

# **EMPLOYMENT INSURANCE and CANADA EMERGENCY RESPONSE BENEFIT Q&A FOR THE ADCP**

**CUPE is in constant communication with the government on Employment Insurance (EI) and the Canada Emergency Response Benefit (CERB). Information is constantly updating and we are receiving more information everyday. We are waiting for the new regulations (which will hopefully be released later this week) which should answer many of the incoming questions.**

**This information is current as of April 1, 2020 at 10:30am.**

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**Q: Do I apply for Employment Insurance (EI) or the Canada Emergency Response Benefit (CERB)? If I have to apply for CERB, do I have to apply for EI first?**

**A:** The new Canada Emergency Response Benefit is available to workers who have been laid off, workers who have seen their hours or income reduced even though they have not been laid off, workers who need to take sick leave or caregiving leave, and parents who need to take time off to care for their school-age children. The benefit is available to workers who qualify for EI and those who don't, including employees, contract workers, and self-employed workers.

To qualify, you must have had \$5,000 in employment income, self-employment income, or maternity or parental leave benefits in 2019 or in the 12-month period preceding the day you apply.

If you have already applied for EI since March 15, you do not need to submit a new application. You will receive this new 16-week benefit. If needed, you can use your hours to apply for EI benefits after you have exhausted CERB benefits.

At this time, CUPE is recommending that members who meet these criteria apply for EI and do not wait for the new application process for the CERB to open on April 6. This means that your application will already be on file with Service Canada should you need to transition to EI Regular Benefits later.

**Q: If I am entitled to more money biweekly on EI, will I stay on EI or am I forced to take CERB?**

**A:** If you are already on EI, you will continue to receive EI. If you have submitted a claim for EI Regular or Sickness Benefits since March 15, you will receive the CERB first for 16 weeks. If you are eligible for EI maternity, parental, or caregiving benefits, you will receive the normal amount of EI.

**Q: If we are forced to take CERB but would make more money on EI, will I be reimbursed the difference later?**

**A:** Everyone will receive the same payment of \$2000 per month for 16 weeks, regardless of whether you qualify for more money through EI. However, once you have received this benefit for 16 weeks, you will still be eligible to receive EI at the higher rate.

**Q: If we are forced to take CERB but would make less money on EI, will I be required to repay that difference later? If yes, how does the repayment work? (Lump sum? Is there interest? If I go on EI afterwards, will my EI payments be deducted to repay this money?)**

**A:** No. Furthermore, the government has clarified that the new CERB will be non-taxable. If you go on EI later, your EI payments will not be reduced to repay the CERB.

**Q: Can I work while on CERB?**

**A:** Yes, however you will need to submit an attestation stating that you will have no work or other source of income for 14 consecutive days each month.

**Q: Can I go to school while on CERB?**

**A:** It's not clear at this point – we are still waiting for further details.

**Q: Can I travel while on CERB? (Within Canada, Outside of Canada)**

**A:** It's not clear at this point – we are waiting for further details.

**Q: If CERB portal opens after my layoff date, do I need to apply for EI first, or do I wait for the CERB portal to open?**

**A:** CUPE is recommending that members apply for EI now. You will still receive the CERB for 16 weeks before transitioning to EI benefits, but it will make the transition easier down the road.

**Q: If we are receiving CERB benefits, and are laid off past the 4 months, do we apply for EI after the 4 months is over or right away?**

**A:** If you have enough EI insurable hours, you will still be able to access your normal EI benefits after the 16-week period covered by the CERB.

**Q: Is there an unpaid waiting period for the CERB like there is with regular EI benefits? If so, how long is the unpaid waiting period?**

**A:** There is no waiting period for the CERB. If you transition to EI Regular Benefits in 16 weeks, you may be asked to serve a waiting period then.

**Q: Can I claim EI (Employment Insurance) before my last day of employment?**

A: You can't apply for EI before your last day of employment, but you should apply for EI benefits as soon as you stop working. You can apply for benefits even if you have not yet received your Record of Employment (ROE). If you delay filing your claim for benefits for more than four weeks after your last day of work, you may lose benefits.

**Q: How do I claim EI?**

A: You can apply for EI Regular benefits here <https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit.html>

**Q: What happens if I am quarantined during the last 14 days of flying and get a positive COVID-19 test result after I am laid off?**

A: A member who is laid off and later develops symptoms of COVID-19 from workplace exposure can file a workers' compensation claim if they believe the source of the illness was work. For federally regulated workers' like flight attendants, their workers' compensation claim should be made where their base is. A member can access EI sickness benefits and file a WSIB claim at the same time – and probably should.

