



[TRANSLATION]

Citation: *GM v Canada Employment Insurance Commission*, 2025 SST 768

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: G. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (730288) dated May 23, 2025
(issued by Service Canada)

Tribunal member: Jean Yves Bastien

Type of hearing: Teleconference

Hearing date: July 10, 2025

Hearing participants: Appellant

Decision date: July 18, 2025

File number: GE-25-1806

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 his job when he did. The Appellant didn't have just cause because he had reasonable alternatives to leaving. This means he is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Appellant left his job at X on October 8, 2022, and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. It decided that he voluntarily left (or chose to quit) his job without just cause, so it wasn't able to pay him benefits.

[4] I have to decide whether the Appellant has proven that he had no reasonable alternative to leaving his job.

[5] The Appellant says that he had to quit because he lives with type 1 bipolar disorder, and his job at X wasn't compatible. He found that there was too much pressure (stress) and that his tasks were difficult to complete in the short time available. The Appellant concludes that the food service industry is just not suitable for him.

[6] The Commission is sympathetic to the Appellant's point of view and takes this information into account when looking at the reason for his voluntary leaving. But the information gathered suggests that the Appellant wanted to leave his job so that he could take training and work as a truck driver. The Appellant wasn't referred for this training.

[7] The Commission says that, instead of leaving his job, the Appellant could have talked to his employer to see whether there were other positions or shifts that would have been less stressful and easier to do.

[8] The Appellant disagrees. He says that he talked to his supervisor about his problems. He also says that he asked his supervisor about a change in schedule or tasks, but was told [translation] “no, sorry, that’s the nature of your job.”

Tribunal’s jurisdiction

[9] The Tribunal has the power to decide only the issues set out in the *Employment Insurance Act* (Act).¹ I can’t decide whether the Appellant has other options under another law. The Tribunal can’t rewrite the law or interpret it in a way that is contrary to its plain meaning.²

[10] It isn’t for me to decide whether the employer should have made reasonable arrangements (accommodations) for the Appellant.³ I can consider only whether the Appellant has proven that he had “just cause” for leaving his job.

Issue

[11] Is the Appellant disqualified from receiving benefits because he voluntarily left his job without just cause?

[12] 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

[13] I accept that the Appellant voluntarily left his job. The Appellant agrees that he quit on October 8, 2022. I see no evidence to contradict this, so I accept it as fact.

¹ See *Canada (Attorney General) v McNamara*, 2007 FCA 107.

² See *Canada (Attorney General) v Knee*, 2011 FCA 301.

³ See *Canada (Attorney General) v McNamara*, 2007 FCA 107.

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

[14] The parties don't agree that the Appellant had just cause for voluntarily leaving his job when he did.

[15] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.⁴ Having a good reason for leaving a job isn't enough to prove just cause.

[16] 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.⁵

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

[18] 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 Act sets out some of the circumstances I have to look at.⁷

[19] After I decide which circumstances apply to the Appellant, he then has to show that he had no reasonable alternative to leaving at that time.⁸

The circumstances that existed when the Appellant quit

[20] The Appellant testified that two of the circumstances set out in the law apply. First, he says that 90% of the reason he quit is that he experienced working conditions that were a danger to his health.⁹ Second, he says that 10% of the reason he quit is that

⁴ Section 30 of the *Employment Insurance Act* (Act) explains this.

⁵ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

⁶ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

⁷ See section 29(c) of the Act.

⁸ See section 29(c) of the Act.

⁹ See section 29(c)(iv) of the Act.

other employees harassed him.¹⁰ It is up to the Appellant to prove that these conditions existed.

– **Working conditions that constitute a danger to health (section 29(c)(iv) of the Act)**

[21] When considering resignations for health reasons, former versions of this Tribunal have found the following:¹¹

- Before leaving their job for health reasons, a claimant must at least inform the employer or the Commission of the health issues responsible for their decision to leave.¹²
- The health issue cited to justify leaving must be specific, not a general stress-related condition.¹³
- The health risk complained of must actually exist. Fearing for your health alone doesn't amount to just cause for leaving.¹⁴
- Where the detrimental effect on their health is being cited as just cause, a claimant must provide medical evidence.¹⁵
- The medical certificate should show not only that the claimant was ill, but also that they had to leave work because of their medical condition.¹⁶

[22] The Commission says that the Appellant didn't raise the issue of his medical condition until a year later, on October 4, 2023. On September 21, 2023, he even said in an interview that working at X wasn't rewarding and that he was just earning minimum wage. He added that he was working at X while waiting to start the practical phase of his truck driver course.¹⁷

[23] But the employer told the Commission that it had met with the Appellant on October 11, 2022, for an exit interview. The employer said that it remembered the

¹⁰ See section 29(c)(i) of the Act.

¹¹ Although I am not bound by CUBs, I am applying these principles to the circumstances of this appeal.

¹² See CUBs 14262A and 49198.

¹³ See CUBs 18965 and 57484.

