

Thursday, April 11, 2013

## CHANGE IN THE LAW

### EMPLOYMENT INSURANCE SICKNESS BENEFITS DURING A PERIOD OF QPIP BENEFITS

Hello,

Since March 24, it is now possible to apply for Employment Insurance sickness benefits while you are receiving parental, paternity or adoption benefits from the Quebec Parental Insurance Plan (QPIP).

Previously, a person who suffered an accident or fell ill while receiving parental, paternity or adoption benefits from the QPIP and who wanted to apply for Employment Insurance sickness benefits would be required to prove that, were it not for the accident or illness, she would have been available for work.

The EI would presume in such cases that the person would not otherwise be available for work, since he or she was taking care of their child. This presumption was very difficult to counter, which effectively meant that these people were not entitled to Employment Insurance sickness benefits.

This presumption has been removed with the changes made on March 24. In other words, those receiving parental, paternity or adoption benefits when applying for Employment Insurance sickness benefits are no longer required to prove that they would have been available for work were it not for the accident or illness.

So, in cases involving sickness or accident, it is now possible to suspend QPIP benefits (parental, paternity or adoption) and receive Employment Insurance sickness benefits (maximum 15 weeks). The QPIP benefits period can then be extended for the same period of time of the disability caused by the accident or illness, up to 15 weeks.

Finally, it should be noted that all of the above does **not apply to maternity benefits**. In these cases, the presumption that the applicant is not otherwise available for work prevails.

Section 1-5.3 of the Cahiers GEI will be updated shortly to reflect this change.

Cheers!

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