The EI sickness benefits are less than the WSIB benefit but will flow sooner. EI sickness benefit has an income replacement rate of 55% (max \$54,200 insurable earnings) and WSIB's is 85% (max \$90,300 insurable earnings). If a member is successful with a WSIB claim, they'll have to repay the EI sickness benefits – which should be fine because the WSIB benefit will be retroactive.

Here's the WSIB FAQ on COVID-19 claims: <https://www.wsib.ca/en/faqs-about-wsib-claims>. At this point, the member really needs medical affirmation of a COVID-19 diagnosis (can't just say they have symptoms) – so a Form 8 from a Health Professional or an opinion stating the member is believed to have contracted COVID-19 at work. But we don't know yet how the health care system will handle workers' comp claims for COVID-19 (in light of doctor's offices closing and hospitals being overwhelmed). In Ontario, our WSIB Reps are trying to work out the logistics of that with the WSIB.

**Q: When does the company have to issue my record of employment (ROE)?**

A: An employer has to issue a ROE as soon as they terminate employment or temporarily lay off an employee. This is your employer's obligation and Service Canada can help ensure that your employer fulfills this obligation. However, due to the influx of applications, Service Canada is being lenient with the timeliness of receiving ROEs.

**Q: Will the record of employment (ROE) be sent to Service Canada?**

A: The company will send an electronic copy of your ROE to Service Canada. Since an electronic copy will be submitted, there is no need to send Service Canada a paper copy. Service Canada will not be taking cause of separation into account for the next 16 weeks. However, the cause of

separation will become an issue when someone files for EI Regular benefits in 16 weeks so you should check to make sure your employer is not recording you as quitting voluntarily if you have had to leave work for caregiving reasons or because the employer is conducting layoffs.

**Record of Employment:**

<https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/ei-roe.html>

**Q: Am I taxed on the money I receive while on EI?**

A: Yes. EI are taxable income and subject to federal and provincial/territorial taxes.

Information on EI as Taxable Income can be found: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/repayment.html>

**Q: Is there a cap on the amount of net income I can receive during the year?**

A: Cap for CERB - \$8000 over 4 months

EI – up to \$54,200/yr. – max \$573/week

**Q: If I was denied EI benefits due to my layoff, can I ask for a reconsideration?**

A: Yes. There is a form online to complete and you need to submit it to Service Canada in person or by mail within 30 days after the date the decision was communicated to you. There is no fee to request a reconsideration.

<https://www.canada.ca/en/services/benefits/ei/ei-reconsideration.html>

**Q: If I am asked to repay benefits, can I ask for a reconsideration?**

A: Yes. There is a form online to complete and you need to submit it to Service Canada in person or by mail within 30 days after the date the decision was communicated to you. There is no fee to request a reconsideration.

You can access information here: <https://www.canada.ca/en/services/benefits/ei/ei-reconsideration.html>

**Q: Might I have to repay some EI?**

A: Yes. After you file your income tax return, you may have to repay part of the EI benefits you received. It depends on your net income (from all jobs) as there is a cap on the amount of EI benefits you received.

**Q: If I am on WSIB do I need to go on EI or am I still getting WSIB payments?**

**A:** Members on WSIB prior to the shutdowns and layoffs would continue to get WSIB and be paid for by WSIB.

**Q:** **If I am on LTD do I need to go on EI or am I still getting LTD payments?**

**A:** Members on LTD prior to the shutdowns and layoffs would continue to get LTD and be paid for by LTD.

**Q:** **The CERB is a pay cut for many and only goes until October. What happens after? Would they go on EI after October and if so, would their insurable earnings be less because it would be based on the CERB?**

**A:** The government has stated that workers who qualify for EI will be able to get EI once the CERB ends. The CERB will not impact your eligibility period, your benefit period, or your average weekly earnings. It is too early to predict what additional benefits may be available to workers.

### **STD / LTD**

**Q:** **If I am on short- or long-term disability, do I continue to receive my insurance benefits, or must I go on EI?**

**A:** Since the period of disability began before the layoff, you will continue to receive insurance benefits.

### **PREVENTATIVE / MATERNITY**

**Q:** **If I am receiving EI MAT benefits and I am laid off during this time, can I also apply for regular EI benefits due to unemployment in addition to EI MAT benefits? Will the 52 weeks for regular EI benefits be extended or do I apply for regular EI benefits after my EI MAT benefits are over?**

**A:** Canadians who are already receiving EI MAT benefits as of March 15, 2020, would continue to receive their maternity benefits and should not apply to receive the Canada Emergency Response Benefit. If their EI maternity benefits end before October 3, however, they could then apply for the Canada Emergency Response Benefit.

