



Citation: *LS v Canada Employment Insurance Commission*, 2025 SST 1376

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

Decision

Appellant: L. S.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (745952) dated September 12,
2025 (issued by Service Canada)

Tribunal member: John Rattray

Type of hearing: Teleconference

Hearing date: November 4, 2025

Hearing participant: Appellant

Decision date: November 18, 2025

File number: GE-25-2833

Decision

[1] The appeal is dismissed. I disagree 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 (EI) benefits.

Overview

[3] The Appellant left her job June 11, 2025, and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. It decided that she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits.

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

[5] The Commission says that, instead of leaving when she did, the Appellant could have explored reasonable alternatives such as taking a leave of absence, look for other employment, or file a complaint with a provincial health and safety regulator. If these didn't resolve the situation, it says she could have obtained documentation from her doctor advising her to resign for medical reasons.

[6] The Appellant disagrees and says that the employer changed her work location to an area that was very loud. She says this led to health issues and her doctor told her to find a job to fit her health requirements because the employer didn't act on her concerns.

Matter I have to consider first

I will accept the documents sent in after the hearing

[7] During the hearing of this appeal, the Appellant referred to additional documents that are relevant to the issues. I am accepting these documents because the Appellant promptly sent in these documents, they are relevant to the issues, and accepting them will not cause prejudice to any party.

Issue

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

[9] 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

[10] I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit on June 11, 2025. I see no evidence to contradict this.

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

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

[12] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.¹ Having a good reason for leaving a job isn't enough to prove just cause.

¹ Section 30 of the *Employment Insurance Act* (Act) explains this.

[13] 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.²

[14] 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.³

[15] 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.⁴

[16] 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.⁵

The circumstances that existed when the Appellant quit

[17] The Appellant says that one of the circumstances set out in the law applies. Specifically, she says that the working conditions were a danger to her health or safety, and she had been unable to resolve the situation before leaving.

[18] The Appellant was an inventory control associate for a company that produced promotional materials. After working in an office for more than two years, on June 2, 2025, the employer moved her workstation to the warehouse floor near a loud machine.

[19] The Appellant says that:

- She was at her workstation for most of her shift.
- Her new workstation was beside a loud machine that operated most of the time.

² See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

³ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

⁴ See section 29(c) of the Act.

⁵ See section 29(c) of the Act.

- She says the noise level was around 85 decibels, which is the maximum level permitted under provincial regulations.⁶
- She believes it led to her having a raised heart rate and an ear infection.
- One week after her workstation was relocated, on June 6, 2025, she went to an urgent care clinic for pain in her ear and was given a prescription for antibiotic ear drops.⁷
- On June 10, 2025, she saw her family doctor who gave her a prescription to reduce her heart rate.⁸
- On June 10, 2025, she didn't get a medical note, but says her doctor told her to ask her employer to move her.⁹
- She says her doctor did not advise her to leave her job.¹⁰

[20] The Commission obtained evidence from the employer that contradicted the Appellant's evidence about the amount of time she spent at her workstation and how often the machine was operating. It says both versions are credible and internally consistent. As a result, it gave the benefit of the doubt to the Appellant's evidence about how much time she spent at her workstation and how often the machine was operating.

[21] I find that the Appellant spent most of her shift at her workstation and that the machine was in regular operation. I find this because the law requires that when the evidence on each side of an issue involving voluntary leave is equal, the benefit of the doubt shall be given to the claimant.¹¹ Furthermore, the job description provided by the

⁶ The Appellant provided a photo of a sound reading near the machine showing a reading of 84.8 dB. See GD3-39.

⁷ See GD3-40.

⁸ See GD3-40.

⁹ See GD3-11.

¹⁰ See GD3-12.

¹¹ See section 49(2) of the Act.

Appellant is focused on duties that would be performed at her workstation, and is consistent with her spending most of her shift at her workstation.

[22] In relation to the loud noise when the machine was operating, I find that it was within the occupational health and safety permitted limit of a weighted average of 85 dB over an 8-hour shift.¹² I find this because:

- The Appellant's evidence was that without noise protection the noise would be around 85 dB and her photo of the sound meter showed 84.8 dB.
- The Appellant testified that the sound reading was within the regulatory limits.
- The Appellant had been provided with ear protection.
- The employer's evidence was that the earmuffs reduced the noise by 26 dB.
- The Appellant's evidence was that though she spent the majority of her time at her workstation, she was not seated there continuously.
- She testified that she would be at her desk between five and a half to six hours per day.

[23] I find that the Appellant has not proven that the working conditions were a danger to her health or safety. Even without allowing for the time she was away from her workstation which would reduce her weighted average exposure, and the use of hearing protection, her evidence is that the noise was within regulatory limits.

[24] I accept that the Appellant **felt** that the noise led to her having an ear infection and led to her increased heart rate. However, she didn't provide a medical report or note from her doctor concluding that her job was a danger to her health or safety, or that she should leave her job.

¹² See *O. Reg. 381/15* at section 2(1) and [A guide to the Noise Regulation under the Occupational Health and Safety Act | ontario.ca](https://www.ontario.ca/government/occupational-health-and-safety).

