

Employment Insurance

You may be able to get Employment Insurance (EI) benefits from the government if you lose your job.

There are different kinds of EI benefits. This booklet is about regular benefits for people who are looking for work.



If you speak French

In many cases you have the right to government services and legal proceedings in French, including hearings before French-speaking decision-makers.

If you have a legal problem, you can ask a lawyer or a community legal clinic about your French language rights.

Si vous parlez français

Il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures juridiques en français. Ainsi, vous pouvez avoir droit à ce qu'une audience à laquelle vous êtes partie soit tenue devant un décideur qui parle français.

Si vous avez un problème juridique, vous pouvez demander à un avocat ou à un intervenant d'une clinique juridique communautaire de vous informer des droits linguistiques liés au fait de parler français.

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III What types of EI benefits are there?

There are several kinds of Employment Insurance (EI) benefits:

- **regular benefits** for people who are looking for work
- **sickness benefits** for people who are off work because they are ill or had an accident
- **compassionate care benefits** for people who are giving care or support to someone who is at significant risk of dying in the next 6 months
- **family caregiver benefits** for people who are off work to care for a gravely ill family member or close friend
- **maternity and parental benefits** for people who are pregnant, have a new baby, or have adopted a child
- **fishing benefits** for self-employed fishers

This booklet covers **regular** EI benefits.

III Who can get EI benefits?

You may be able to get regular EI benefits if:

- it was not your fault that you lost your job, and
- you are looking for work.

To decide if you can get benefits, Service Canada looks at the number of hours you worked during your qualifying period.

Qualifying period

Your qualifying period is usually the last 52 weeks before the start of your claim. Sometimes your qualifying period can be longer.

For example, it could go back more than 52 weeks if during that time you were sick, injured, pregnant, or in jail.

Sometimes it can be shorter. For example, if you had another EI claim that started in that 52-week period, your qualifying period only goes back to the start of that claim.

Number of hours

Your insurable hours are the total number of eligible hours you worked in your qualifying period. To qualify for EI, you need a certain number of insurable hours.

Usually you need 700 insurable hours or more in your qualifying period.

You might qualify if you have between 420 and 700 insurable hours. You need fewer hours if the unemployment rate in your region is more than 6%.

You will not qualify if you have less than 420 insurable hours.

If you give false or misleading information, Service Canada usually makes a note of this in your file. This is called a "violation".

If you have a violation in your file in the last 5 years, you might need more insurable hours to qualify for EI.

What if I do not have enough insurable hours?

It can be hard to figure out the exact number of hours you worked during your qualifying period. Even if you think you might not have enough insurable hours, you should still apply.

You, your employer, or Service Canada may not agree about the number of hours. If this happens, any of you can ask the Canada Revenue Agency (CRA) to decide.

For more information, go to the CRA website at canada.ca/en/revenue-agency.html or call **1-800-959-8281**. For TTY, call **1-800-665-0354**.

How do I apply for EI?

You need to fill out an application online. You can also apply at a Service Canada Centre.

To find the form, go to canada.ca/en/services/benefits/privacy-notice.

If are not able to apply online or have trouble with the online form, contact Service Canada for help at **1-800-622-6232**. For TTY, call **1-800-926-9105**.

When you apply, you need the following information for all of your jobs in the last 52 weeks:

- names and addresses of your employers
- dates you worked for them
- detailed reasons for why you left

You also need:

- your Social Insurance Number and another piece of identification with your photo if possible,
- your banking information so your EI cheque can go into your bank account,
- your mailing address, and
- the dates and what you were paid for each of your highest-paid weeks in your qualifying period. See more in **How much will I get from EI?** on [page 12](#).

The full list of what you need is on the online application form.

Do I need my Record of Employment?

It is easier to apply for EI if you have your Record of Employment (ROE). You will need an ROE for every employer you worked for in the past 12 months.

If your employer sends your ROE to the government online:

- they do not have to give you a copy, and
- you do not need a copy to apply for EI.

But you can get a copy from Service Canada if you want one.

You need a My Service Canada account to see your ROE online. Access your account or set one up at [servicecanada.ca](https://www.servicecanada.ca).

