Citation: *JB v Canada Employment Insurance Commission*, 2025 SST 149

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant:	J. B.
Respondent:	Canada Employment Insurance Commission

Decision under appeal:	Canada Employment Insurance Commission reconsideration decision (704441) dated December 6, 2024 (issued by Service Canada)

Tribunal member:	Ranjit Dhaliwal
Type of hearing:	Teleconference
Hearing date:	January 3, 2025
Hearing participant:	Appellant
Decision date:	January 28, 2025
File number:	GE-24-4001

Decision

[1] The appeal is allowed in part. I find that the Appellant quit his job without just cause and can't get Employment Insurance (EI) benefits.

[2] I also find that the Appellant was looking for work and isn’t disentitled from getting benefits for that reason.

Overview

[3] The Appellant quit his job in Alberta on October 24, 2024, and applied for EI benefits. The Commission decided he quit without just cause and wasn't available for work.

[4] The Appellant says he had to go back to Ontario for a probation meeting and medical appointments. He also thought his contract would end in October 2024 when he was first hired.

[5] He says he took the job based on the verbal agreement that he would be laid off in October 2024, he was caught by surprise when the employer asked him to work until mid December 2024.

[6] When he got back to Ontario, he put his name on the union hiring hall list and looked for work.

[7] The Commission says he had other options instead of quitting. It also says he wasn’t really looking for work because he mostly relied on the union list.

Issue

[8] Did the Appellant quit his job without just cause?

[9] Was the Appellant looking for work?

Analysis

Issue 1: Did the Appellant quit without just cause?

The parties agree that the Appellant voluntarily left

[10] I accept that the Appellant voluntarily left his job. The Appellant agrees that he quit on October 24, 2024. I see no evidence to contradict this.

[11] He asked to be laid off, but his employer said no. Instead of staying, he quit to go to his probation meeting and medical appointments.

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

[12] The parties don't agree that the Appellant had just cause for voluntarily leaving his job when he did.

[13] The law says that you're 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.

[14] 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]

[15] It's up to the Appellant to prove that he had just cause.[3] He has to prove this on a balance of probabilities. This means that he has to show that it's more likely than not that his only reasonable option was to quit. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

[16] The law says claimants have to show they had no reasonable option but to quit.

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[1] Section 30 of the *Employment Insurance Act* (Act) explains this.
[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 3.

[17] I find that the Appellant had other options. He could have asked for a short leave instead of quitting. If they wouldn't give him a leave, he should have worked until mid December 2024, like the employer wanted. If he had to go back for a meeting with his probation officer, then he should have, whatever the travel cost.

[18] The Appellant says that it would have been very expensive for him to travel back home just for his probation meeting.

[19] Even though travel costs may have been high, he knew about his appointments before taking the job in Alberta and could have planned better.

[20] The Federal Court of Appeal has said that quitting for personal reasons, when other options exist, doesn't count as just cause[4].

[21] Also, the Appellant didn't have a guaranteed job when he got back to Ontario.

[22] He left his job without knowing when he'd work again, which he could have avoided by staying until December.

[23] The Federal Court of Appeal has ruled that claimants must try all reasonable options before quitting.[5]

Issue 2: Was the Appellant looking for work?

[24] Two different sections of the law require claimants to show that they're available for work. The Commission decided that the Appellant was disentitled under both of these sections. So, he has to meet the criteria of both sections to get benefits.

[4] See *Jamieson v. Canada (AG)*, 2011 FCA 204
[5] *Canada (AG) v. White*, 2011 FCA 190

[25] First, the *Employment Insurance Act* (Act) says that a claimant has to prove that they're making "reasonable and customary efforts" to find a suitable job.[6] The *Employment Insurance Regulations* (Regulations) give criteria that help explain what "reasonable and customary efforts" mean.[7] I will look at those criteria below.

[26] Second, the Act says that a claimant has to prove that they are "capable of and available for work" but aren't able to find a suitable job.[8] Case law gives three things a claimant has to prove to show that they are "available" in this sense.[9] I will look at those factors below.

[27] The Commission decided that the Appellant was disentitled from receiving benefits because he wasn't available for work based on these two sections of the law.

