



# INFOSHEET

Programs and Services



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## Teachers and Employment Insurance

### Introduction

This infosheet provides an overview of the main issues in Employment Insurance (EI) as they may apply to teachers. EI is a benefit available to individuals who, for various reasons, find themselves without employment, or unable to work. It is important to understand the basic benefit structure and how the relevant rules and regulations may apply to your own individual circumstances.

### Contribution

Teachers and their employers contribute to EI at a percentage rate of monthly salary up to a maximum contribution level which is set each year. EI premiums are tax deductible.

### Eligibility

In order to be entitled to regular EI benefits, a teacher must have accumulated **a minimum of 420 to 700 hours** of insurable employment in the past year. The actual number of insurable hours required will depend on the regional rate of unemployment in each geographic area. A minimum of 600 hours within the last year, or since the last EI claim, is required to qualify for sickness, maternity, parental, PCIC or compassionate care benefits.

Every hour of insurable employment, or part thereof, with any employer, will count toward eligibility for benefits. For teachers in Newfoundland and Labrador, a day of teaching is reported as eight hours of employment for EI purposes only. A part of a day is pro-rated based on a fraction of eight. For example, a 3-hour morning session out of the 5-hour instructional day counts as 4.8 hours (60 percent of 8) for EI purposes.

### Benefit Level

As of January 1, 2018, the maximum EI benefit level is 55 percent of average insured earnings up to a yearly maximum of \$51,700 or \$547 per week. Individuals who work while in receipt of EI benefits and earn enough to reduce EI benefits can earn work credits and will be credited a number of hours equivalent to the benefits not received. You can receive EI from 14 weeks up to a maximum of 45 weeks, depending on the unemployment rate in your region at the time of filing your claim and the amount of insurable hours you have accumulated in the last 52 weeks or since your last claim, whichever is shorter.

### Suitable Employment

In determining what constitutes suitable employment in a job search while in receipt of Employment Insurance benefits, the program considers several factors including:

- Personal circumstances
- Working conditions/wages
- Commuting Time
- Hours of work
- Reasonable job search

### Waiting Period

As of January 2017, an individual who applies for EI benefits normally must serve a one-week unpaid waiting period. Those who leave work voluntarily or have been suspended/terminated from their employment may be disqualified completely. Each case is adjudicated on its own merits. The waiting period may be waived in claims for sickness benefits where a claimant was paid sick leave immediately before their cessation of earnings.

## Sickness and Disability

EI sickness benefits are available to persons who have the required hours of insurable employment and are unable to work because of illness/disability. Sickness benefits are available for a maximum of 15 weeks while school is in session.

## Maternity/Parental

EI **maternity benefits** are offered to biological mothers, including surrogate mothers, who cannot work because they are pregnant or have recently given birth. A maximum of **15 weeks** of EI maternity benefits is available. Benefits can be paid 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. The weekly benefit rate is 55 percent of the claimant's average weekly insurable earnings up to a maximum amount.

EI **parental benefits** are offered to parents who are caring for a newborn or newly adopted child or children.

There are two options available for receiving parental benefits: standard or extended.

- **Standard parental benefits** can be paid for a maximum of **35 weeks** and must be claimed within a 52-week period (12 months) after the week the child was born or placed for the purpose of adoption. The weekly benefit rate is 55 percent of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 35 weeks of standard parental benefits.

- **Extended parental benefits** can be paid for a maximum of **61 weeks** and must be claimed with a 78-week period (18 months) after the week the child was born or placed for the purpose of adoption. The benefit rate is 33 percent of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 61 weeks of extended parental benefits.

- You can choose to claim extended parental benefits **only** if your child was born or placed with you for the purpose of adoption on or after December 3, 2017.

## Compassionate Care

A maximum of twenty-six weeks of benefits are available for persons who have the required insurable hours and who must be away from work temporarily to care for a "family member" who is gravely ill with a significant risk of death within six months. There is a prescribed list of eligible family members and a medical certificate is required.

