

EMPLOYMENT INSURANCE FOR OSSTF MEMBERS

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EMPLOYMENT INSURANCE

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
 - a) are taking maternity/parental leaves
 - b) have exhausted sick leave provisions and cannot work due to illness.
 - c) Are caring for a family member who is gravely ill with a significant risk of death within 26 weeks. (six months)

Please see definitions for more detail

(Family member is 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.)

QUALIFYING HOURS FOR EI BENEFITS

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

- 1) the number of insurable hours worked in the previous 52 weeks prior to the claim;
- 2) the type of benefits;
- 3) whether the member is considered to be a "new entrant" or "re-entrant".

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). Full full-time teachers the weekly hours are calculated at seven hours per day.

How many hours do I need to qualify?

Special(maternity, parental, sickness, compassionate care)

- ❖ 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 Human Resources Development Canada (HRSDC) office or OSSTF District Office to determine the hours needed.

New entrants or re-entrants

- ❖ will need 910 hours of insurable hours for regular benefits.
- ❖ 600 insurable hours for special benefits.

How much is the weekly benefit?

Benefits are paid on the basis of 55% of the maximum insurable earnings level. The maximum weekly benefit is \$413.

Many OSSTF contracts have “top up” provisions for maternity/parental benefits. Check with your bargaining unit president for details.

How do I apply?

You can apply for EI benefits by visiting the local HRDC office or by visiting the HRSDC web site and applying online (recommended). www.hrde-drhc.gc.ca

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

What will I need to apply?

Regular benefits:

- ❖ application form
- ❖ record of employment

Special benefits:

Maternity

- ❖ record of employment
- ❖ application form
- ❖ medical certificate indication due date

Parental

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

Compassionate Care

- ❖ application form
- ❖ record of employment

- ❖ medical certificate

Sickness

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

Can I claim during the summer months?

Teacher member who have a continuing statutory contract cannot receive benefits except for maternity/parental leaves.

Other education workers may qualify for 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.

What about severance pay – early retirement, incentive payments or vacation pay?

These are regarded as “earnings” in determining eligibility for EI benefits. The EI commission 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. Claimants can earn up to \$50 each week without affecting their claim. Earnings above this limit are deducted from that week’s benefit.

Failure to report earnings may result in a fine being imposed.

Quitting or being fired

Generally if you quit or are fired for misconduct you cannot receive EI benefits. There is a provision within EI legislation for member 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 or terms and conditions respecting wages or salary;

- (h) excessive overtime work or refusal to pay for overtime work;
- (i) significant changes in work duties;
- (j) antagonistic relations between an employee and a supervisor for which the employee is not primarily responsible;
- (k) employer's practices that are contrary to law;
- (l) discrimination with regard to employment because of membership in an employee organization;
- (m) undue pressure by an employer on employees to leave their employment; and
- (n) such other circumstances as prescribed.

To date, no other circumstances have been prescribed.

What about the waiting period?

Generally, with the exception of sickness benefits, there is a two week period from the Sunday of the week of application where members receive no income or EI benefits. Many OSSTF contracts have "top up" provisions or supplement employment benefits (SEB) plans for maternity/parental leave that assist during this period. 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 card quickly and accurately and return them in a timely fashion.

EI legislation requires that all claimants for 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 are 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. The expected salary should indicate a range, rather than a restrictive figure. Indicate that anticipate returning to full time work within seven weeks.

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.

If you encounter problems with EI at anytime, contact your local OSSTF bargaining unit or Provincial Office.

EI appeals

If you do not agree with the disposition of your claim, you may appeal the decision to a local Board of Referees. This Board is comprised of a member appointed by a local labour council, a member appointed by the business community and a chairperson. The Board rules on the disposition of your claim based on EI legislation and precedents.

Appeals must be filed within 30 days of the date on which written notification is received by the member from the HRDC.

If you are appealing, continue to complete and submit cards to the EI office weekly while you are waiting for the appeal to be heard.

Contact your local labour council, local OSSTF office or Provincial Office for assistance with your hearing.

Definitions

Maternity leave

- ❖ available only to biological mother
- ❖ 15 weeks paid benefit (two week waiting period)
- ❖ 600 insurable hours necessary
- ❖ additional earnings deducted dollar for dollar
- ❖ payable anytime during period beginning eight weeks before the expected date of delivery and ending 17 weeks following the delivery date
- ❖ application may be made as early as 10 weeks before the anticipated date of delivery
- ❖ should a member go on sick benefits from the school board, as specified by her doctor, the 15 week benefit period may be interrupted. Check with your local OSSTF office for specific details.

Parental leave

- ❖ maximum of 35 weeks to biological or adoptive parents
- ❖ benefit can be paid to either father or mother or shared between them
- ❖ waiting period served if taken in conjunction with maternity leave
- ❖ 600 insurable hours needed

Sickness leave

- ❖ sick leave must be exhausted
- ❖ 15 weeks – no waiting period

- ❖ teachers cannot receive during July and August
- ❖ 600 insurable hours needed

Compassionate care leave

- ❖ six weeks benefit – two week waiting period
- ❖ provided to care for a family member, as defined, who is gravely ill, with a significant risk of death within 26 weeks
- ❖ medical certificate needed
- ❖ not available for July and August for statutory contract teachers
- ❖ 600 insurable hours needed

Regular benefits

- ❖ two 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 unemployment rate to a maximum of 45 weeks depending on these factors
- ❖ number of insurable hours required based on employment rate