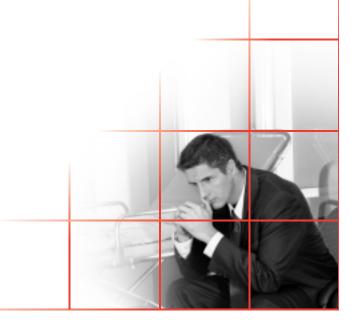


Compassionate care benefits





Human Resources and Skills Development Canada Ressources humaines et Développement des compétences Canada



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SECTION I

What are compassionate care benefits?

One of the most difficult times anyone can face is when a loved one is dying or at risk of death. The demands of caring for a gravely ill or dying *family member* can jeopardize the employment of Canadians and the economic security of their families. The Government of Canada believes that, during such times, Canadians should not have to choose between keeping their jobs and caring for their families.

As of January 4, 2004, a maximum of six weeks of compassionate care benefits may be paid to Employment Insurance (EI) eligible workers who have to be absent from work to provide care to a family member who has a serious medical condition with a significant risk of death within 26 weeks (6 months). The compassionate care initiative will support Canadians both as workers and as family members.

This publication outlines the rules for the compassionate care Employment Insurance benefit. Human Resources and Skills Development Canada (HRSDC) is the department responsible for the Employment Insurance program. This publication provides you with all the steps you need to follow when applying for compassionate care El benefits. For information about all El benefits, you can contact the automated telephone information service, *Telemessage*, at 1 800 206-7218, choose option 2 from the main menu, and then press 2 to access "types of benefits." You can also visit our Internet site at, <www.hrsdc.gc.ca/ei>.

SECTION II

Are you eligible for compassionate care benefits?

To be eligible for compassionate care benefits:

• You must have worked a minimum of 600 insured hours in the last 52 weeks or since the start of your last claim, whichever is shorter—this is called your **qualifying period**.

If you have received El benefits in the past and you received a written notice (i.e., warning letter, penalty letter or a court judgment) for making a false statement, the required number of hours worked to claim benefits will be higher.

- If you are a self-employed fisher, you will need \$3,760 in fishing income in the maximum 31-week period before your claim starts.
- You must show that regular weekly earnings will decrease by more than 40%.
- You must apply for benefits.

Medical Proof

A *Medical* Certificate *for Employment Insurance Compassionate Care Benefits* must also be provided as proof that the ill family member has a serious medical condition with a significant risk of death within 26 weeks (six months) and that the ill family member requires the care or support of one or more family members. The medical certificate must be completed and signed by a medical doctor or medical practitioner authorized to treat the ill family member. *The fees requested by the doctor are entirely at your own expense.*

A medical practitioner is accepted when:

- the ill family member is in a geographic location where treatment by a medical doctor is not readily or immediately available; and
- a medical doctor has designated the medical practitioner to provide the treatment to the ill family member (for example, a provincially certified nursepractitioner).

Only one medical certificate is required per ill family member within the 26-week period. If benefits are shared, the first family member who applies for El compassionate care benefits is responsible for providing the medical certificate to HRSDC.

To obtain the *Medical Certificate for Employment Insurance Compassionate Care Benefits*, you can access our Internet site at <www.hrsdc.gc.ca/ei>. You can also call our automated telephone information service, *Telemessage* (see page 33/34) and press 0 to speak to an HRSDC staff member or you can visit your local HRSDC office.

Sharing compassionate care benefits

You can share the six weeks of compassionate care benefits with other members of your family, as long as they fit the relationship described below and meet the eligibility criteria. Each family member sharing benefits must apply and must qualify for benefits. How you share the number of weeks with other members of your family should be decided and agreed among the family members requesting compassionate care benefits at the time you apply for the benefits. The weeks of benefits can be taken at the same time for each family member or, the family members can take different weeks—so long as the six weeks are not exceeded, the choice is yours.