Also, note that income from maternity benefits makes workers eligible for the CERB.

Canadians who are already receiving EI parental benefits as of March 15, 2020, would continue to receive their EI parental benefits and should not apply to receive the Canada Emergency Response Benefit. If their EI parental benefits end before October 3, however, they could then apply for the Canada Emergency Response Benefit.

Also, note that income from parental benefits makes workers eligible for the CERB.

You may also be eligible for EI Regular Benefits once your eligibility for the CERB ends. Note, however, that there is a cumulative limit on how many weeks you can receive maternity, parental, and unemployment benefits.

Quebec: Members will continue to get their maternity/parental leave pay as normal by the province. It has not been determined yet how hours will be calculated for those returning off of maternity/parental leave however, CUPE believes that members should be able to access CERB for sixteen weeks as the intention of the benefit is that no one is left behind.

**Q: I am not sure if I should start EI MAT leave or Regular EI because I am laid off.**

A: You can start receiving maternity benefits as early as 12 weeks before your due date or the date you give birth. However, you should apply for EI or CERB first and then switch over to EI MAT closer to your due date.

Once your maternity and parental leave ends, you may be eligible again for the CERB or for EI Regular Benefits.

You can access information on EI MAT here: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/apply.html>

Quebec: Members can still apply for maternity/parental leaves in upcoming months through the province. Members are able to apply for EI or CERB first then switch to the provincial parental/maternity leave. Payments for maternity/parental leave will be calculated on wages earned before members made the claim to EI or CERB.

**Q: I submitted a disability claim prior to the shutdown and layoffs. I haven't been notified if the claim has been approved or not. If it has, does the disability claim override the upcoming lay off? Would I be on disability until my due date and then regular mat leave?**

A: It depends if you applied to EI sickness or a Short-Term Disability plan.

If EI sickness, then you will be on EI sickness benefits until you can apply for maternity benefits. Once your eligibility for sickness, maternity, and parental benefits has expired, you may be eligible for EI Regular benefits, although note that there is a cumulative limit on how many weeks you can receive EI benefits.

If this is an STD plan, then it depends on the terms of the employer's plan. You should contact your Union or Servicing Representative.

**Q: My current ROE on service Canada says illness or absence, that will need to be updated to say maternity.**

A: What matters is what type of benefit you apply for, not what the employer put on the ROE. When you apply for Sickness Benefits, you may need to provide a note from a healthcare professional (this has been waived for applications related to the coronavirus). When you apply for maternity benefits, you need to provide a due date and then update Service Canada with the actual date of birth once your child is born.

**Q: If I am not due for the next few months, what is my best option?**

**A:** Canadians who were planning on receiving EI maternity and EI parental benefits sometime after March 15 but before October 3, 2020, should apply to receive the Canada Emergency Response Benefit if they lost income because of COVID-19. Then, once their CERB benefit runs out, they should apply for their EI maternity and EI parental benefits.

However, Canadians need to still be aware of timelines for EI maternity and EI parental benefits.

If you're pregnant or have recently given birth you are eligible for maternity benefits. EI maternity benefits can start as early as 12 weeks before the expected date of birth and can end as late as 17 weeks after the actual date of birth.

If you are the parent of a newborn, you are eligible for parental benefits. Parental benefits must be used within 52 weeks after the child's birth or when the child is placed with you.

<b>Benefit Type</b>	<b>Maximum Weeks</b>	<b>Timeframes</b>	<b>Benefit Rate</b>	<b>Weekly Pay</b>
<b>CERB</b>	Up to 16 weeks	March 15 – October 3, 2020	--	\$500
<b>EI Maternity</b>	Up to 15 weeks	12 weeks before due date – 17 weeks after birth	55%	Up to \$573
<b>EI Standard Parental</b>	Up to 40 weeks, but one parent cannot receive more than 35 weeks	Within 52 weeks of birth	55%	Up to \$573
<b>EI Extended Parental</b>	Up to 69 weeks, but one parent cannot receive more than 61 weeks	Within 52 weeks of birth	33%	Up to \$344

**Q: At this point, is it better to start maternity leave early?**

**A:** No. You should apply for the CERB or regular EI then switch to EI MAT.

Quebec: It doesn't matter. Payments for maternity/parental leave will be calculated before any EI or CERB is accessed. There should be no impact if members choose to access EI or CERB prior to their maternity leave.