¹⁴ See CUBs 14002 and 23152.

¹⁵ See *SA v Canada Employment Insurance Commission*, 2017 SSTADEI 330.

¹⁶ See CUB 12505; and CUBs 17980, 16126A, 23802, and 32277.

¹⁷ See the Commission's Interview Report at GD3-20.

Appellant well. It added that, during the interview, the Appellant said that he was quitting because there was too much pressure and he found his tasks difficult.¹⁸

[24] The Appellant testified that he told his supervisor about the challenges he was facing. He said that he asked about a change in schedule or duties, but was told [translation] “no, sorry, that’s the nature of your job.”

[25] The Appellant included a medical certificate, dated June 3, 2025, with his Notice of Appeal to the Tribunal.¹⁹ He says that he is relying on this certificate to defend his actions.²⁰

[26] But the certificate was written in 2025, two-and-a-half years **after** the Appellant quit his job. I accept that the Appellant has lived with type 1 bipolar disorder since at least 2010. I recognize that his illness causes organizational difficulties, as well as a low tolerance for stress, affecting his ability to keep a job. I also accept that this was the situation in October 2022, when the Appellant left his job at X.

[27] Also, the Appellant’s recent medical certificate (2025) doesn’t recommend leaving and doesn’t say that the Appellant had to leave his job in 2022 because of his medical condition.²¹

[28] So, I have to find that the Appellant hasn’t proven that he faced working conditions that were a danger to his health.

– **Harassment (section 29(c)(i) of the Act)**

[29] The Appellant said that 10% of the reason that he quit was because of harassment. He said that he was having problems with one employee who thought that he wasn’t working fast enough.

¹⁸ See the Commission’s interview report at GD3-17.

¹⁹ See the medical certificate at GD2-11.

²⁰ See GD2-7.

²¹ See CUB 23718: The claimant’s medical certificate didn’t say that she had to leave her job for medical reasons.

[30] The Appellant testified that his medical condition prevented him from doing any type of stressful work with tight deadlines. He agrees that he wasn't able to work as fast as the employer wanted.

[31] Every employer has the right to manage their business. Harassment should not be confused with the normal exercise of the employer's management rights—for example, assigning tasks and setting deadlines. The Appellant arrived at work at 4 a.m. and began preparing food for the morning rush. So, there was a concrete deadline. If the Appellant wasn't able to work as quickly as required, the employer would not have enough food to meet customer demand a few hours after the start of the Appellant's shift.

[32] It is unfortunate that the Appellant was offended by comments about the time it was taking him to complete his tasks. But I find it more likely than not that the employer was simply exercising its responsibilities and right to manage.

[33] So, I find that the Appellant wasn't harassed.

– **Did any of the circumstances set out in the Act apply?**

[34] No, none of the circumstances set out in the Act that could lead to just cause applied to the Appellant. To be really sure, I will look at whether the Appellant had no reasonable alternative to leaving his job when he did.

The Appellant had reasonable alternatives

[35] I will now look at whether the Appellant had no reasonable alternative to leaving his job when he did.

[36] The Appellant says that he had no reasonable alternative because he had already unsuccessfully explored other options with his supervisor. He argues that he has a medical condition that prevented him from working for X and that he had no choice but to quit right away.

[37] The Appellant had been under the care of a psychiatrist for about 12 years. A reasonable alternative would have been to take sick leave and get a medical certificate from his psychiatrist confirming his illness and recommending that he leave his job for health reasons.

[38] The Commission disagrees. It says that the Appellant worked only 25 hours before quitting. It says that the real reason he quit was to do the practical phase of his truck driver certification course. The Appellant told the Commission that he left his job on October 8, 2022, because he was starting his truck driver course, which would prevent him from working at X.²²

[39] The Appellant testified that his practical training involved driving two hours per day for five days. A reasonable alternative to quitting would have been to ask for a leave of absence to attend the course.

[40] The Appellant worked the early shift (4 a.m. to 12 p.m.) at X. Another reasonable alternative would have been to schedule his training for the afternoon, after his shift.

[41] I accept that the Appellant did try to resolve the situation by speaking with the employer. But, given the nature of the job and the type of employer (a fast-food restaurant), this wasn't possible.

[42] Considering the circumstances that existed when the Appellant quit, the Appellant had reasonable alternatives to leaving when he did, for the reasons set out above.

[43] This means the Appellant didn't have just cause for leaving his job.

Conclusion

[44] The Tribunal sympathizes with the Appellant's situation of living with bipolar disorder. But the rules for justifying leaving your job are very strict. A claimant has to show that they had "just cause" for leaving. This is the highest standard. While I don't

²² See the Commission's interview report at GD3-20.

doubt that the Appellant had a good reason for leaving his job at X, unfortunately this doesn't amount to the "just cause" he needs.

[45] Unfortunately, I must find that the Appellant is disqualified from receiving benefits.

[46] This means that the appeal is dismissed.

Jean Yves Bastien

Member, General Division – Employment Insurance Section