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CHINESE AND SOUTHEAST ASIAN  
LEGAL CLINIC

華越柬寮法律援助中心  
Trung Tâm Hướng Dẫn Luật Pháp Hoa-Việt-Khmer-Lào  
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# EMPLOYMENT INSURANCE (EI) AND CANADA RECOVERY BENEFITS

**PROTECH**

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and Southeast Asian Legal Clinic  
(CSALC)**

# CHINESE AND SOUTHEAST ASIAN LEGAL CLINIC

Specialty community legal clinic

Provide free legal services to low-income, non-English-speaking clients from the following communities in Ontario

- Chinese
- Vietnamese
- Laotian
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Non-profit that is independent from government

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**The law changes frequently, please call our clinic or browse our website for updated information.**

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**If you want to get legal advice, please call our clinic**

- Local phone: 416-971-9674
- Fax number: 416-971-6780
- Ontario Toll-Free number: 1-844-971-9674

# OVERVIEW

- New temporary changes to Employment Insurance (EI)
- If you are not eligible for EI: new Canada Recovery Benefits
  - 1) Canada Recovery Benefit;
  - 2) Canada Recovery Caregiving Benefit; and
  - 3) Canada Recovery Sickness Benefit
- Questions

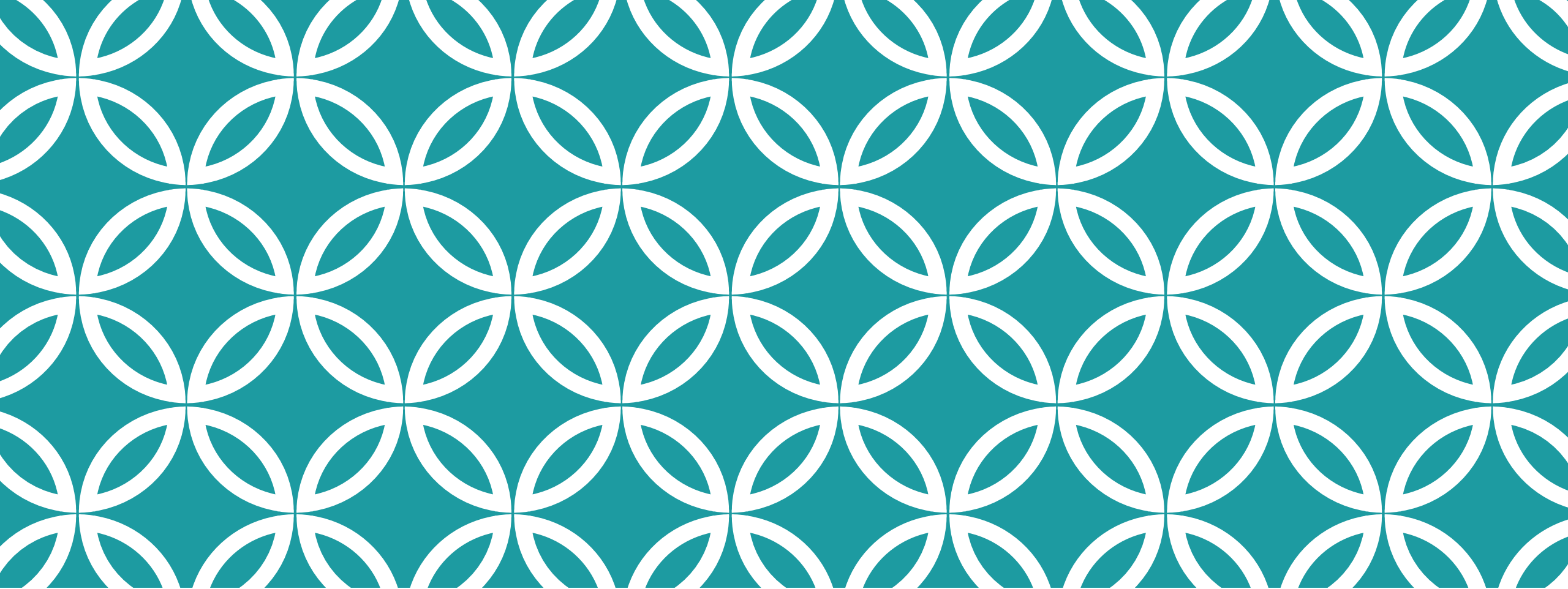
# CERB ENDED. WHAT NOW?

