82 COUNCIL CONSEIL

Policy Statement on 'Deemed Hours' for Employment Insurance

Contract Academic Staff (CAS) facing insecure employment sometimes need to resort to Canada's Employment Insurance (EI) system. ~~Since the 1990s, eligibility for EI benefits has been connected to the hours worked by the employee in the previous twelve-month period.~~ CAS members , especially those who work part-time, have been disadvantaged by **the EI** ~~this~~ system as ~~our~~ employers frequently underestimate the number of hours ~~a CAS member has~~ worked. ~~Service Canada, the federal agency that operates the EI system, typically accepts the employer's "deeming" of hours without dispute. Recent court cases demonstrate the need to negotiate collective agreement protections for CAS members.~~

 Academic staff associations should negotiate collective agreement language to establish "deemed hours" worked for the purposes of EI.[1] Such language cannot be arbitrary, and must be based on realistic evaluations of the effort required. In addition the agreement should provide the option of using a member's personal log of actual hours worked for purposes of establishing the "deemed hours".[2,3]

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Endnotes

[1] ~~For example, the CUPE 3902 collective agreement contains the following clauses: "The parties agree that for Employment Insurance purposes only, a course instructor for a full course will be deemed to have worked 460 hours, and a course instructor for a half course will be deemed to have worked 230 hours."~~
[2] ~~See Franke v. Minister of National Revenue 1999 TCC 532 (CanLII) and McKenna v. Minister of National Revenue 1999 TCC 194 (CanLII).~~
[3] ~~Where no language on deemed hours exists, and where the member has not kept a log, a member can use Section 10 (4) of the Employment Insurance Regulations to determine hours worked. See Judge v. Minister of National Revenue 2010 TCC 329 (CanLII) and Mackenzie v. Minister of National Revenue 2011 TCC 199 (CanLII).~~