



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, 2017, the maximum EI benefit level is 55 percent of average insured earnings up to a yearly maximum of \$51,300 or \$543 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

Earnings While Receiving EI Benefits

Claimants claiming regular, parental or compassionate care benefits can, under certain conditions, declare earnings without changing the amount of EI Benefit they receive. Under a pilot project until August 6, 2016 claimants may claim 50 percent of their EI Benefit for every dollar earned, up to 90 percent of the weekly insurable earnings. However, there is a second option for some claimants. Under a previous working while on claim pilot project (Pilot Project

No. 17), if claimants earned less than \$75 or 40 percent of their weekly EI benefits, whichever was greater, their benefits were not reduced. Benefits were reduced by every dollar earned about this threshold. EI claimants in receipt of Regular, Parental, Compassionate Care or Parents of Critically Ill Children (including fishing) benefits, who had earnings while on claim between August 7, 2011 and August 4, 2012 and who reverted to the rules that existed under that previous pilot for all eligible EI claims they were on between August 5, 2012, and August 1, 2015, may be able to revert to the rules that existed under that previous pilot project. Please note that once a claimant decides to revert to the provisions of the previous of the previous pilot, it will apply for the entire duration of their claim, or until August 6, 2016, whichever is earlier. The decision will be irreversible, even if personal circumstances change. Individuals filing for applicable benefits with earnings to report will be automatically registered for the new method.

Teachers reporting earnings while receiving EI benefits are encouraged to wait until the end of their claim period before assessing which method provides the greatest financial benefit. This will allow the teacher to properly consider their earning history. Teachers have 30 days following the end of their claim, i.e. from the date of the last payment or notice of non-payment, to request a change in method. Teachers who have questions regarding the Employment Insurance Program are encouraged to contact an NLTA Programs and Services Administrative Officer for advice. Teachers receiving maternity or sickness benefits will have earnings deducted from benefits on a dollar-for-dollar basis.

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

A maximum of 50 weeks (15 maternity/35 parental) of benefits may be claimed by birth mothers who have the required hours of insurable employment and who take leave from work following childbirth. The 35 weeks of parental benefits may be claimed by either parent or can be shared between them. If both parents share parental benefits, only one person has to serve a waiting period. Pregnant women can begin claiming maternity benefits up to eight weeks before their expected date of delivery and, normally, parents have up until one year from the date of birth or adoption to claim maternity and/or parental benefits. However, if medical requirements are met, parents of children who are hospitalized for an extended period after birth or adoption may have up to two years to claim parental benefits. **Note:** The total special benefits payable on any one claim (including sickness, maternity and parental benefits) is normally 50 weeks. However, a medically required extension of the special benefits limit is available for biological mothers who claim sickness benefits during their pregnancy. They may be eligible to have the 50-week special benefits cap increased by one week for each week of sickness benefits they qualify for.

Adoption

A maximum of 35 weeks of parental benefits may be claimed by either parent who adopts a child, if he/she has the required hours of insurable employment under the parental leave provisions. The 35 weeks can also be shared between them.

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/applying_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.