It is easier to apply for EI with your ROE. But you should **apply for EI right away**, even if you do not have your ROE yet. You will need proof of your employment, such as pay stubs and T4 slips.

If you do not apply within 4 weeks after your employment ends, you will probably get fewer EI payments.

If you are having problems getting your ROE, call the Employment Insurance Telephone Information Service at **1-800-206-7218**. For TTY, call **1-800-529-3742**.

CLEO has a tool that creates a letter you can send to your employer asking for your ROE. Go to stepstojustice.ca/asking-for-roe.

III **Can I get EI if I quit my job?**

If you quit your job, you will not qualify for regular EI benefits unless you had “just cause”. Just cause means that you had to quit because you had no other reasonable choice.

If you do not return to work when you are called back after a layoff, Service Canada sees this as quitting your job.

If you have a problem at work, it helps to show that you tried to fix it. If the problem is so serious that it cannot be fixed, you might qualify for EI if you quit.

But you might want to start looking for another job before you quit. Keep a record of your job search.

What if I had just cause for quitting?

If you can prove that you had just cause for quitting your job, you can get EI. There are many situations that could be just cause for quitting. Here are some examples.

You were discriminated against for one of the following reasons:

- your race, colour, national or ethnic origin, or religion
- your sexual orientation or your sex, which includes discrimination because of pregnancy or childbirth
- your marital status or family status
- your disability or age
- you were convicted of a crime but have a pardon or record suspension
- you belong to a union

Your employer or supervisor:

- refused to pay you for overtime work, or forced you to work too much overtime
- was unfair or hostile to you for no good reason
- was doing something that was against the law
- pressured you to leave your job

Or you quit your job because your employer:

- expected you to work in dangerous conditions
- cut your wages significantly or made major changes to your duties

Even if one of the examples applies to you, that might not be enough to be just cause. And there could be other reasons for leaving that Service Canada will see as just cause.

It is best to get legal advice before you quit your job for any reason. See [page 27](#) to find out where to get legal help.

III Can I get EI if I was fired?

It depends on why you were fired. If Service Canada says you were fired because of “misconduct”, they will not give you benefits.

Misconduct usually means doing something wrong on purpose. Misconduct is more than not being able to do the job well. Here are some examples that could be misconduct:

- threatening someone or being violent
- destroying company property on purpose
- being away from work without permission
- not obeying an order from your employer

It is often unclear if what a worker does is misconduct.

Service Canada decides if you were fired for misconduct, **not** your employer. So you should apply, even if you were fired.

III If I quit or was fired, what happens when I apply for EI?

When you apply, you have to answer questions on a special form if you quit or were fired.

If you quit, you have to say:

- why you quit
- if you tried to fix the problem at work before you left
- if you tried to get other work before you quit

If you were fired, you have to say:

- why you were fired
- if your employer gave you any warnings
- if you tried to fix the problem

Once you have filled in the form, Service Canada may interview you. They may also contact your employer. Then they decide if you quit without having just cause or were fired for misconduct.

Being disqualified

Service Canada could decide that you:

- quit without having just cause, or
- were fired for misconduct.

If this happens, they will tell you in a letter that you **cannot** get regular EI benefits. This is called being “disqualified”.

The letter will also tell you that you have the right to ask them to reconsider their decision. This means asking them to review and change their decision.

You must ask for this in writing **within 30 days** of finding out about Service Canada’s decision. For more information, see [page 25](#).

Even if you cannot get regular EI benefits, you might still be able to get the special benefits that are listed on [page 12](#).

III Can I be disqualified for other reasons?

You can be disqualified for a certain period of time if Service Canada decides you did **not** do something that you were supposed to do.

You can be disqualified and not get EI for **one to 6 weeks** if you do **not**:

- follow reasonable written instructions from Service Canada,
- go to a meeting they want you to attend, or
- take part in a course or employment activity they send you to, quit it without reason, or are expelled.

You can be disqualified and not get EI for **7 to 12 weeks** if:

- you do not accept a suitable job, or
- you are aware of a suitable job but do not apply for it.

For more about what is a suitable job, go to [page 19](#).

Service Canada must tell you in writing if you are disqualified. They might send you a warning letter first. But they do not have to do this. Whatever happens, get legal help right away. [Page 27](#) has more information.