[28] I will now consider these two sections myself to determine whether the Appellant was available for work.

Reasonable and customary efforts to find a job

[29] The law sets out criteria for me to consider when deciding whether the Appellant's efforts are reasonable and customary.[10] I have to look at whether his efforts were sustained and whether they were directed toward finding a suitable job. In other words, the Appellant has to have kept trying to find a suitable job.

[30] I also have to consider the Appellant's efforts to find a job. The Regulations list nine job-search activities I have to consider. Some examples of those activities are the following:[11]

- assessing employment opportunities
- preparing a resume or cover letter

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[6] See section 50(8) of the *Employment Insurance Act* (Act).
[7] See section 9.001 of the *Employment Insurance Regulations* (Regulations).
[8] See section 18(1)(a) of the Act.
[9] See *Faucher v Canada Employment and Immigration Commission*, A-56-96 and A-57-96.
[10] See section 9.001 of the Regulations.
[11] See section 9.001 of the Regulations.

- registering for job-search tools or with online job banks or employment agencies
- networking
- contacting employers who may be hiring.

[31] The Commission says that the Appellant didn't do enough to try to find a job.

[32] The Appellant disagrees. He put his name on the union hiring hall list as soon as he got back to Ontario on October 30, 2024.[12]

[33] He also looked for work, took a two-week painting job in November, and used online job banks like Indeed.

[34] The Appellant showed his Indeed profile that has a current resume uploaded.[13]

[35] The Appellant is making efforts to connect with local business owners and farmers who may need his help with painting jobs.

[36] Past decisions have mentioned a policy that unionized workers shouldn't depend only on their union hiring hall for jobs for a long time.[14] Its clear in this case that the Appellant didn't just rely on the hiring hall, and made efforts outside of his union to get a job.

[37] I find that the Appellant wanted to work and made reasonable and customary efforts to find it.

[12] See GD6-1.
[13] See GD7-03.
[14] See AD-19-481; AD-19-380.

Capable of and available for work

[38] Case law sets out three factors for me to consider when deciding whether the Appellant was capable of and available for work but unable to find a suitable job. The Appellant has to prove the following three things:[15]

a) He wanted to go back to work as soon as a suitable job as available.

b) He has made efforts to find a suitable job.

c) He didn't set personal conditions that might have unduly (in other words, overly) limited his chances of going back to work.

[39] When I consider each of these factors, I have to look at the Appellant's attitude and conduct.[16]

– **Wanting to go back to work**

[40] The Appellant has shown that he wanted to go back to work as soon as a suitable job was available.

[41] The Appellant put his name on the union hiring hall list as soon as he got back to Ontario on October 30, 2024.

[42] He also looked for work, took a two-week painting job in November, and used online job banks like Indeed.

[43] This shows he wanted to work.

– **Making efforts to find a suitable job**

[44] I find that the Appellant made a real effort to find work. He:

a) Signed up at the union hiring hall.

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[15] These three factors appear in *Faucher v Canada Employment and Immigration Commission*, A-56-96 and A-57-96. This decision paraphrases those three factors for plain language.
[16] Two decisions from case law set out this requirement. Those decisions are *Canada (Attorney General) v Whiffen*, A-1472-92; and *Carpentier v Canada (Attorney General)*, A-474-97.

b) Applied for jobs on Indeed.

c) Took a short-term painting job.

d) Asked local businesses for painting work.

[45] The Appellant's job search meets this standard.

– **Unduly limiting chances of going back to work**

[46] The Commission says the Appellant wasn’t looking hard enough because he mainly relied on the union list.

[47] But the Appellant used other job search methods and took temporary work.

[48] I find he didn’t limit himself to just the union hiring hall.

– **So, was the Appellant capable of and available for work?**

[49] Based on my findings on the three factors, I find that the Appellant has shown that he was capable of and available for work but unable to find a suitable job.

Conclusion

[50] I find that the Appellant quit his job without just cause and can't get EI benefits.

[51] I also find that he was looking for work and isn’t disentitled from getting benefits for that reason.

[52] This means the appeal is allowed in part.

Ranjit Dhaliwal

Member, General Division – Employment Insurance Section