



Ontario Secondary School Teachers' Federation
60 Mobile Drive, Toronto, Ontario, M4A 2P3

Memorandum

Date: May 13, 2009

**D/BU #117-2008-2009
REVISED**

To: District/Bargaining Unit Presidents

From: Wendy Bolt
General Secretary

**Re: Employment Insurance Benefits Pertaining to Changes in the
School Calendar Year**

It has been drawn to our attention that inadvertently we have provided you with incorrect information in regards to the Labour Day public holiday (see *LABOUR DAY-REVISED INFORMATION).

The following information is being provided to local OSSTF representatives to help in assisting members who are dealing with starting EI claims mid-week and or working part of a week as a result of many school board decisions to start school before Labor Day and to end the school year at different times.

Applying for Employment Insurance:

Members should be told to fill out their EI application as soon as they are out of work. If they apply right away they can submit the Record of Employment (ROE) at a later date.

The impact of applying for benefits mid week and or working part of a week while on claim will vary depending on the individual circumstances and whether they are beginning a new claim or reopening an existing claim.

EI Waiting Period:

Individuals must serve a two-week unpaid waiting period before EI benefits can begin. Generally, this period is the first two weeks of the claim. If a member reopens a claim for benefits in which a two-week waiting period has already been served, the member does not have to serve another two-week waiting period.

Earnings allocated to any week of the waiting period result in a dollar for dollar deduction equal to the weekly benefit rate.

If a claim is reopened, individuals have to declare any gross earnings on the weekly report.

The basic benefit rate is 55% of the average insured earnings up to a yearly maximum insurable amount of \$42,300. This means a member can receive a maximum benefit payment of \$447 per week. *As of December 2008, the allowable earnings are 40% of the benefit to a maximum of \$179.00 per week without affecting an EI claim* (i.e. if a member's benefit is \$300.00 per week, the allowable earnings without affecting the claim would be \$120.00 per week).

It is the responsibility of the individual to report all earnings in gross amounts. If the gross amounts are above the allowable earnings, there would be a dollar for dollar deduction from the EI benefit.

For Example:

If members are called back to work on the Tuesday and Wednesday prior to Labour Day and then are off again on Thursday and Friday, the gross earnings must be included in the weekly reports. It doesn't matter what days are worked during the week, EI is only concerned with the gross earnings which are reported for the week. *All earnings while on claim must be accurately reported to EI in the week worked.*

Example of Calculation:

A member is reporting for the week of August 30 to Sept 5, 2009. The member has worked two (2) days during this reporting period and the gross earnings are \$150. The payable EI benefit is \$130 and is calculated as follows: \$200 benefit rate + **\$80 allowable earnings** (40% of \$ 200) = \$280 - \$150 (what you earned) = **\$130 is the amount of your EI payment.**

The following chart gives other examples:

Weekly EI Benefit	Allowable Earnings 40%	Gross Earnings for the week	Benefit Rate plus Allowable Earnings	EI Payment
\$300	40% of 300 = \$120	\$120	300 + 120 = \$420	420 - 120 = \$300
\$350	40% of 350 = \$140	\$150	350 + 140 = \$490	490 - 150 = \$340
\$350	40% of 350 = \$140	\$275	350 + 140 = \$490	490 - 275 = \$215
\$447	40% of 447 = \$179	\$275	447 + 179 = \$626	626 - 275 = \$351

Payment:

In order to get paid the member must complete a report by Internet, telephone or mail every two weeks. These reports are very important as regular payments cannot be issued without them.

When requesting regular benefits individuals have the responsibility to:

- be willing and able to work at all times;
- actively look for work and keep a record of employers contacted, including when they were contacted;
- report all periods when not available for work;
- provide all required information and documents;
- report all employment, whether working for someone else or for themselves;
- accurately report all earnings before deductions from employment, in the week(s) in which they were earned, as well as any other monies received;
- report any absence from their area of residence; and
- report any absence from Canada.

Service Canada is constantly improving the system for the prevention and detection of abuse.

If a mistake is made when filling out forms or reports, or if there is a change in individual circumstances that could affect EI benefits, the member should advise Service Canada immediately. Notifying Service Canada of a mistake or a change immediately is the best way to prevent future problems with a claim, or avoid a penalty.

If a misreport is filed, in addition to having to repay the EI benefits the individual was not entitled to, the member may also have to pay a monetary penalty. If a notice of violation is issued, the member will need more insurable hours to qualify for benefits.

***LABOUR DAY: REVISED INFORMATION**

The employment Standards Act reads as follows:

Part X - Public Holidays

“The employee has **no entitlement** under subsection (1) if he or she fails, without reasonable cause, to work all of his or her last regularly scheduled day of work before the public holiday or all of his or her first regularly scheduled day of work after the public holiday.”

For clarification purposes, a member must work the day before and the day after the holiday to qualify for holiday pay.

The information provided in this memo has been verified from the Service Canada EI website at servicecanada.gc.ca. Please note that processing may vary by Service Canada Regional Offices.

All inquires about EI may be forwarded to Ana Misiti at 60 Mobile Drive.