[TRANSLATION]

Citation: *SC v Canada Employment Insurance Commission*, 2025 SST 767

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant:	S. C.
Respondent:	Canada Employment Insurance Commission

Decision under appeal:	Canada Employment Insurance Commission reconsideration decision (729439) dated May 23, 2025 (issued by Service Canada)

Tribunal member:	Jean Yves Bastien
Type of hearing:	Teleconference
Hearing date:	July 15, 2025
Hearing participants:	Appellant
Decision date:	July 18, 2025
File number:	GE-25-1855

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 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 (k) benefits.

[3] The Appellant has to repay the $9,240 in benefits she wasn't entitled to.

Overview

[4] The Appellant lives in X, Quebec. She had two jobs. One was at a family masonry business. The other was with X, a disaster recovery cleaning company, where she worked on call as a cleaner.

[5] The Appellant applied for EI benefits on January 4, 2023. The Canada Employment Insurance Commission (Commission) established a claim for regular benefits effective January 1, 2023.

[6] The Appellant left her job after that, on January 7, 2023. She didn't report this to the Commission. From January 1, 2023, to May 27, 2023, the Appellant received a total of $9,240 in benefits.

[7] In February 2025, the Commission looked at the Appellant's reasons for leaving. It decided that she voluntarily left (or chose to quit) her job without just cause.

[8] So, the Commission disqualified the Appellant from receiving benefits from January 1, 2023. It says that the Appellant has to pay back the $9,240 in benefits she received because she wasn't entitled to it.

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

[10] The Commission says that, instead of leaving when she did, the Appellant could have stayed in her job and worked the hours that were available to her, then contacted Service Canada to apply for EI benefits while she was looking for another job.

[11] The Appellant disagrees. She says that she had to leave because she lost most of her hours. She also says that the employer pressured her to quit.

Matter I have to consider first

Jurisdiction

[12] The Tribunal gets its jurisdiction (power) from the *Employment Insurance Act* (Act). I can only consider issues mentioned in the Act. I don't have the power to change or rewrite any part of the Act.

[13] I don't have the power to look at whether the employer treated the Appellant fairly, whether it should have accommodated her pregnancy, or whether it complied with provincial labour standards. If the Appellant has a labour standards complaint, it is up to her to bring it to another forum, like the CNESST, the provincial authority that deals with labour standards.

[14] I can only look at the Appellant's efforts in light of the Act.

Issue

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

[16] 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 don't agree that the Appellant voluntarily left

[17] The parties don't agree that the Appellant voluntarily left her job with X. The Appellant says that she was pregnant, and the employer wasn't giving her any hours, so she decided to apply for EI because she needed income to pay her bills.

[18] The Appellant says that she explained to Service Canada that **when she left her job** with X, she was three-and-a-half months pregnant.[1]

[19] The Appellant says that she realized that her employer wasn't comfortable giving her shifts because of her pregnancy. She says that she then asked her supervisor to put her on EI (lay her off) because her bills were accumulating, which made her very anxious. But her supervisor refused to do so.[2]

[20] The Appellant adds that, since her employer didn't want to lay her off, she made the decision to quit and put herself on EI because she needed income and no one wanted to hire her because of her pregnancy.[3]

[21] The Appellant says that she didn't voluntarily leave her job. Instead, she was forced to leave. She describes her leaving as a forced resignation.[4]

[22] The Record of Employment (ROE) dated December 14, 2023, clearly indicates that the Appellant left her job on January 7, 2023.[5]

[23] The Appellant admits that she voluntarily left her job. The ROE from the employer confirms this information. There is no doubt that the Appellant broke the employment relationship.

[24] So, I find that the Appellant voluntarily left her job on January 7, 2023.

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[1] See the Appellant's Notice of Appeal at GD2-5 [my emphasis].
[2] See the Appellant's Notice of Appeal at GD2-5.
[3] See the Appellant's Notice of Appeal at GD2-6.
[4] See the Appellant's Notice of Appeal at GD2-6.
[5] See Record of Employment, serial number W04197063, dated December 14, 2023, at GD3-14.

[25] I will now consider whether, in the circumstances, the Appellant was [translation] "forced" to quit, which could justify her leaving.

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

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

[27] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.[6] Having a good reason for leaving a job isn't enough to prove just cause.

[28] 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.[7]

[29] It is up to the Appellant to prove that she had just cause. 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.[8]

[30] 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.[9]

[31] 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.[10]

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[6] Section 30 of the *Employment Insurance Act* (Act) explains this.
[7] See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.
[8] See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.
[9] See section 29(c) of the Act.
[10] See section 29(c) of the Act. Two things are needed to prove just cause: 1) a specific circumstance that could justify leaving a job; and 2) proof that there was no reasonable alternative to leaving.

The circumstances that existed when the Appellant quit

[32] The Appellant says that two of the circumstances set out in the law apply. Specifically, she says that there was a significant change in her pay conditions and that the employer forced her to leave her job.

