




*employment*  
**INSURANCE**  
FOR OSSTF/FEESO MEMBERS





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## TYPES OF BENEFITS

There are two types of Employment Insurance (EI) benefits:

1. **Regular benefits** for members who are unemployed and looking for work.
2. **Special benefits** for members who are:
  - taking maternity/parental leaves;
  - unable to work due to illness and have exhausted sick leave provisions;
  - caring for a family member<sup>1</sup> who is gravely ill with a significant risk of death within 26 weeks (six months);
  - caring for a critically ill or injured adult family member whose life is at risk as a result of illness or injury and presents a significant change in baseline health;
  - caring for a critically ill child.

**Please see definitions for more detail.**

## QUALIFYING HOURS FOR EI BENEFITS

In order to collect EI benefits, the following factors apply:

1. number of insurable hours worked in the previous 52 weeks prior to the claim;
2. type of benefits;
3. regional rate of unemployment in your area.

### Insurable hours

Insurable hours are hours worked for which a premium was paid within the qualifying period. These hours are recorded on the Record of Employment (ROE). For teachers, a full day of work is normally calculated at eight hours but you should check your local collective agreement.

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<sup>1</sup>Family member includes your child, your spouse's or common-law partner's child, your wife, husband, common-law partner, your father or mother, your father's wife, mother's husband or common law partner of your father, mother. Brothers or sisters and stepbrothers and stepsisters. Grandparents and step grandparents, grandchildren and their spouse or common law partner. Son-in-law and daughter-in-law, either married or common law. Father-in-law and mother-in-law, either married or common law. Brother-in-law and sister-in-law, either married or common-law. Uncle or aunt and their spouse or common law partner. Nephew and niece and their spouse or common-law partner. Current or former foster parents. Current or former foster children and their spouse or common-law partner current or former wards. Current or former guardians or tutors and their spouse or common-law partner.

## HOW MANY HOURS DO I NEED TO QUALIFY?

### **Special**

*(maternity, parental, sickness, compassionate care, family caregiver)*

600 insurable hours within the previous 52 weeks.

### **Regular**

The number of insurable hours will vary from 420 to 700 hours depending on the regional rate of employment. Check with your local Service Canada office or OSSTF/FEESO Provincial Office to determine the hours needed.

## HOW MUCH IS THE WEEKLY BENEFIT?

Benefits are paid on the basis of 55 per cent of your average weekly insurable earnings up to a maximum amount. As of January 1, 2018, the maximum insurable earnings amount is \$51,700. The maximum weekly benefit is \$547.

## HOW DO I APPLY?

You can apply for EI benefits by visiting the local Service Canada office or by visiting the Service Canada website and applying online ([www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)).

OSSTF/FEESO members using the online procedure should be prepared to spend at least 40 minutes completing the application.

## HOW LONG WILL IT TAKE?

There will be a delay of 4-6 weeks before you receive your first payment.

## WHAT WILL I NEED TO APPLY?

### *Regular benefits*

- application form
- record of employment from employer

## SPECIAL BENEFITS

### *Maternity*

- application form
- record of employment from employer
- medical certificate indicating due date or date of birth

### *Parental (including Adoption)*

- application form
- record of employment from employer
- proof of child's birth or adoption
- statement declaring intent to stay home to care for child

### *Compassionate care*

- application form
- record of employment from employer
- medical certificate indicating a possible end of life situation

### *Sickness*

- application form
- record of employment from employer
- medical certificate indicating inability to work due to illness
- exhaustion of sick leave

### *Family caregiver*

- medical certificate by specialist
- attestation medical certificate indicating an adult family member is at risk of dying as a result of an injury or illness that is a significant change to his/her baseline health

## CAN I CLAIM DURING THE SUMMER MONTHS?

Teacher members who have a continuing statutory contract **cannot** receive regular EI benefits during the summer but may receive special benefits such as maternity/parental, compassionate care or family caregiver benefits as per regulation.

