



Employment Insurance Qualifying for EI

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<http://www.dal.ca/faculty/law/dlas/public-legal-education.html>

Legislative Framework

Employment Insurance is governed by the *Employment Insurance Act*:
<http://laws-lois.justice.gc.ca/eng/acts/E-5.6/>

There are also *Employment Insurance Regulations*:
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-332/>

The *EI Act* establishes several types of benefits. This document will focus on regular EI benefits.

Qualifying for EI

There are two basic initial qualifying criteria that must be met by an EI claimant:

- i. **Interruption of Earnings** – for a claimant for regular EI benefits this essentially means the claimant is no longer employed. There must be no work performed and no income from employment for 7 consecutive days in order to constitute an interruption of earnings; and
- ii. **Hours of Insurable Employment** – a claimant must have enough hours of insurable employment during their qualifying period (usually the 52 weeks leading up to their application). The hours required are based on the regional rate of unemployment. Generally a claimant will qualify for EI if they have worked 700 hours during their qualifying period. The number of hours required for EI per region can be found here:
<http://srv129.services.gc.ca/rbin/eng/geocont.aspx>

Insurable Employment

An EI claimant's hours must come from insurable employment. If there is a dispute about whether the employment was insurable or not that issue is dealt with by the Canada Revenue Agency (CRA)

If your client is unsatisfied with the CRA's decision they have **90 days** from the date they receive it to appeal to the Tax Court.

A publication explaining how to appeal the CRA's decision re insurable employment can be found here:
<http://www.cra-arc.gc.ca/E/pub/tg/p133/README.html>

If possible you should speak with a lawyer if you have a client facing this situation.

Additional Hours

One circumstance in which a claimant will require more than 700 hours is if they have committed a violation or violations (i.e. be found to have made false and misleading statements on a previous EI claim) within the past 5 years.

The seriousness of the violation or violations will determine how many additional hours are required to qualify for EI.

Another circumstance requiring increased hours is if someone is a new entrant or reentrant in the labour force. Someone is a new or reentrant if they have less than 490 total hours of workforce attachment during the year prior to their qualifying period (examples of workforce attachment include insurable employment, receipt of EI benefits, workers compensation, etc...). An exception to this rule is if someone received parental or pregnancy benefits in the 4 years prior to that year they are not considered a new or reentrant.

New or re entrants require 910 hours of insurable employment to qualify for EI.

Acknowledgement

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Disclaimer

This document contains general legal information and not legal advice. **If you need advice about a specific legal problem then you should contact a lawyer.** If you will have difficulty affording a lawyer then you should contact [Nova Scotia Legal Aid](#) or [the Legal Information Society of Nova Scotia's lawyer referral service](#).

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