Note: If the family members do not agree on how to share the weeks, HRSDC will determine, as per El compassionate care benefits regulations, which family member(s) is/are entitled and the number of week(s) that will be payable to each member.

If you are already on EI, you can ask for compassionate care benefits and your eligibility will be determined at that point.

Definition of care or support

For Employment Insurance benefit purposes, care or support to a family member means:

•providing psychological or emotional support; or

•arranging for care by a third party care provider; or

•directly providing or participating in the care.

You can receive compassionate care benefits to care or support one of the following family members:

- your child or the child of your spouse or common-law¹ partner;
- your wife/husband or common-law partner;
- your father or mother;
- your father's wife/mother's husband; or
- the common-law partner of your father/mother.

¹Common-law partner means someone who has been living in a conjugal relationship with that person for at least a year.

SECTION III

When to apply and your Record of Employment

You should file your claim for compassionate care benefits immediately following your last day of work. You must request your Record of Employment (ROE) from your last employer who has five days to provide it. If you don't receive it, submit your application along with proof of employment (for example, pay stubs, cancelled pay cheques, T-4 slip, work schedules). If one or more ROEs covering periods prior to your last employment is missing, you must still submit your claim for benefits. If getting your ROE is a problem, your local HRSDC office can help you. Delay in filing your claim for benefits beyond four weeks after your last day of work may cause a loss of benefits.

Compassionate care benefits outside Canada

Compassionate care benefits can be paid regardless of where the ill family member lives. You have to apply and be eligible for benefits and submit the same information documents as required for a person taking care of an ill family member residing in Canada.

If you go outside Canada, you must advise HRSDC by calling the automated telephone information service, *Telemessage* (see page 33/34) during business hours or go to your local HRSDC office.

SECTION IV

When will you receive your first El payment?

If we have all the required information and you qualify for benefits, your payment will usually be issued **within 28 days** from the day your benefit period starts. If you do not qualify, we will let you know within this same time period.

Waiting period

There is a two-week (14 days) period at the start of your claim for which no benefits are paid. We call this the *waiting period*. If compassionate care benefits are being shared by family members, only the first family member claiming these benefits serves the waiting period.

In the situation where more than one family member claims compassionate care benefits *at the same time*, the family members are required to choose which individual serves the waiting period.

SECTION V

How long can you receive compassionate care benefits?

While the serious medical condition of the family member may have started before January 4, 2004, these benefits can only be paid for weeks that begin on or after January 4, 2004.

A maximum of six weeks of compassionate care benefits is payable to El-eligible workers within the period of 26 weeks that **start** from the week the doctor indicates that the patient has a serious medical condition with a significant risk of death. (Note that the start of the week is always on Sunday.) The benefits **end** when:

- six weeks of benefits have been paid; or
- the gravely ill family member dies or no longer requires care or support (benefits are paid to the end of the week); or
- the 26-week period has expired; or
- the claimant has exhausted the maximum benefits payable on a claim that combines compassionate care benefits with other types of El benefits.

If more than one *Medical Certificate for Employment Insurance Compassionate Care Benefits* is submitted, it's the first certificate that determines the start of the 26-week period.

Note: If the ill family member dies while you or other family members are collecting compassionate care

benefits, HRSDC must be advised immediately. This will prevent unnecessary El overpayments.

Compassionate care benefits are payable *from January 4*, 2004. See the following examples.

Example: Compassionate care benefits requested by one family member			
Application for benefits submitted	Waiting period	Number of weeks requested	Weeks payable
January 23, 2004	Waiting period is served from January 18 to 31, 2004 (2 weeks)	6 weeks requested (i.e., February 1, 2004 to March 13, 2004)	6 weeks (i.e., February 1, 2004 to March 13, 2004)

The doctor indicated on the *Medical Certificate for Employment Insurance Compassionate Care Benefits* that since January 19, 2004, the patient has a serious medical condition with a significant risk of death within 26 weeks. Therefore, the 26-week period would begin on January 18, 2004. (The start of the week is always Sunday.)