Other education workers may qualify for EI benefits. Occasional teachers may qualify for regular EI benefits, if they have the requisite number of hours of insurable employment in the 52 weeks preceding the application, or since the start of their last EI claim provided that they have not accepted a contract for September.

## WHAT ABOUT SEVERANCE PAY, EARLY RETIREMENT INCENTIVE PAYMENTS, OR VACATION PAY?

These are regarded as “earnings” in determining eligibility for EI benefits. The Canada Employment Insurance Commission (CEIC) will consider these payments as money earned and will allocate as if they were the member’s weekly salary.

## ALLOWABLE EARNINGS WHILE ON EI REGULAR BENEFITS

You must declare all earnings in the week that they are earned.

## WORKING WHILE ON CLAIM PROJECT

### **Service Canada**

The *Working While on Claim Pilot Project* allows claimants to keep 50 cents of their EI benefits for every dollar they earn, up to a maximum of 90 per cent of the weekly insurable earning used to calculate their EI benefits. The project has been extended to August 2018.

With the current pilot project, once the waiting period is served, all earnings are deducted at a rate of 50 per cent of each dollar earned up to a threshold of 90 per cent of the weekly insured earnings used to calculate the benefit rate. After this 90 per cent threshold is reached, earnings are deducted dollar for dollar from benefits. For example: If your weekly insurable earnings are \$800, your earnings threshold would be \$720 ( $\$800 \times 90\% = \$720$ ).

If you are collecting EI benefits based on weekly insurable earnings of \$800, Service Canada would deduct the equivalent of 50 per cent of your earnings from your EI benefits, until those earnings reach \$720 (the earnings threshold). Any money earned above the 90 per cent (\$720) will be deducted dollar for dollar from your EI benefits.

## RESIGNATION OR TERMINATION

Generally if you quit or are fired for misconduct you **cannot** receive EI benefits. There is a provision within EI legislation for members who quit for “just cause.” The definition is provided below:

- sexual or other harassment;
- obligation to accompany a spouse or dependent child to another residence;
- discrimination on a prohibited ground of discrimination within the meaning of the *Canadian Human Rights Act*;
- working conditions that constitute a danger to health or safety;
- obligation to care for a child;
- reasonable assurance of other employment in the immediate future;
- significant modification of terms and conditions respecting wages or salary;
- excessive overtime work or refusal to pay for overtime work;
- significant changes in work duties;



- antagonistic relations between an employee and a supervisor for which the employee is not primarily responsible;
- employer's practices that are contrary to law;
- discrimination with regard to employment because of membership in an employee organization;
- undue pressure by an employer on employees to leave their employment; and
- such other circumstances as are prescribed.

To date, no other circumstances have been prescribed.

## WHAT IS THE WAITING PERIOD?

As of January 1, 2017, the waiting period is now one week from the Sunday of the week of application where members receive no income or EI benefits. Many OSSTF/FEESO contracts have “top-up” provisions or supplementary employment benefit (SEB) plans for maternity/parental leave that assist during this period. Members who bargain under the *School Board Collective Bargaining Act* have eight weeks of top-up. Check with your Bargaining Unit to see what is available for you. When special benefits (parenting, compassionate) are shared between other family members, there is no additional waiting period.

## MAINTAINING BENEFITS

All members should:

- keep a copy of all correspondence to and from EI;
- keep a record of all employers contacted by phone, written application or in person;
- complete EI questionnaires and report cards quickly and accurately and return them in a timely fashion.

EI legislation requires that all claimants for regular EI benefits be available for work, must be willing and able to work, must be actively seeking employment and must be unable to find work.

Members eligible for EI benefits in the months of July and August and returning to contract employment in September should indicate that they are looking for temporary work and that they are prepared to accept employment for which their education, training and experience make them suitable.

Examples of looking for work include:

- checking advertisements in local papers and trade journals; enquiring of friends, relatives, business acquaintances;
- identifying organizations that might need workers with your qualifications;
- preparing and distributing résumés to potential employers;
- accessing the Job Bank on the Service Canada website.