## Parents of Critically Ill Children

Parents who have to be away from work to provide care or support to a critically ill or injured child may be eligible for up to a maximum of 35 weeks of EI special benefits for Parents of Critically Ill Children (PCIC). Once a parent applies for the PCIC benefit, they must submit a medical certificate signed by a specialist medical doctor attesting that their child is critically ill or injured and requires their care or support. To be eligible to establish a claim for the PCIC benefit, a parent must be able to show that:

- their regular weekly earnings from work have decreased by more than 40 percent because they need to provide care or support to their critically ill or injured child;
- they have accumulated 600 insured hours of work in the 52 weeks prior to the start of their claim, or since the start of their last claim, whichever is shorter;
- they are a parent of the child who is critically ill or injured; and
- the child is under 18 years of age at the time the 52-week window opens. If the child turns 18 years of age during the 52-week window, the parent still remains eligible to receive the PCIC benefit. The 52-week window begins on the day the medical certificate is issued; or, if the claim is made before the certificate is issued, from the date the specialist medical doctor certifies that the child is critically ill or injured.

The PCIC benefit can be shared between parents, either at the same time or separately, to a combined maximum of 35 weeks during the 52-week window. (Information reproduced from publications located at <http://www.servicecanada.gc.ca/eng/sc/ei/pcic/eligibility.shtml>; <http://www.servicecanada.gc.ca/eng/sc/ei/pcic/additional-information.shtml> and <http://www.servicecanada.gc.ca/eng/sc/ei/pcic/definitions.shtml#def1>.)

## Retirement

Regular pension income is considered earnings for EI purposes. Therefore, most retired teachers will not be eligible for EI once they are in receipt of a pension. However, retired teachers who take up other employment, including substitute teaching, may become eligible for EI benefits based on that new employment once the qualifying conditions have been met. Disability pension income is not considered earnings for EI purposes, and teachers in receipt of same may qualify for either the 15 weeks of sickness

benefits or regular EI benefits, depending on their level of disability.

### **Benefits During Summer and School Breaks**

EI refers to the time a teacher is not working each year (the summer months of July and August, Christmas and Easter breaks), as the “non-teaching periods”, and teachers are generally disqualified from receiving regular EI benefits during these periods. There are three exceptions to this rule which could allow regular EI benefits to be paid to:

- (i) a teacher whose teaching contract ends on or before the beginning of the non-teaching period and who is not contracted to teach when school starts up after this period;
- (ii) a teacher who was employed as a casual or substitute teacher only; or
- (iii) a teacher who qualifies for EI based on employment in an occupation other than teaching.

EI sickness benefits are not payable during the non-teaching periods to teachers on continuing contract, unless the contract ends. Maternity/parental benefits or compassionate care benefits may be payable. EI special benefits for parents of critically ill children also may be payable.

### **Teachers on Leave**

Teachers on leave of absence may be eligible for EI benefits if they meet the eligibility requirements and can show “just cause” for voluntarily leaving their employment.

### **Applying**

To apply for EI benefits, teachers may fill out an application form at their Service Canada office or apply online at:

[http://www.servicecanada.gc.ca/eng/ei/application/apply\\_for\\_benefits.shtml](http://www.servicecanada.gc.ca/eng/ei/application/apply_for_benefits.shtml)

### **Reconsideration and Appeals**

If a teacher’s application for EI benefits is rejected, he or she can request a reconsideration of that decision. If a teacher disagrees with a reconsideration decision, he or she can appeal that decision. Contact the NLTA for advice before filing a request for reconsideration or appealing. The NLTA will represent you at the appeal if the case is valid in the opinion of the Association.

Generally, a request for reconsideration must be submitted to Service Canada within 30 days from the date the decision was communicated to the teacher. A teacher can submit an appeal of a reconsideration decision within 30 days of receiving his or her reconsideration decision.