For the weeks of January 18 to 31, 2004, the two week waiting period is served.

Six weeks of compassionate care benefits are paid from February 2 to March 13, 2004.

Example: Compassionate care benefits requested by one family member. The ill family member died before all the six weeks are collected.

Application for benefits submitted	Waiting period	Number of weeks requested	Weeks payable
January 23, 2004	Waiting period is served from January 18 to 31, 2004 (2 weeks)	6 weeks requested (i.e., February 1, 2004 to March 13, 2004)	4 weeks (i.e., February 1, 2004 to February 29, 2004)

The doctor indicated on the *Medical Certificate for Employment Insurance Compassionate Care Benefits* that since January 19, 2004, the patient has a serious medical condition with a significant risk of death within 26 weeks. Therefore, the 26-week period would begin on January 18, 2004, which is the start of the week in which the illness began. (The start of the week is always Sunday.)

For the weeks of January 18 to 31, 2004, the two week waiting period is served.

The ill family member died February 27, 2004. Four weeks of compassionate care benefits are paid from February 1 to February 28, 2004. No benefits are payable after February 28, 2004 as that is the end of the week in which the ill family member died.

Note: Compassionate care benefits are payable until the Saturday of the week in which the ill family member dies. Example: Compassionate care benefits requested by more than one family member to care for and support an ill parent.

Application for benefits submitted	Waiting period	Number of weeks requested	Weeks payable
Yourself: January 4, 2004	2 weeks: January 4 to January 17, 2004	2 weeks requested (i.e., January 18 to January 31, 2004)	2 weeks (i.e., January 18 to January 31, 2004)
Your sister: January 18, 2004	None	1 week requested (i.e., January 18 to January 24, 2004)	1 week (i.e., January 18 to January 24, 2004)
Your brother: June 13, 2004	None	3 weeks requested (i.e., June 13 to July 3, 2004)	3 weeks (i.e., June 13 to July 3, 2004)

The doctor indicated on the *Medical Certificate for Employment Insurance Compassionate Care Benefits* that since January 4, 2004, the patient has a serious medical condition with a significant risk of death within 26 weeks. Therefore, the 26-week period would begin on January 4, 2004, which is the start of the week in which the illness began. (The start of the week is always Sunday.)

As you are the first to claim compassionate care benefits, you serve the two week waiting period (January 4 to 17, 2004). Six weeks of compassionate care benefits are paid from January 18 to January 31, 2004 (you and your sister requested a total of three weeks) and from June 13 to July 3, 2004 (your brother requested a total of three weeks).

Compassionate care benefits can be combined with regular, maternity, parental and sickness benefits.

For information about *all* El benefits, you can contact the automated telephone information service, *Telemessage* (see page 33/34), choose option 2 in the main menu, and then press 2 to access "types of benefits". You can also visit our Internet site at <www.hrsdc.gc.ca/ei>.

Benefits from Canada's public pensions

You should also know that the Canada Pension Plan (CPP) pays disability and survivor benefits for those who qualify. The CPP pays a monthy benefit to eligible individuals who have a severe and prolonged disability and are unable to work. The CPP also provides a monthly pension to the surviving spouse or common-law partner and dependent children. If you work in Quebec, you contribute to the Quebec Pension Plan, which is similar to the CPP. Both plans also offer other types of benefits.

How to reach the CPP By telephone: toll-free from Canada and the U.S. 1 800 277-9914 (for information) 1 800 255-4786 (for TTY users only)

For more information, please consult the following Internet sites:

Canada Pension Plan

<www.hrsdc-rhdcc.gc.ca/isp/common/cpptoc_e.shtml>.

Quebec Pension Plan

<www.rrq.gouv.qc.ca/an/rente/11.htm>

SECTION VI

Where to apply and what documents do you need

Internet

< www.hrsdc.gc.ca/ae-ei/dem-app/english/home2.html>

Available 24 hours a day, seven days a week anywhere you have access to the Internet. It is secure, simple, fast, and your personal information is protected. The security feature is like the Internet system banks use for on-line transactions.

