

Employment Insurance for OSSTF/FEESO 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 member¹ who is gravely ill with a significant risk of death within 26 weeks (six months).

Please see Definitions for more detail.

1. 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.

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). For full-time teachers, the weekly hours are calculated at 7 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 Service Canada office or OSSTF/FEESO Provincial 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. As of January 1, 2012, the maximum insurable earnings amount is \$47,400. The maximum weekly benefit is \$501.

Many OSSTF/FEESO 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 Service Canada office or by visiting the Service Canada website and applying online (www.servicecanada.gc.ca).

OSSTF/FEESO members using the on-line 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 indicating 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 members 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.

Service Canada is currently making revisions to the *Working While on Claim Pilot* Project which was introduced August 5, 2012. Eligible claimants will have an option to choose between the provisions of the previous pilot project and the current pilot project.

Claimants Eligible for Reversion

It is important to note that only those claimants receiving **regular, parental and compassionate** benefits will have the option of reverting to the provisions of the previous pilot project, if in the year before the current pilot project was introduced (prior to August 5, 2012), you received at least one week of regular, parental or compassionate care EI benefits during which earnings were declared or allocated.

If you are eligible for reversion, it is imperative that you thoroughly understand the details of both pilot projects prior to making your decision.

Previous Pilot Project

Previously, if eligible to receive EI benefits you could earn the greater of \$75.00 per week or 40% of your weekly EI benefit, without experiencing a reduction in benefits. Any income earned above that amount would be deducted dollar for dollar from your EI benefits.

For those working one day per week or less while receiving EI benefits, it may be beneficial to have your claim reverted to the previous pilot project.

Current Pilot Project

With the current pilot project, once the waiting period is served, all earnings are deducted at a rate of 50% of each dollar earned up to a threshold of 90% of the weekly insured earnings used to calculate the benefit rate. After this 90% 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% of your earnings from your EI benefits, until those earnings reach \$720 (the earnings threshold). Any money earned above the 90% (\$720) will be deducted dollar for dollar from your EI benefits.

For those working two days per week or more while receiving EI benefits, the current pilot project may be more beneficial.

When will this change begin?

Starting January 6, 2013, eligible EI claimants will have the option of reverting to the provisions of the previous pilot project if it is more beneficial. The option to revert will be available to eligible claimants who request it for any claims during the period of August 5, 2012 to August 1, 2015.

Individuals whose benefits end before January 6, 2013 will have until February 4, 2013 to request a reversion on that claim. Individuals whose

benefits end after January 6, 2013 will have until 30 days from the date of last payment or notice of non-payment to request a reversion on that claim.

If you choose to revert to the previous pilot project, you will be required to complete paper reports on a biweekly basis, which must be returned by mail.

Once you decide to revert to the provisions of the previous pilot, it will apply for the entire duration of your claim. **Decisions to revert are final,** and will not be changed regardless of changes in personal circumstance.

Failure to Request a Reversion

If you fail to make a request for reversion, EI will exclude you from reversion on all future claims during the pilot project.

Please note that decisions pertaining to reversion are not subject to appeal.

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 members who quit for "just cause." The definition is provided below:

- (a) sexual or other harassment;
- (b) obligation to accompany a spouse or dependent child to another residence;
- (c) discrimination on a prohibited ground of discrimination within the meaning of the Canadian Human Rights Act;
- (d) working conditions that constitute a danger to health or safety;
- (e) obligation to care for a child;
- (f) reasonable assurance of other employment in the immediate future;
- (g) significant modification of 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 are 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/FEESO contracts have “top-up” provisions or supplementary employment benefit (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 cards 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.

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 resumes to potential employers.

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

El appeals

If you do not agree with the disposition of your claim, you may appeal the decision to the new **Social Security Tribunal (SST)**. 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 www.servicecanada.gc.ca/eng/sst/index.shtml
- Contact your local OSSTF/FEESO office or Provincial Office for assistance.

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/FEESO 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 varies from 420-700 hours

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

If you require further clarification please contact Ana Misiti at OSSTF/FEESO Provincial Office, **1-800-267-7867** or email misitia@osstf.on.ca.

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