Canada Emergency Response Benefit (CERB) – from March 15 to September 26

On August 20, the government announced that the federal benefits will be transferred from the “emergency” stage to a transitional “recovery” stage

New temporary changes to Employment Insurance (EI): Assisting to more workers to obtain EI, including workers who did not meet EI qualifications in the past.

In addition, the government introduced three new economic recovery benefits.



# EMPLOYMENT INSURANCE (EI)

El Regular Benefits  
El Special Benefits

# HOW TO QUALIFY FOR EI REGULAR BENEFITS

- Worked in an insurable employment and contributed to EI benefits
- Lost your job through no fault of your own
- No work and no income for 7 consecutive days in the past 52 weeks
- Have worked during the qualifying period or since the start of your last EI claim, whichever is shorter
- Can work and willing to work
- Actively looking for work

# INSURABLE HOURS

Regular EI: workers need 420 to 700 insurable hours, depending on which region of Canada they live in.

Special EI: workers need 600 insurable hours

Qualifying Period (Before COVID-19 changes):

- 1) 52 weeks from the application; or
- 2) from the first day of your last EI claim, if it is within 52 weeks



# NEW EI POLICY

Starting on September 27, 2020, the changes to the EI program are in place for one year.

Regardless of the unemployment rate in the region, workers in any part of Canada can apply for EI regular benefits based on 420 insurable hours, but other EI special benefits still need to reach 600 insurable hours.

When a worker has accumulated at least 120 insurable hours during the qualifying period, they can get a one-time insurable hour credit:

- 300 insurable hours for EI regular benefits (out of work)
- 480 insurable hours for EI special benefits (sickness, maternity/parental, compassionate care or family caregiver).

# EI NEW POLICY

## Under the new temporary policy:

- regular benefits are available for **at least 26 weeks (up to 45 weeks)**, at **\$500 (before tax)** or more per week.
- The regular EI amount is determined according to the amount of personal contribution to EI in the past and the length of time.

## For extended parental benefits:

- the new temporary benefit is **at least \$300** per week.

# HOW TO TRANSITION FROM CERB TO EI

## 1. You previously received CERB

### A. CERB through Service Canada:

- Most workers will have automatically transferred to EI's regular benefit
- Note: Continue your EI reporting every 2 weeks.
- Some workers may have received a notification inviting them to apply for EI or notify them that they are not eligible for EI.

### B. CERB through the Canada Revenue Agency (CRA):

- If you are eligible for EI, you need to apply for EI through Service Canada.

QUALIFYING PERIOD = 52 weeks + # weeks you received CERB (up to 28 weeks)

# HOW TO TRANSITION FROM CERB TO EI

## 2. Have not received CERB:

- Have accumulated up to 120 insurable hours in the qualifying period and meet other EI qualifications  
→ can apply for EI
- Did not accumulate 120 insurable hours in the qualifying period → not eligible for EI

## → QUALIFYING PERIOD:

- Regular EI: 52 weeks back from September 27 (or the first day of application)
- Special EI: 52 weeks back from March 15
  - Applicable to maternity/parental, compassionate care or caregiving benefits

# EI: HOW TO APPLY

## How to apply for EI regular benefits

Applicants must apply through the usual EI online application through the “My Service Canada Account”

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

Some local community agencies provide free assistance for EI online application

# EI NOTE (1 OF 2)

Always apply for EI immediately when you stop working; there is no need to wait for ROE (Record of Employment)

If you delay applying for EI for more than four weeks after being out of work, you may lose some benefits

EI applications after September 27 can be exempted from the one-week waiting period

Special EI applications after March 15 can be exempted from submitting a doctor's certificate

After submitting the EI application, the applicant will receive a 4-digit Access Code from Service Canada by mail or email

A report must be submitted every two weeks to ensure that you are eligible to continue receiving EI benefits. The EI reporting every two weeks can be completed online or by calling 1-800-531-7555

If you got CERB through Service Canada, you should continue to use your original 4 digit Access Code to continue making EI reports every two weeks

# EI NOTE (2 OF 2)

Applicants can check EI application status, change personal information, and other related inquiries through “My Service Canada Account”. They can also check various information such as CPP and OAS.