In Person

Go to your local HRSDC office. To get the address of the office nearest you, go to our Internet site </www.hrsdc.gc.ca> or call the automated telephone information service, *Telemessage* (see page 33/34). Choose option 4, then press 2.

• Mail

You can mail your application to HRSDC. Call the automated telephone information service, *Telemessage* (see page 33/34) during business hours to request an application form. Press 0 to speak to an HRSDC representative.

IN PERSON and MAIL	INTERNET
 Your Social Insurance Number (SIN). If your SIN begins with a 9, you need to supply proof of your immigration status and work permit. 	Same
 Personal identification, such as your driver's licence, birth certificate 	 Your mother's maiden name (last name when she was born).
or passport.	• Your father's first name.
	 Your date of birth.
 Information about the ill family member, such as complete name, date of birth and residential address. 	Same
• A Record of Employment (ROE) from each job you held over the last 52 weeks.	• Submit your Record of Employment (ROE) from each job you held over the last 52 weeks by mail or in person to your local HRSDC office.
• A Medical Certificate for Employment Insurance Compassionate Care Benefits.	• A Medical Certificate for Employment Insurance Compassionate Care Benefits (submit by mail or in-person to your local HRSDC office)

IN PERSON and MAIL	INTERNET
 Your address including the postal code of your place of residence. 	Same
 Complete bank information, such as account and branch numbers, as shown on your cheque or bank statement so we can deposit the payments directly into your account. You can also submit a voided blank cheque. 	 Complete bank information, such as account and branch numbers, as shown on your cheque or bank statement so we can deposit the payments directly into your account. You can also submit a voided blank cheque by mail or <i>in- person</i> to your local HRSDC office.
 Details regarding your most recent employment: your gross salary (total earnings before deductions including tips and commissions) 	Same
 your gross earnings for your last week of work (from Sunday to your last day worked). 	Same
 The dates of the complete calendar weeks (Sunday to Saturday) in the last 52 weeks during which you earned less than \$225, and the gross amount you earned in each of those weeks. 	Same

IN PERSON and MAIL	INTERNET
 Additional moneys received or to be received from your last employer, such as vacation pay, severance pay, pension, pay in lieu of notice or layoff, or other moneys. 	Same

Social Insurance Number

It is important to remember that your Social Insurance Number (SIN) is not a piece of identification. It is a file identifier for some Government of Canada programs such as EI and income tax. Your SIN card should be kept in a safe place where it is least likely to be lost or stolen.

SECTION VII

How much will you receive?

Basic benefit rate

The basic benefit rate is 55% of your average weekly insurable earnings up to a **maximum** payment of \$413 per week. Your El benefits are taxable, which means that federal taxes (and provincial/territorial taxes, where applicable) will be deducted from your payment.

Higher benefit rate

You may receive a rate higher than 55% if:

- you are a member of a low-income family (net income less than \$25,921); and
- you have at least one child; and
- you or your spouse receive the Canada Child Tax Benefit (CCTB) from the Canada Customs and Revenue Agency (CCRA).

You may then be entitled to the *Family Supplement* which means a higher benefit rate, however, the benefit payments will *never* be more than \$413 per week.

How we calculate your weekly El payment

The amount of your weekly El payment depends on your gross earnings (total earnings before deductions including tips and commissions) in the last 26 continuous weeks, and is based on the following,

• We look at the total gross earnings paid to you in the last 26 continuous weeks ending with your last day of work.

- We take into consideration the number of weeks you worked in the last 26 weeks.
- We determine the unemployment rate in your area and the minimum divisor (see the table below) that applies at that unemployment rate.