III If I was disqualified, what happens if I apply for EI in the future?

You might not be able to get as many weeks of regular EI benefits. Special benefits are not affected.

Check with Service Canada to see if you finished all of the weeks that you were disqualified for in your last claim. If not, you have to finish those weeks before you can start getting regular EI benefits.

Example: If you did not finish the weeks you were disqualified for in your last claim

The last time you applied for EI, you got **14 weeks** of regular benefits.

In week 9, Service Canada disqualified you for **7 weeks** because you refused to take a suitable job. When your benefit period ended, you had finished **6** of those 7 weeks.

So when you apply for EI regular benefits again, you might have to finish that **one week** of being disqualified.

But weeks that you were disqualified for will apply to your new EI claim only if **both** of the following are true:

- you have less than 700 insurable hours since your last EI claim, and
- you were disqualified for a reason that happened in the last 2 years.

III Are there other reasons why I might not get EI?

Service Canada can decide not to give you benefits for other reasons. This is called being “disentitled” to benefits. For example, this could happen if:

- you are not available for work, for example, you are going to school full-time or have been outside Canada for longer than 14 days,
- you do not give Service Canada staff information they ask for, or
- you are not working because of a strike or lockout.

You can get your benefits started again if you prove that the reason why you were disentitled has stopped.

If Service Canada disqualifies or disentitles you, you have **30 days** to ask them to reconsider. This means asking them to review and change their decision. For information about how to do this, see [page 25](#).

You can give them any new information you have when you ask them to reconsider.

III Can I get special EI benefits if I have been disqualified?

You can apply for special benefits even if you would not be able to get regular EI. You might even be able to get them if you quit your job or were fired for misconduct.

Special EI benefits include:

- **sickness benefits** for people who are off work because they are ill or had an accident
- **compassionate care benefits** for people who are giving care or support to someone who is at significant risk of dying in the next 6 months
- **family caregiver benefits** for people who are off work to care for a gravely ill family member or close friend
- **maternity** and **parental benefits** for people who are pregnant, have a new baby, or have adopted a child

Read more about pregnancy and parental benefits in CLEO's booklet **Taking time off work: For new and expecting parents**. Order or view it online at cleo.on.ca/new-parents.

III How much will I get from EI?

If you qualify for EI benefits, you get 55% of your "average insurable earnings", up to \$650 a week. Your average insurable earnings is the average of the highest paid weeks in your qualifying period.

The actual number of highest-paid weeks that Service Canada uses depends on the unemployment rate in your region. It will be between 14 and 22 weeks.

EI benefits are taxable. This means that federal and provincial income tax are taken from your benefits.

Do people with children get more money?

If you have children, you might be able to get more money through the Family Supplement. To qualify for the Family Supplement:

- you or your spouse or common-law partner must get the Canada child benefit (CCB), and
- your annual family income must be \$25,921 or less.

If you get the Family Supplement, your EI benefits could go up to as much as 80% of what you were earning before getting EI. But the most you can get is still \$650 a week.

If you and your spouse or common-law partner both get EI benefits at the same time, only one of you can get the Family Supplement. Usually, it is better if the person who gets less EI gets the Family Supplement.

How long can I get EI?

You can get regular benefits for between 14 and 45 weeks. If you also get other EI benefits, like sickness benefits, you can get up to 50 weeks.

How many weeks you get also depends on:

- the unemployment rate where you live, and
- how many hours you worked in your qualifying period.

III When will I get my first payment?

You are not covered by EI for the first week after you make your claim. This is called the “waiting period”.

After the waiting period, it takes at least another 3 to 4 weeks before you get your first payment. And it may take much longer. But your first payment will include benefits going back to the second week.

If you earn any money after your job ends, you may have to wait longer for your EI benefits to start. For example, this includes vacation pay, termination pay, and severance pay. You should still apply **right away**.

If you earn any money during your waiting period, EI will take some or all of it from your first 3 weeks of benefits.

III What do I have to do when getting EI?

