

## **Employment Insurance**

*This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. A lawyer at MWC reviewed this information in May 2018.*

### **What is Employment Insurance?**

Employment Insurance (EI) provides temporary financial assistance to unemployed migrant workers who have lost their jobs through no fault of their own. You can also receive EI benefits if you are unable to work due to a sickness or injury.

### **Do I qualify for EI if I am in the Temporary Foreign Worker Program?**

You qualify for EI if you lost your job and if you:

- have paid premiums into the EI Account<sup>1</sup>;
- lost your employment through no fault of your own;
- have been without work and without pay for at least seven consecutive days in the last 52 weeks;
- have worked for the required insurable hours<sup>2</sup> in the last 52 weeks or since the start of your last EI claim, whichever is shorter;
- are ready, willing and capable of working each day; and
- are actively looking for work (migrant workers should keep a written record of employers they contacted including the date of when they contacted employers).

You *do not* qualify for EI benefits if you:

- voluntarily left your employment without just cause; or
- were dismissed for your misconduct.

### **How do I apply for EI?**

If you want to apply for EI, you **must** do so immediately once you stop working even if a Record of Employment (ROE) has not been received.<sup>3</sup> If you wait longer than four weeks after your last day of work to apply for EI, then you could be disqualified for EI benefits.

**You can apply for EI benefits online at the Service Canada Centre or at the Service Canada Website at the following URL:** <http://www.servicecanada.gc.ca/eng/ei/application/employmentinsurance.shtml>

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<sup>1</sup> Premiums paid into the EI Account are deducted from migrant workers' wages as indicated on their pay cheque stubs.

<sup>2</sup> Require at least 420 to 700 hours of insurable employment to qualify for EI, depending on the regional unemployment rate.

<sup>3</sup> Refer to our Fact Sheet on 'Record of Employment' if your employer refuses to give you your ROE.

You are still expected to actively look for work even if you have applied for EI benefits. Actively looking for work is a requirement for EI benefits. You may be asked to provide a written record of potential employers you have contacted.

### **Do I need to obtain an ROE if I have already applied for EI?**

You will still need to obtain a ROE from your employer in order to collect your benefits. Employers are legally obligated to give you a ROE at the end of your employment. If your employer refuses to give you one, you can send your employer a written request for a ROE. Send your letter by registered mail and keep the receipt. This can be proof to show that you used all reasonable efforts to obtain a ROE. If the employer still refuses to provide a ROE after receiving the request, contact your local Service Canada Centre (SCC) or call SCC at 1-800-206-7218 to assist in obtaining a ROE.

### **How long does it take to receive money from EI after I have been approved?**

If you are approved for EI benefits, you will receive your first payment within 28 days from the time the application was submitted.

### **How much will I receive every week?**

The amount of money for which you qualify per week varies application to application. The basic rate for calculating EI benefits is 55% of annual insurable weekly earnings. Thus, under the basic rate, a migrant worker who earned \$454 per week while employed will receive \$249.70 per week in EI benefits.

Migrant workers qualifying for EI will receive benefits for a period from 14 to 45 weeks, depending on the regional unemployment rate and the number of insurable hours the migrant worker worked during the qualifying period.

If you are receiving EI benefits, you must submit an EI report every two weeks to show that you are still entitled to receive EI benefits.

### **What happens if my application is rejected?**

Service Canada will contact you if you are rejected for EI benefits and will explain why your application was rejected. You can appeal this decision if you believe it was unjustified.

### **Are you eligible for EI sickness benefits?**

EI sickness benefits are financial assistance provided to people unable to work due to a sickness or injury. If you cannot work because of sickness or injury, but otherwise be available to work, you can receive EI sickness benefits up to a maximum of 15 weeks.

You may be entitled to receive EI sickness benefits if:

- you have paid EI premiums;
- you meet the specific criteria for receiving EI sickness benefits;
- your normal weekly earnings have been reduced by more than 40%; and
- you have accumulated at least 600 hours of insurable employment during the qualifying period

### **How do I apply for EI sickness benefits?**

The application process and time lines for EI sickness benefits is the same as the process for EI benefits described above.