Unemployment rates and divisors		
Rate of unemployment in your region	Minimum divisor	
6% or less	22	
From 6.1% to 7%	21	
From 7.1% to 8%	20	
From 8.1% to 9%	19	
From 9.1% to 10%	18	
from 10.1% to 11%	17	
from 11.1% to 12%	16	
from 12.1% to 13%	15	
13.1% or more	14	

To calculate your average weekly earnings (hours worked with El premiums deducted from your wages), we divide your total gross earnings in the last 26 weeks by the greater of:

- the number of weeks you have worked in the last 26 continuous weeks; or
- the minimum divisor number.

We then multiply the result by 55% (or higher if you are eligible for a higher rate as explained above) to obtain the weekly benefit amount. The *maximum amount* is \$413 per week.

Example		
In the last 26 weeks, you worked 26 weeks and earned \$10,400. You live in an area where the unemployment rate is 13.1%, and the minimum divisor is 14.		
To obtain your average weekly earningsWe calculate \$10,400 ÷ 26 weeks = \$400 (We use the number of weeks worked because that number is higher than the divisor.)		
To obtain your weekly El payment	We calculate 55% of \$400 = \$220 El payable to you.	

SECTION VIII

How to get paid

Normally, a payment cannot be issued without a completed report, however, when applying for compassionate care benefits you do not have to complete reports to receive your El benefits. At the time of applying, you must sign a declaration of exemption.

Using Direct Deposit

Direct Deposit ensures that you will get your payments as quickly as possible. You can register for Direct Deposit when you apply for El. Direct Deposit is reliable, convenient and easy to set up.

To get an application for Direct Deposit:

Internet

<www.hrsdc.gc.ca/fas-sfa/eforms/insnm1e.shtml>.

Telephone

Call the automated telephone information service, *Telemessage* (see page 33/34) during regular business hours and press 0 to speak to an HRSDC representative. Provide the bank account information found on your cheque or bank statement.

• In Person

Go to your local HRSDC office. The address of your local office is available by calling the automated telephone information service, *Telemessage* (see page 33), choose option 4 and then press 2.

If you are unable to use Direct Deposit your payment will be mailed to you.

Your Telephone Access Code (TAC)

After you apply for benefits, we will mail you a benefit statement with your TAC, a personal four-digit telephone access code. (See the red-shaded area, at the bottom of the statement.) Keep in mind that receiving a TAC does not mean a decision has been made, but only that your claim is under consideration.

IMPORTANT: You will need your TAC and your SIN if you need to make a telephone enquiry about your claim. Keep your TAC safe and store it separately from your SIN. Do not let others have it, because they could get information or take action on your Employment Insurance claim without you knowing it, but for which you will be held responsible.

SECTION IX

Earnings that may affect your El payments

While you are receiving benefits, any money you receive from the following sources may affect your benefits:

- any income including wages or commissions from employment;
- any payments in compensation for an accident or workrelated illness, such as workers' compensation for lost wages;
- income from group insurance for sickness or loss of income;
- some accident compensation for loss of wages from a motor vehicle accident insurance plan; and
- retirement income from an employment pension, military or police pension, Canada or Quebec Pension Plan or provincial plan based on employment.

Working while you are getting benefits

You can earn **\$50 or 25%** of your weekly benefit amount, whichever is higher, without changing your weekly benefit amount. Any earnings above that amount will be deducted dollar for dollar from your benefits.

You must report ALL money (before deductions), in the week(s) in which they are earned, as well as any other moneys you may receive while you are getting benefits.

SECTION X

If you do not agree with our decision

If we decide not to pay you benefits or if we impose an overpayment or a penalty on your claim, we will send you a letter explaining why we have done so.

If you disagree or do not understand our decision and have not had the opportunity to discuss it with one of our agents, contact us immediately. Have handy all details concerning your claim for benefits and make sure you provide us with all the information that could affect our decision.

How to appeal a decision

If you disagree with our decision, you have the right to appeal. To file an appeal, you must write a letter to your local HRSDC office and identify the decision(s) you wish to appeal. Your appeal letter must be sent within 30 days of receiving our decision. If you appeal later than 30 days, you must provide the reasons for your delay.