While you are getting EI, you must do everything listed below:

- be ready to work and able to arrange child care when needed
- look for work and follow up on jobs that Service Canada tells you about
- send in weekly reports
- report any income that you get
- give Service Canada a record of your job search when they ask
- meet with Service Canada when they ask
- take part in training programs and other activities that Service Canada agrees that you can do

Employment support measures

Employment support measures are for people who want to go back to work. People who are unemployed may be able to get these benefits if they:

- are getting EI
- got EI in the last 5 years
- paid EI premiums in at least 3 of the last 10 years and those premiums have not been refunded

There are different types of support measures. For example, they include job training programs, work placements, and financial support for job training.

Your Employment Ontario service provider must refer you to these programs. You can find your local service provider on the Employment Ontario website at ontario.ca/page/employment-ontario.

What is a job search?

A job search includes:

- checking job ads like those in the Government of Canada's Job Bank
- asking friends about work
- calling employers
- applying for work

Keep a record of your job search and follow up on any leads. Make notes about where you look and who you talk to. Keep copies of all job ads, letters, and applications.

What information do I have to report?

You must send a report to Service Canada for each week that you get benefits. In these reports, you must say if you:

- worked and, if you did, how much you earned
- received any other money
- were sick or injured
- were available for work each weekday

How do I report the information?

You can report this information online or by phone. If you cannot report in either of these ways, you can report by filling out special cards and mailing them.

Soon after you apply, you get a letter in the mail from Service Canada that says “important Employment Insurance information for you” at the top.

This letter tells you when you must make your first report. It will also give you your access code. It has 4 numbers and is near the middle of the letter.

You need your access code to report online or by phone. The letter comes with instructions about how to use Service Canada’s reporting service.

If your reports are late, missing information, or not filled out correctly, your payment will be delayed.

Reporting online

If you fill in your report online, follow the instructions carefully. After you answer each question, you must confirm your answer.

Once you finish your report, the system will confirm that your report was received. It will also tell you when to make your next report. Be sure to write down this date. You cannot make your next report before then.

Usually, you have to report every 2 weeks.

If you realize later that you made a mistake in your report, call **1-800-206-7218** and press zero. TTY users, call **1-800-529-3742**.

Call as soon as possible during business hours.

Reporting by telephone

You can call the telephone reporting service at **1-800-531-7555**. When you use the service, you have to answer several questions. It is important to answer each question correctly. After you answer each question, you must confirm that your answer is right.

When you finish your report, a message tells you when to make your next report. Be sure to write down this date. You cannot make your next report before then. Usually, you have to report every 2 weeks.

Do not hang up the phone until you are told that your report was successful. If you hang up before that, your report will probably not go through and you will have to start again.

If you realize later that you made a mistake in your report, call **1-800-206-7218** and press zero. TTY users, call **1-800-529-3742**.

Call as soon as possible during business hours.

Can I earn money while I am getting EI?

Yes, but half of the amount you earn is taken off your EI benefits.

This applies as long as you do not earn more than 90% of the average insurable earnings your benefit was based on. All of the money you earn **above** that 90% is taken off your benefits.

“Average insurable earnings” is the amount EI considers you were making before you lost your job. For more information, see **How much will I get from EI?** on [page 12](#).

If your earnings are the same as, or more than, your average insurable earnings, you get no EI benefits that week. This means that your EI benefits can never make your total income in any week go higher than your average insurable earnings.

Also, when you work a full work week, you do not get any benefits for that week. This applies no matter how little you earn.

You must report all of your earnings in your reports. If EI finds out that you are not reporting all of your earnings, the full amount you earned is taken off your benefits. You will probably get other penalties as well.

Read more on [page 24](#).

Do I have to take any job?

No, but you must apply for and accept any job that Service Canada thinks is suitable for you.

A job can be suitable if:

- your health and physical abilities allow you to commute to work and do the job,
- the hours you have to work fit with your family duties or religious beliefs, and
- doing the work would not be against your religious or moral beliefs.

A job is **not** suitable if it is available because of a strike or lockout.

You can start looking for a job doing the type of work you usually do or a job that has similar pay and work conditions.

But if you do not find a job after what Service Canada thinks is a “reasonable” time, they can tell you that you must look for other types of jobs. This even includes jobs that pay less than you usually earn.