- <https://www.canada.ca/en/employment-social-development/services/my-account.html>

Case-specific “Service Requests” to Service Canada: <https://srs.ds.powerappsportals.com/en/service/>

Working while receiving EI is allowed, but the income will be partially deducted. Every \$1 of income will be deducted \$0.50 (up to 90% of the usual income)

- For example: You get an EI regular benefit of \$475 a week. You earned \$150 income. EI will deduct half of your salary for that week (\$75) from your EI amount; therefore you will receive EI\$400 + \$150 salary = \$550

**EI benefits are taxable income.** The government will directly deduct taxes from the EI amount.

# EI MEASURES SCENARIO 1: REGULAR BENEFITS

## **Worker whose seasonal employment was disrupted due to COVID-19 pandemic**

Larry lives near Barrie and works in seasonal employment on a farm from mid-June to mid-September and, in previous years, was able to qualify for EI regular benefits based on about 900 hours of work.

As a result of the pandemic, his hours have been cut, and he has only accumulated 200 hours of work at the time of his lay-off. Larry does not have the hours normally required to qualify for EI regular benefits.

**Question for the audience:** Is Larry eligible for EI benefits under the new temporary measures?



# EI MEASURES SCENARIO 1: REGULAR BENEFITS

## Calculation Method:

**Larry accumulates 200 insurable hours + 300 insurable hours as a one-time credit  
= 500 insurable hours**

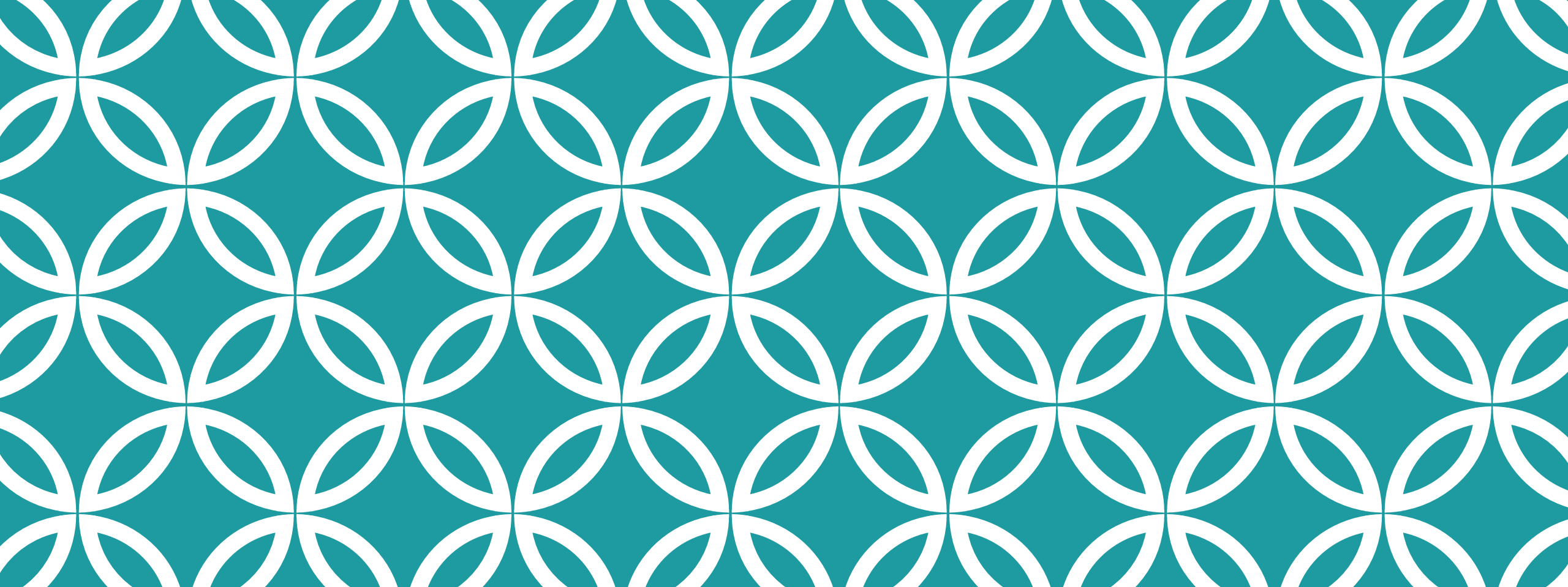
Since Larry has a total of 500 insurable hours, which exceeds the requirement of at least 420 insurable hours for EI regular benefits, he is eligible for at least 26 weeks of EI regular benefits, and the minimum weekly amount is \$500.

