteed a promotion, or that her salary had been significantly modified in some way, or that she was discriminated against, I have found she was being assigned duties outside the scope of her position.

[43] However, just because I have found as such, does not mean the Appellant automatically has just cause for leaving her job. What I need to determine now is, considering all the circumstances that existed at the time she quit, did she have a reasonable alternative to quitting.

[44] I find the Appellant did have reasonable alternatives to quitting, so she does not have just cause for her voluntary leaving.

[45] I find it would have been reasonable for the Appellant to continue working, while refusing to do the duties she felt were outside the scope of her position. I understand the Appellant's argument that she could not do this, as her managers would have made her life a living hell, but she does not know this for certain, since she never tried to refuse the extra duties.

[46] I find it would have also been reasonable to continue working because as the Appellant stated, she did not have a contract yet. Once this contract issue was sorted out that would have given her clarity on her salary and given support to her for accepting or refusing certain duties.

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<sup>8</sup> Section 29(c)(iii) of the *Employment Insurance Act*



[47] It would have also been reasonable for her to try and contact Human Resources (HR) about her issues. She testified that she did send a letter to HR about her issues, but never heard back.

[48] I accept that she did send a letter to HR and never heard back, but as per her testimony, she sent this letter to HR at the same time she sent in her resignation. It does not surprise me that HR took no action to bother addressing issues raised by someone who was resigning.

[49] I find it would have been reasonable for her to send this letter prior to sending in her resignation, to see if HR could help her resolve any issues she may have been having.

[50] I can understand the Appellant may not have liked continuing to work for her employer, but it was a reasonable alternative open to her. It was also an option for her to continue working while searching for and securing a new job more to her liking, if she did not want to stay with her employer for the long term anymore.

## **Conclusion**

[51] The appeal is dismissed.

[52] The Appellant had reasonable alternatives to quitting her job, this means she does not have just cause, so she is disqualified from benefits.

Gary Conrad  
Member, General Division – Employment Insurance Section