Service Canada will disqualify you for 7 to 12 weeks if they decide that:

- you refused to take a suitable job, or
- you knew about one but did not apply for it.

This means that you do not get any regular EI benefits for that period of time.

If you disagree with this, you can ask Service Canada to reconsider the decision. This means that you are asking them to review and change it. You must do this in writing **within 30 days**. For more information, see [page 25](#).

What if I take a job but get fired or quit?

If you take a job while you are getting EI and then **quit without just cause**, your benefits will be cut off. This applies even if the job was only part-time. Just cause means you had to quit because you had no other reasonable choice.

There is more information about just cause on [page 5](#).

For this reason, it can be a mistake to accept work that is not suitable or that you cannot handle. But if you refuse work that Service Canada thinks is suitable, you will be disqualified for 7 to 12 weeks. So it can be hard to know what is the best thing to do.

Try to get help and advice before you decide. See **Where can I get help and information?** on [page 27](#).

Your EI will also be **cut off** if you take a job while you are getting benefits and then get **fired for misconduct**.

But your EI benefits should not be affected if your employer fires you because:

- the job is not suitable for you, or
- you were not able to do the job.

For more information about misconduct, see **Can I get EI if I was fired?** on [page 7](#).

If you are cut off or disqualified for any of these reasons, you can ask Service Canada to reconsider the decision. This means to review and change it.

You must do this in writing **within 30 days**. For more information, see [page 25](#).

||| What if I get more money than I should?

Getting money you were not supposed to get is called an “overpayment”. In almost all cases, you will have to pay it back.

It is also against the law to cash or deposit the cheque or to use the money.

You must return the cheque, or return the money if the government deposited it directly into your bank account. If you do not do this, there could be serious consequences. For example, you could be fined, need to work more hours to qualify for EI benefits in the future, or be charged with a crime.

If you cannot pay back the full amount right away, contact the Canada Revenue Agency (CRA) at **1-866-864-5841** and ask to pay it over a period of time. For TTY, call **1-800-665-0354**.

Sometimes, the CRA or the Tax Court of Canada can decide that you do not have to pay it back. For example, this could happen if you:

- would have a very hard time financially if you had to pay the money back, or
- got the money because the government made a mistake.

III Can I get CPP benefits or workers' compensation?

To get **Canada Pension Plan (CPP) disability benefits**, you must **not** be able to work regularly. But to get regular EI benefits, you must be ready and able to work. So, you usually cannot get both.

It may be possible to get **CPP retirement benefits** and regular EI benefits at the same time. But the CPP amount will be taken off your EI benefits.

The rules are more complicated for workers' compensation benefits. In Ontario, these benefits are called **Workplace Safety and Insurance Board (WSIB) benefits**.

It is a good idea to apply for EI benefits, even if you are also applying for WSIB benefits. But it is important to tell WSIB staff about any EI benefits you get. Get legal help if you think you might qualify for both. Read about where to get help on [page 27](#).

If you are getting or applying for **EI sickness benefits**, you can also apply for WSIB or CPP.

The rules for EI sickness benefits are not covered in this booklet. But you can find out more at servicecanada.ca or by calling **1-800-206-7218**. For TTY, call **1-800-529-3742**.

III Can I get Ontario Works while I wait for EI?

You might be able to get benefits from Ontario Works (OW) while you wait for EI. When you apply, OW will ask about your income and assets and why you are unemployed. You may also have to prove that you have applied for EI.

Apply for OW as soon as you can. It can take a long time to find out about your EI application. So you might get OW for several weeks before you get EI.

When you apply for OW, you must sign an Assignment of Benefits form. This lets Service Canada pay OW back for the benefits you get while you are waiting for your first EI payment. It also makes sure that you do not get both kinds of benefits for the same period.

Tell the OW office as soon as you get your first EI payment.

You might get less from EI than what you get from OW. If this happens, you might still be able to get some money from OW. This means that you would still get the same amount each month as when you were getting OW on its own.

If OW refuses to give you benefits, contact your local community legal clinic for help. You must act quickly because there are strict and very short time limits to have OW review their decision.

Find out more in CLEO's flowchart **How to appeal a decision about Ontario Works (OW)** at stepstojustice.ca/appeal-ow.