# KEEP A JOB SEARCH CERTIFICATE

**The government requires people who receive EI regular benefits to actively seek work. Sometimes they will ask individuals to attend relevant employment seminars or provide proof of job search.**

## **E.g.:**

- Recruitment advertisement
- Recruitment channels
- Contact information: employer or company name; their phone number/email; when to contact, their reply, and other related information
- Resumes that were submitted
- Trial work date, time, company address, work schedule, etc.
- Any information can prove that you are actively looking for a job



# CANADA RECOVERY BENEFITS

Canada Recovery Benefit  
Canada Recovery  
Caregiving Benefit  
Canada Recovery Sickness  
Benefit

# IF YOU ARE NOT ELIGIBLE FOR EI

On October 2, 2020, the Government of Canada introduced 3 new benefits in response to COVID-19 that replaces CERB.

The following benefits are for workers who do not qualify for Employment Insurance (EI), including casual workers, independent contract workers, or self-employed persons, or those who do not have enough insurable hours:

- Canada Recovery Benefit;
- Canada Recovery Caregiving Benefit; and
- Canada Recovery Sickness Benefit

# CANADA RECOVERY BENEFIT (CRB)

CRB is valid from September 27, 2020 to September 25, 2021

\$500 per week (\$450 after tax) for a maximum of 26 weeks

Apply every two weeks (apply after the benefit period)

Opened applications on October 12, 2020

Must apply within 60 days after each benefit period

# CRB ELIGIBILITY REQUIREMENTS

**The applicant must meet the following eligibility criteria during the relevant 2-week benefit period:**

- not be working for reasons related to COVID-19 or;
- have had a 50% reduction in average weekly employment and/or self-employment income compared to the previous year due to COVID-19

Calculation method: Last year's average weekly income = (income in the past twelve months or 2019) / number of weeks

- Last year's average weekly income was \$500 (\$26,000/52 weeks)
- $\$500 \times 50\% = \$250$  per week
- If the average weekly income during the 2-week benefit period is less than \$250, the conditions are met

# CRB (CONTINUED)

- not apply for or receive the following: CRSB, CRCB, Short-term disability benefits, Workers' compensation benefits, EI benefits, or Québec Parental Insurance Plan (QPIP) benefits
- not be eligible for EI benefits
- Similar requirements from CERB:
  - Live in Canada (not necessarily a citizen or a permanent resident)
  - Must be in Canada during the benefit period
  - at least 15 years old
  - have a valid Social Insurance Number (SIN)
  - Earned at least \$5,000 (before deductions) in 2019, 2020, or in the 12 months before applying for CRB
    - Including the following income: tips, honoraria (volunteer), royalties

# CRB (CONTINUED)

- New requirements:

- have quit your job or reduced your hours voluntarily
- seek work during the period – either as an employee or in self-employment
- not have turned down reasonable work

Tax:

While receiving CRB, if the worker meets other conditions, they can earn income through work or self-employment. However, if the worker's **annual income (excluding subsidies) exceeds \$38,000**, the worker must repay \$0.50 for every \$1 that exceeds this amount (the maximum repayment does not exceed the total subsidy received).