A standard appeal form is available at the Serving Employment Insurance Appellants Internet site <www.ei-ae.gc.ca>; however, you are not required to use this form to file an appeal. For more information on the Employment Insurance appeals process:

Internet (Serving Employment Insurance Appellants)
 <www.ei-ae.gc.ca>.

• Telephone

Call the automated telephone information service, *Telemessage* (see page 33/34), choose option 2 and press 3.

In Person

Speak to an HRSDC staff member at your local HRSDC office.

Publication

Read the Appealing a decision (IN-209) publication.

SECTION XI

Help us protect El

El exists to provide temporary income support to Canadians who have lost their jobs and are looking for, but cannot find, work. Protecting El is an important responsibility, shared by workers, employers and the Government of Canada.

To make certain El is protected and to discourage misuse, we work with you and your employer(s) to ensure the accuracy of the information submitted to us.

Misusing El

If you knowingly hold back information or change the facts to make a false claim, you are committing a fraudulent act and you will be penalized. Penalties can be imposed not just for current claims but for any future benefit claims such as increasing the number of hours required to be eligible. El claimants who have knowingly abused the El Program and, as a result, have an outstanding debt arising from intentional misrepresentation are charged interest on that debt. As well, legal prosecution may occur. If you are an employer and you help a claimant commit a fraudulent act, you will also be penalized when it is discovered.

Mistakes can happen

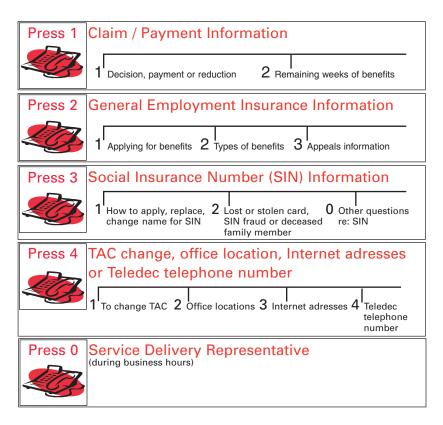
Mistakes can happen. Claimants can make a mistake when filling out forms, such as the claimant report. Mistakes can cause a delay in payment or cause an error in the amount of benefits you receive. Contact us as soon as you become aware of the errors and provide us with the correct information. Under our voluntary disclosure policy, we can waive any penalty or prosecution if the matter is not already under investigation.

SECTION XII

How to contact us

• TELEPHONE - TELEMESSAGE 1 800 206-7218

Telemessage is the automated telephone information service available 24 hours a day, seven days a week. You can get general information about the Employment Insurance program, the Social Insurance Number (SIN) and specific information on your Employment Insurance claim. Specific information about your claim is updated every morning from Monday to Friday. You will need your SIN and TAC numbers for information on your claim. When you call *Telemessage* you will get the following options:



IN PERSON

To get the address of the local HRSDC office nearest you, go to our Internet site <www.hrsdc.gc.ca> or call *Telemessage* (choose option 4, then press 2).

FREQUENTLY USED HRSDC INTERNET SITES AND TELEPHONE NUMBERS

General information and/or Employment Insurance information:

Automated Telephone Information Service (*Telemessage*): 1 800 206-7218

HRSDC Home Page: <www.hrsdc.gc.ca>

HRSDC Employment Insurance: <www.hrsdc.gc.ca/ei>

Unemployment rate in your area: <www14.hrsdc-rhdcc.gc.ca/ei-ae/ratesc.htm>

Serving Employment Insurance Appellants: </br><www.ei-ae.gc.ca>

Applying On-Line

Apply for El benefits on-line: <www.hrsdc.gc.ca/ae-ei/dem-app/english/home2.html>

Payment

Direct Deposit application: <www.hrsdc.gc.ca/fas-sfa/eforms/insnm1e.shtml>