III What happens if I give information that is not true?

If you know that information is false or misleading, it is against the law to give that information to Service Canada. Some examples are:

- not telling Service Canada about all of your earnings
- lying about being available for work
- changing information on your Record of Employment

Penalties for giving false or misleading information can be very serious. Here are some of the penalties you could get:

- You must pay back all of the EI money that you should not have received.
- For every false statement that Service Canada thinks you made, you might **also** have to pay as much as 3 times what you get each week from EI.
- You can be charged with committing a crime.

Service Canada can also give you a “violation”. Violations stay on your EI record for 5 years. While a violation is on your record, you have to work hundreds of extra hours before you can qualify for EI benefits.

If you get a penalty or violation, you have the right to ask Service Canada to reconsider. This means that you ask them to review and change the decision.

You must do this in writing **within 30 days** of being told about the decision.

III What if I do not agree with a decision about EI?

You can appeal most decisions about your EI claim.

The first step is to ask Service Canada for a “reconsideration” of the decision. This means that you ask them to review and change their decision. You can ask for a reconsideration if Service Canada:

- refuses to give you benefits or you think the amount is too low
- tells you to pay back some benefits
- gives you a penalty or sends you a warning letter

You must ask for the reconsideration in writing. You must make sure Service Canada gets it within **30 days** of when you got the decision.

If you miss this deadline, you can ask for an extension. But you must give a good reason for why you were late.

How do I ask for a reconsideration?

You have to use a form called Request for Reconsideration. You can get this form online at [ei.gc.ca](https://www.ei.gc.ca). Or go to [canada.ca](https://www.canada.ca) and type **ins5210** in the search box.

After you fill out and sign the form, you must take it to your local Service Canada Centre. Or you can mail it to a regional Service Canada Centre.

For Ontario, the mailing address is Service Canada, P.O. Box 2602, Mississauga, Ontario L4T 0B1.

What happens when I ask for a reconsideration?

Someone from Service Canada will contact you to talk about your EI claim. You can give them any new information you have and explain why you think the decision should be changed.

Service Canada might also contact your employer. This is more likely to happen if the reason you did not get benefits was because you quit your job or were fired.

Read more about reconsiderations on [ei.gc.ca](https://www.ei.gc.ca).

Service Canada will tell you their decision in a letter. They could:

- keep the original decision
- change the decision completely
- make some changes to the decision

They will tell you their decision in a letter.

What if I do not agree with what Service Canada decides?

The next step is to appeal to the Social Security Tribunal (SST). You cannot appeal to the SST unless you have gone through the reconsideration process first.

On the SST website, there is a Notice of Appeal form and information about how to start an appeal.

You can also start an appeal by sending a letter. But it must have all the information that the form asks for.

Read more at <https://sst-tss.gc.ca/en/your-appeal>. If you have any questions, call the SST at **1-877-227-8577**. For TTY, use **1-866-873-8381**.

The SST must get your Notice of Appeal or letter **no later than 30 days** after you were told about the reconsideration decision.

Email the form to info.sst-tss@canada.gc.ca. Fax it to **1-855-814-4117**. Or mail it to the Social Security Tribunal, P.O. Box 9812, Station T, Ottawa, Ontario K1G 6S3.

III Where can I get help and information?

For more information and help with EI, contact your Member of Parliament (MP). To find your MP, go to ourcommons.ca/en.

For legal help and advice, contact your community legal clinic. To find the clinic nearest you, visit legalaid.on.ca/legal-clinics.

Or call Legal Aid Ontario at **1-800-668-8258**. For TTY, call **711**.

CLEO's **Steps to Justice** has step-by-step information about common legal problems, practical tools like forms and checklists, and information about legal and social services. Visit stepstojustice.ca.

For information about EI, visit stepstojustice.ca/emp-ins.

You can contact **Service Canada** at **1-800-622-6232**. For TTY, call **1-800-926-9105**.

To find out if there are other **other benefits** you might be able to get, use the Government of Canada's Benefits Finder. Visit benefitsfinder.services.gc.ca/hm.

This booklet gives only general information. You should get legal advice about your own situation.

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