# CANADA RECOVERY CAREGIVING BENEFIT (CRCB)

- CRCB is valid from September 27, 2020 to September 25, 2021
- Application available on October 5, 2020
- This benefit is paid every 1 week. You must wait for one week of absence before applying; you must apply within 60 days after the benefit period
- A household can receive one benefit payment of \$500 per week (\$450 after tax)
- Up to 26 weeks (no need to be continuous)

# CANADA RECOVERY CAREGIVING BENEFIT (CRCB)

## Key factors:

Need to take care of children under the age of 12, or family members who cannot work normally (at least 50% absent from work a week) due to one of the following conditions:

- Schools, nurseries, daycares, or nursing centers are closed or unavailable due to COVID-19; or
- Their regular care services are unavailable due to COVID-19; or
- People you care for are:
  - sick with COVID-19, or has symptoms of COVID-19
  - at risk of serious health complications if they get COVID-19, as advised by the medical professional
  - self-isolating due to COVID-19

# CANADA RECOVERY CAREGIVING BENEFIT (CRCB)

## Same factors as CRB:

- Did not apply or receive the following: CRB, CRSB, Short-term disability benefits, Workers' compensation benefits, EI benefits, Quebec Parent Insurance Plan Benefits (QPIP)
- Live in Canada (not necessarily a citizen or permanent resident)
- Must be in Canada during the benefit period
- At least 15 years old
- Hold a valid SIN
- Earned at least \$5,000 before taxes in 2019, 2020, or 12 months before applying for CRCB

# CANADA RECOVERY CAREGIVING BENEFIT (CRCB)

## Specific factors for CRCB:

- Be employed or self-employed on the day before your first application period
- You are the only person\*\* in your family to apply for this week's benefits
- You did not receive paid leave from your employer during the same period

\*\*A household is entitled to a maximum of 26 weeks of the Canada Recovery Caregiving Benefit. If two or more persons reside in the same household, the benefit can be shared among eligible workers but only one of them may be paid a Canada Recovery Caregiving Benefit for any particular week.

# CANADA RECOVERY SICKNESS BENEFIT (CRSB)

- CRSB from September 27, 2020 to September 25, 2021
- Applications available on October 5, 2020; benefit must be applied within 60 days after each benefit period
- This benefit is paid every 1 week, you must wait for one week of absence before applying; if your situation lasts for more than a week, you need to apply again
- Provide a benefit of \$500 per week (\$450 after tax), up to 2 weeks maximum

# CANADA RECOVERY SICKNESS BENEFIT (CRSB)

## Key factors:

**Absence from work by more than 50%** due to the COVID-19 and self-isolation as a result of one of the following conditions:

- 1) You have contracted COVID-19, OR
- 2) You are advised to self-isolate (who can advise you to self-isolate: your employer, a medical practitioner, a nurse practitioner, a person in authority, the government, or your public health authority), OR
- 3) You have underlying health problems that put you at a greater risk of contracting COVID-19 (who can advise you to stay at home due to your health conditions: doctors, nurse practitioners, authorities, government or public health authorities)

# CANADA RECOVERY SICKNESS BENEFIT (CRSB)

## Same factors as CRCB:

- Be employed or self-employed on the day before your first application period
- Did not apply or receive the following:
  - CRB
  - CRCB
  - Short-term disability benefits
  - Workers' compensation benefits
  - EI benefits
  - Quebec Parent Insurance Plan Benefits (QPIP)
- Live in Canada (not necessarily a citizen or permanent resident)
- Must be in Canada during the benefit period
- At least 15 years old
- Hold a valid SIN
- Earned at least \$5,000 before taxes in 2019, 2020, or 12 months before applying for CRCB
- You did not receive paid leave from your employer during the same period

# HOW TO APPLY FOR THESE THREE NEW BENEFITS

These three new benefits are administered by CRA (Canada Revenue Agency)

Online: through CRA's MyAccount

By phone: The CRA's automatic telephone line **1-800-959-2019** or **1-800-959-2041**

Direct bank deposit: 3-5 working days

By cheque: 10-12 working days



# KEEP EVIDENCE/PROOF OF WORK

## **E.g:**

Work schedule; work assignment list; etc.