If you encounter problems with EI at anytime, contact your local OSSTF/FEESO Bargaining Unit or Provincial Office.

**You may be asked to attend a job search seminar while on claim. You are strongly encouraged to attend.**

## EI APPEALS

If you do not agree with the disposition of your claim, you must first request a reconsideration. If this does not resolve the claim, you may appeal the decision to the **General Division of the Social Security Tribunal** (SST) within 30 days of the reconsideration notice from Service Canada. If this is not successful, it will go to the Appeal Division of the SST (see diagram). The SST is an independent administrative tribunal that operates at arm's length from Human Resources and Skills Development Canada. All decisions are made by one decision-maker called a Tribunal Member.

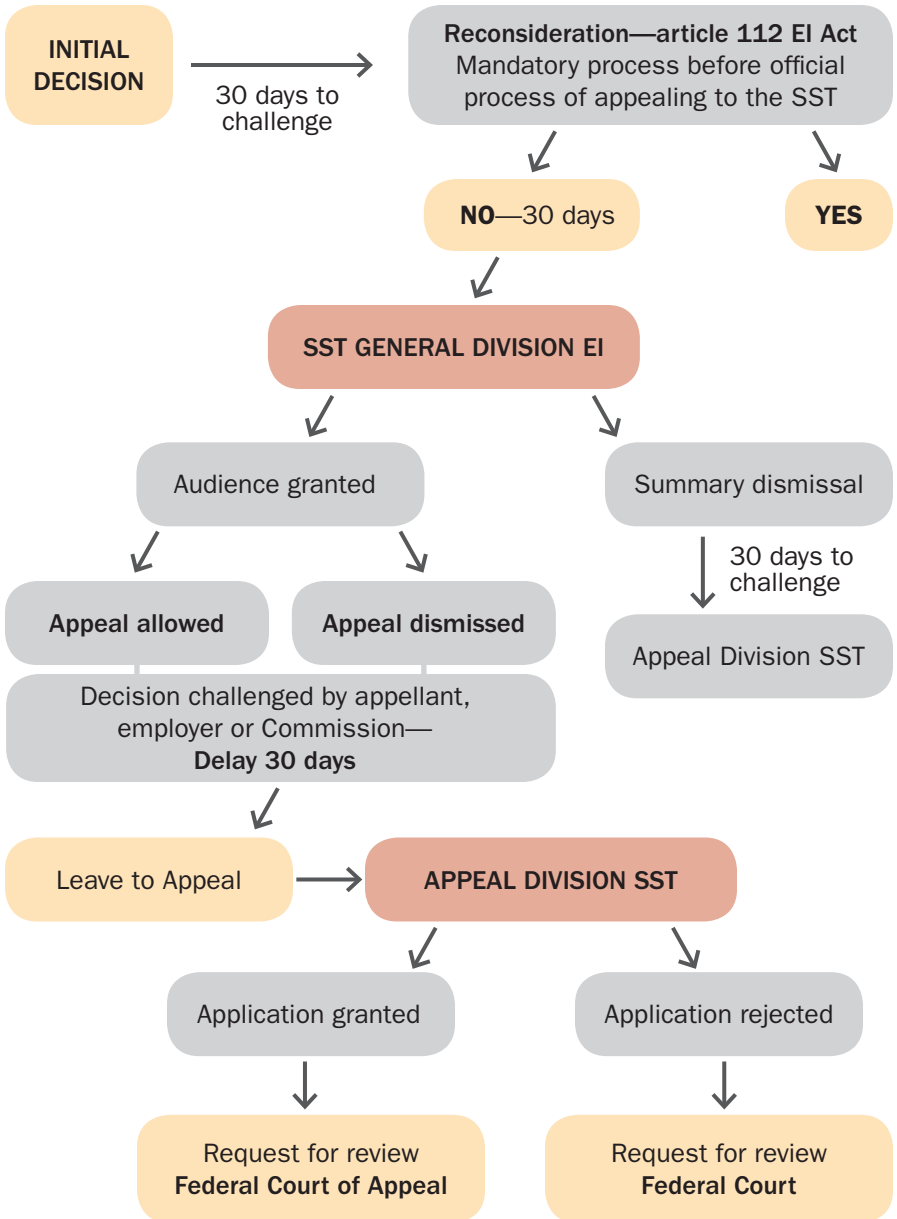
### The **first level**: the General Division has two sections:

- an Employment Insurance (EI) section for EI claimants who disagree with a reconsideration decision of the Canada Employment Insurance Commission.
- an Income Security section for Canada Pension Plan (CPP) and Old Age Security (OAS) applicants who disagree with a reconsideration decision regarding their claim for benefits.

### The **second level**: Decisions of the General Division can be appealed to the Appeal Division.

- To file an appeal with the SST, complete and submit the appropriate application form or send the SST a letter (must file within 30 days).
- For more information on how to submit an appeal to each division, please visit the Service Canada website [www1.canada.ca/en/sst/hta/index.html](http://www1.canada.ca/en/sst/hta/index.html)
- Contact your local OSSTF/FEESO office or Provincial Office for assistance.

## Comparison Structure— before and after the dispute process reform New Process—Social Security Tribunal (SST)



## BENEFIT DESCRIPTIONS

### *Maternity benefits*

- available only to biological mother
- 15 weeks paid benefit (one week waiting period)
- 600 insurable hours necessary
- additional earnings deducted dollar for dollar
- payable anytime during period beginning 12 weeks before the expected date of delivery and ending 17 weeks following the delivery date
- application may be made as early as ten weeks before the anticipated date of delivery
- should a member go on sick benefits from the employer, as specified by her doctor, the 15 week benefit period may be interrupted. Check with your local OSSTF/FEESO office for specific details

### *Parental benefits*

There are two options available for receiving parental benefits: standard or extended:

**1. Standard parental benefits** can be paid for a maximum of **35** weeks and must be claimed within a 52 week period (12 months) after the week the child was born or placed for the purpose of adoption. The weekly benefit rate is 55 per cent of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 35 weeks of standard parental benefits.

**2. Extended parental benefits** can be paid for a maximum of **61** weeks and must be claimed within a 78-week period (18 months) after the week the child was born or placed for the purpose of adoption. The benefit rate is 33 per cent of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 61 weeks of extended parental benefits.

You can choose to claim extended parental benefits **only** if your child was born or placed with you for the purpose of adoption on or after December 3, 2017.

### ***Sickness benefits***

- sick leave must be exhausted
- 15 weeks—generally no waiting period
- teachers cannot receive during July and August
- 600 insurable hours needed

### ***Compassionate care benefits***

- a maximum of 15 weeks benefit—one week waiting period
- provided to care for a family member, as defined, who is critically ill
- medical certificate needed
- 600 insurable hours needed
- benefit can be shared with other members of your family who must also meet the eligibility requirements

### ***Family caregiver benefits***

- 600 hours insurable needed
- up to 15 weeks of EI benefits
- to care for critically ill or injured family member

### ***Regular benefits***

- one week waiting period
- expires 52 weeks following the commencement date of claim
- unused entitlement may not be claimed after EI claim has expired
- entitlement based on number of hours worked and regional employment rate
- number of insurable hours required based on employment rate varies from 420–700 hours depending on the geographic region in which you live (not work)
- the maximum number of weeks available under regular benefits is influenced by several factors:
  - region in which you live;
  - whether you are a long-tenured worker or a frequent user of the EI System;
  - the number of insurable hours accumulated during your qualifying period.

Normally, benefits are paid for 14–45 weeks, but can be paid for up to 50 weeks in two regions in Ontario (Northern Ontario and Sudbury).



## NOTES

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You are encouraged to contact Service Canada at **1-800-206-7218** for more detailed information regarding EI benefits.

If you require further clarification, please contact OSSTF/FEESO Provincial Office, Protective Services Division at **1-800-267-7867**.