– **Significant modification of terms and conditions respecting wages or salary (section 29(c)(vii) of the Act)**

[33] According to the Appellant, there was a significant change in her pay conditions. She says that the employer stopped giving her hours because she was pregnant. It assumed that she could no longer lift heavy items or work with cleaning products containing strong chemicals.

[34] But the Appellant was working on an on-call basis. She had no guaranteed hours. The predecessor to this Tribunal has already found that, if you are working part-time and have no guaranteed hours, this section of the Act doesn't apply to you.[11]

[35] So, I find that this circumstance doesn't apply to the Appellant.

– **Undue pressure by an employer on the claimant to leave their employment (section 29(c)(xiii) of the Act)**

[36] According to the Appellant, she experienced undue pressure to leave her job. She says that the employer forced her to quit because it didn't give her the hours she needed to earn an income to pay her bills. She says that the employer acted this way because she was pregnant.

[37] Again, the Appellant was working on an on-call basis. The employer didn't have to give her any hours. So, the employer could not have forced her to quit.

[38] So, I find that this circumstance doesn't apply to the Appellant.

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[11] See CUB 40256.

– Summary

[39] None of the circumstances set out in section 29 of the Act existed when the Appellant left her job.

[40] Even so, the Tribunal has to look at "all the circumstances," not just those mentioned in section 29 of the Act. The Appellant says that her financial situation forced her to leave her job. Past findings of the predecessor to this Tribunal tell us that financial circumstances can also be considered.[12]

[41] The Appellant testified that losing her hours put her in a very difficult financial situation because she could not pay her bills.

[42] I accept the Appellant's argument that, financially, she was in a situation that could justify her leaving.

[43] But the Appellant still has to show that she had no reasonable alternative to leaving her job.

The Appellant had reasonable alternatives

[44] It is up to the Appellant to prove that she had no reasonable alternative to leaving. I will now consider whether she had reasonable alternatives to leaving her job when she did.

[45] The Appellant says that she had no reasonable alternative to leaving her job because she decided on her own that it was a necessary step to get EI benefits.

[46] The Appellant applied for benefits **before** she left. She quit shortly after the Commission told her that she qualified. The Appellant thought that she had to leave her job to get EI benefits. But the law doesn't work that way. When you leave your job, the criteria for receiving benefits are no longer the same. They become very strict.

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[12] See CUB 57874.

[47] The Commission says that a reasonable alternative would have been to contact Service Canada by phone or otherwise before quitting. This would have allowed the Appellant to ask questions about her situation, explain why she had fewer hours, and find out whether she could apply for benefits. If she had had an interruption of earnings, she could have received EI benefits while continuing to look for another job and worked the shifts that X offered her until she qualified for maternity benefits a few months later.

[48] The Appellant says that she didn't know that she could get EI benefits if her hours were reduced. She thought that she had to be unemployed to get benefits. This is why she thought she had to quit to get EI benefits.

[49] The Federal Court of Appeal has previously ruled that "ignorance of the law does not constitute good cause unless an individual can show that what they did was reasonable under the circumstances."[13] The Federal Court of Appeal also tells us that "[i]gnorance of the law and good faith […] have been held to be insufficient to amount to good cause."[14]

[50] I find that the Appellant was credible and honest. While I understand her financial dilemma, leaving your job because you thought you would qualify for EI benefits isn't one of the things the law allows. So, it isn't a reasonable alternative either. In this case, the Appellant was acting in good faith, but she didn't know how the EI system works. As I mentioned above, the courts have said that this doesn't give her just cause.

[51] I agree with the Commission. Considering the circumstances that existed when the Appellant quit, which I discussed above, the Appellant had reasonable alternatives to leaving her job when she did. Even if she was offered few or no hours, she had no reason to quit and voluntarily find herself unemployed.

[52] So, for the reasons I have already mentioned, I find that the Appellant didn't have just cause for leaving her job.

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[13] See *Quadir v Canada (Attorney General)*, 2018 FCA 21.
[14] See *Canada (Attorney General) v Carry*, 2005 FCA 367.

Conclusion

[53] The Tribunal sympathizes with the Appellant's financial situation. But the Act is clear. The Tribunal can't interpret the law in a way that is contrary to its plain meaning. Eligibility requirements set out in the Act can't be ignored because of financial or personal needs. Eligibility and entitlement to benefits are based on various criteria set out in the law. And the Tribunal can't change the law or interpret it creatively.

[54] The Appellant had already contacted Service Canada the week she quit. Instead of imagining her own scenario for getting EI benefits, the Appellant had the opportunity to explain her situation to Service Canada and ask for advice on how to deal with her difficult job situation. But she didn't do that.

[55] I find that the Appellant is disqualified from receiving benefits because she didn't have just cause for leaving her job.

[56] This means that the appeal is dismissed.

[57] So, the Appellant has to repay the $9,240 in benefits that she received but wasn't entitled to.

Jean Yves Bastien
Member, General Division – Employment Insurance Section