All working hours

Record daily working hours (written in your diary or calendar)

Pay slip, cheques

Cash envelope (with your name, salary period, salary amount, etc.)

Check-in records; access records; registration records; etc.

T4 tax slip

ROE (record of employment)

Work contract/contract, employment letter

Any documents, information, etc. that you think can prove the details of the work

# PENALTIES: WHEN YOU MUST RETURN OR REPAY THE BENEFIT

**You must return or repay the CRB, CRSB, or CRCB to the CRA if you:**

- applied for the benefit and later found that you are not eligible
- received a payment in error
- received one of the following for the same eligibility period:
  - CRB, CRSB, or CRCB
  - short-term disability benefits
  - workers' compensation benefits
  - EI benefits
  - QPIP benefits
- are found to have made a fraudulent claim <sup>+</sup>
- have turned down reasonable work during the 2-week period you're applying for <sup>+</sup>

<sup>+</sup> The maximum penalty that can be imposed is \$5000.

# RESOURCES

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

Regular EI: <https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit.html>

EI Q&A: <https://www.canada.ca/en/services/benefits/ei/cerb-application/transition/ei-questions.html#Receiving-benefits>


Canada Recovery Benefits: <https://www.canada.ca/en/revenue-agency/services/benefits/recovery-benefit.html>

Q&A on Canada Recovery Benefits:  
<https://www.canada.ca/en/services/benefits/ei/cerb-application/transition/questions.html>




Scenario 1 (CRB):

You worked at a nail salon in Toronto that was closed in the first lockdown in mid-March. You went back to work in August 2020 when your workplace reopened due to lifting of some restrictions. However, due to slow business, you were laid off by your employer at the end of September 2020. Your workplace treats you as an independent contractor, so your work hours are not considered insurable hours for the purposes of EI. Between October 2019 and September 2020, your gross income was \$25,000. Are you eligible for the CRB?




*Scenario 1 Answer:* Yes, you are eligible for CRB, if you meet all other criteria, because you lost your job due to COVID-19, you did not voluntarily quit, and you are not eligible for EI. You also earned at least \$5,000 in the 12 months before your application.




Scenario 2 (CRB):

You are receiving CRB while working reduced hours. You meet the criterion of a 50% reduction in income compared to your average weekly income last year. You are worried about the health and safety standard at your bakery, which is still open. You are in your 50s and are generally worried about your health, but your doctor has not recommended that you need to stop working. You decide to quit at the end of October. Are you eligible for CRB?




*Scenario 2 Answer:* No, you are no longer eligible for CRB as of the benefit period that you quit your job. You are ineligible for the CRB if you voluntarily quit or voluntarily reduce your work hours. This rule is similar to the Employment Insurance (EI) regular benefits criteria. Seek legal advice if you are thinking about quitting your job while receiving CRB.




### Scenario 3 (CRSB):

You work at a restaurant in Hamilton as a waitress. You receive a phone call from Public Health Unit that you were in close contact with someone who contracted COVID-19 in the past 5 days. You immediately follow instructions from the public health advisor, leave work, and go back home. You contact your employer right away once you are at home to inform that you will need to self-isolate for 14 days as of November 9. This is your first time being told to self-isolate. Can you apply for CRSB?






*Scenario 3 Answer:* Yes, you are eligible for CRSB, if you meet all other criteria, because you are currently working and were instructed by a public health authority to self-isolate. Your first benefit period is November 9 to November 15. You can apply for CRSB starting November 16 and no later than 60 days after November 16. You will only receive 1 week's payments at a time, and will need to reapply on November 23 (your second benefit period is November 16 to November 22).



Scenario 4 (CRCB):

You and your husband decided not let your children (aged 8 and 10) return to in-person classes at school, so your children have been taking online classes since September. Your children's school has been open during this time. You are working part-time from home. Can you apply for CRCB?



*Scenario 4 Answer:* No, you are not eligible for CRCB to care for your children while they are attending virtual classes because your children's school is open. To be eligible for CRCB, your child under 12 (or other eligible family members) cannot attend school because the physical school is closed due to COVID-19.



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