[25] The circumstances that existed when the Appellant quit were that her workstation location had changed. She moved from working in an office to a workstation located in the warehouse near a loud machine. She felt that the working conditions were not good for her health and put her hearing at risk. However, she hasn't proven that the working conditions were a danger to her health and safety.

The Appellant had reasonable alternatives

[26] I must now look at whether the Appellant had no reasonable alternative to leaving her job when she did.

[27] The Appellant says that she had no reasonable alternative because:

- She had expressed her concerns about the workstation location before being moved.
- She had asked her employer to delay her move until an alternative workstation location could be arranged, but was moved anyway.
- She asked to be moved to a different location in the warehouse.
- She felt that the earmuffs didn't work.
- She raised her concerns with higher management and was told that they would research solutions, but nothing was done.

[28] The Appellant referred to a number of other medical conditions and prescriptions in her documents and in discussions with the Commission. At the hearing she clarified that they were not relevant to why she left her job.¹³

[29] The Commission says that the Appellant had reasonable alternatives before leaving her job. It says she could have taken a leave of absence and requested an investigation or make a complaint to the provincial health and safety regulator, or look

¹³ The Appellant testified that her thyroid condition, high blood pressure, and inflammation were not relevant to her decision to leave her job.

for other employment. It says that if these steps didn't improve her working conditions, she could have obtained medical documentation from her doctor advising her to resign for medical reasons.

[30] The Commission's evidence is that the employer said that it was looking into a resolution of the Appellant's concerns. The employer also said that the Appellant didn't provide a doctor's note requesting accommodation, nor did she make a complaint to the health and safety committee. It was open to the Appellant to take a leave of absence or unpaid sick leave.¹⁴

[31] I find that the Appellant had reasonable alternatives when she voluntarily left her job. I find this for the reasons set out below.

– **Leave of absence and request an investigation**

[32] I find that it was a reasonable alternative for the Appellant to request a leave of absence or unpaid sick leave before quitting her job. The Appellant's evidence is that she didn't ask for a leave of absence or unpaid sick leave, and didn't request an investigation.

[33] In the hearing the Appellant testified that before quitting her job she took a half-day off on Monday, June 9, 2025, because she didn't feel well. She also took a full day on Tuesday, June 10, 2025, to see her doctor. She said she used accrued vacation time to cover this time.

[34] After resigning she was paid \$2,109.45 in vacation pay. This equates to more than one week of work.¹⁵ However, she said she didn't ask for more vacation time off because she said it needed to be approved in advance.

¹⁴ See GD3-29.

¹⁵ See GD3-25.

[35] I find that if the Appellant had requested a leave of absence or unpaid sick leave because she wasn't able to work, this would have given her more time before quitting. It was a reasonable alternative to ask to be paid vacation monies during this period.

Taking a leave of absence or sick leave have allowed her to:

- make a formal complaint to the Health and Safety Committee about her working conditions
- complete her course of antibiotics, and take the new prescription to reduce her heart rate
- follow up with her doctor about her health and ask for a medical note to support a formal request for accommodation¹⁶
- make a formal request for accommodation
- search for a new job¹⁷

– **Medical endorsement to quit**

[36] I find that if the Appellant wasn't able to solve her concerns, it was a reasonable alternative for her to obtain medical documentation from her doctor advising her to quit for medical reasons.

[37] I find this because the Appellant didn't provide any documentation from her doctor about either accommodation or advice to quit her job if she wasn't accommodated. Furthermore, her evidence is that her doctor did not advise her to quit her job.¹⁸

¹⁶ The Appellant saw her family doctor on June 10, 2025, when she took an unpaid sick day and used up some of her accrued vacation time. She resigned the next morning when she returned to work without providing any documentation from her doctor.

¹⁷ In completing her application for EI benefits on June 12, 2025, the Appellant said that she did not look for another job before leaving. I prefer this statement made immediately after quitting her job, before she was denied benefits, to her subsequent statements that she started looking for another job before she left. See GD3-35 and GD3-52.

¹⁸ See GD3-12.

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

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

– **Prior EI decision about earlier claim is not relevant**

[40] The Appellant testified that before she quit, she didn't make any enquiries of Service Canada about the test to prove that she had just cause to leave her job voluntarily. She says that she considered herself eligible for EI benefits because in the past she had been approved for EI benefits, after voluntarily leaving a job that she wasn't physically capable of.¹⁹

[41] As I explained to the Appellant at the hearing of her appeal, I must apply the law. I must assess whether she has proven that she had just cause to leave her job in June 2025.

[42] The decision made on her prior EI claim over 20 years ago is not relevant to my assessment as to whether she had just cause to leave in June 2025. For the reasons set out above, I have concluded that she didn't have just cause to leave her job in June 2025, because she had reasonable alternatives.

Conclusion

[43] I find that the Appellant is disqualified from receiving benefits.

[44] This means that the appeal is dismissed.

John Rattray
Member, General Division – Employment Insurance Section

¹⁹ See GD2-68.