

# Employment Insurance Benefits for Fishers



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## What is Employment Insurance?

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The Employment Insurance (EI) program offers temporary financial assistance to Canadians. One type of benefit that the EI program offers is fishing benefits. Self-employed fishers who are out of work may be entitled to EI fishing benefits.

## What EI benefits are available to fishers?

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EI fishing benefits are based on earnings from self-employment in fishing. If you are not self-employed in fishing, you cannot receive EI fishing benefits. However, if you have worked in the fishing industry for someone else, you may be eligible for other types of EI benefits, such as regular, maternity, parental, sickness, or compassionate care benefits.

For more information, visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca), call the EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742), or visit your local Service Canada Centre.

## Chapter 1: Who can apply for EI fishing benefits?

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### Am I eligible?

A fisher is a self-employed person engaged in fishing. If you are a fisher, you may be eligible to receive EI fishing benefits if you are temporarily not earning money from fishing.

Your eligibility also depends on how much you earned from self-employment in fishing during your **qualifying period**, and what you did during your **labour force attachment period**.

#### Note

Unlike EI regular benefits, EI fishing benefits are based on **earnings**, not hours of employment.

### What is the qualifying period?

The **qualifying period** is the **31-week** period immediately before the start of a benefit period. If you applied for benefits earlier and your application was approved in the last 31 weeks, the qualifying period is from the start of the previous benefit period to the start of your new benefit period.

#### Notes

- For summer benefits, the earliest start date for the qualifying period is the week of **March 1**.
- For winter benefits, the earliest start date for the qualifying period is the week of **September 1**.

## What is the labour force attachment period?

The labour force attachment period is the **52 weeks** preceding the start date of your qualifying period.

Within the labour force attachment period, you must have:

- at least **\$3,000** from self-employment in fishing; **or**
- had at least **490 hours** of other labour force attachment related to fishing. For example, you may have:
  - received EI fishing benefits;
  - received training relating to fishing that was authorized by a Service Canada agent or a local employment service provider designated by the EI Commission;
  - received workers' compensation for a fishing injury; or
  - benefited from employment measures related to fishing.

You do not need to have done all of these things. You may have done just one or a combination.

### Note

This list identifies the most common labour force attachment situations. For information about other types of labour force attachment, please contact your nearest Service Canada office or call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742).

## How much do I have to earn to qualify?

The amount you need to earn during your qualifying period varies depending on the unemployment rate in the region where you live. As Table 1 shows, you need to earn a minimum of between \$2,500 and \$4,200 during your qualifying period to qualify for fishing benefits.

**Table 1 – Earnings needed to qualify for EI fishing benefits**

Regional rate of unemployment	Required earnings
6% or less	\$4,200
6.1% to 7%	\$4,000
7.1% to 8%	\$3,800
8.1% to 9%	\$3,600
9.1% to 10%	\$3,400
10.1% to 11%	\$3,200
11.1% to 12%	\$2,900
12.1% to 13%	\$2,700
13.1% or more	\$2,500

As mentioned above, your eligibility for fishing benefits also depends on your activities during your labour force attachment period. During this 52-week period, which precedes the start date of your qualifying period, you need to have earned \$3,000 or more as a self-employed fisher, or you need to have had 490 hours or more of labour force attachment related to fishing.

However, if you have just started working as a self-employed fisher or have returned to fishing after an absence of a year or more preceding your qualifying period, you may need to earn a minimum of \$5,500 as a self-employed fisher to qualify.

Also, if you have received one week or more of maternity or parental benefits in the 208 weeks preceding the labour force attachment period, you will need to earn between \$2,500 and \$4,200 as a self-employed fisher to qualify for benefits.

#### **Notes**

- If you have been paid EI benefits in the past and received a written notice for making a false statement or misrepresentation, you will need to earn more from fishing to claim fishing benefits. See Chapter 5 for details.
- Your earnings are calculated according to the sharing arrangement of the crew you work with and are reported on your Record of Employment (ROE) by the buyer or agent.



## Chapter 2: How to apply

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To receive EI fishing benefits, **you must apply for them**. You do not receive fishing benefits automatically, even if you have received Records of Employment from your buyer or agent.

### When to apply

You should apply for EI fishing benefits as soon as possible. You should apply no later than four weeks after:

- your last day of work;
- the end date of your fishing trip; or
- the date you sold your catch to a buyer.

You may lose benefits if you are late applying for benefits.

### You have to apply online

To receive fishing benefits, you must submit an EI application form online. You have several options. You can apply:

#### Online at home

If you have access to the Internet at home, you can apply for EI fishing benefits from there—24 hours a day, 7 days a week.

#### In person at a Service Canada Centre

You can apply online at any Service Canada Centre using one of the many Internet kiosks available. To find out when your local Service Canada Centre is open, visit our Web site at **[www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)**.

#### At a public Internet access site

There are various locations in your community, such as public libraries, where you can access the Internet to apply for EI benefits.

## What information do I need to complete my application?

To apply for EI fishing benefits online, you will need the following information:

- your Social Insurance Number;
- your mother's maiden name;
- your mailing and residential addresses, **including the postal codes**;
- the names and addresses of all buyers of your catch and employers, dates for the periods you were engaged in self-employed fishing and other periods of employment, and reasons for separation from any employment, including self-employment in fishing, for the last 52 weeks; and
- your complete banking information, including the financial institution name, the branch number, and your account number, if you want to apply for direct deposit.

After you apply online, **you will need to either mail us the following documents or drop them off in person at a Service Canada Centre** as soon as possible so we can finalize your claim:

- if your SIN begins with a "9," proof of your immigration status and work permit; and
- all Records of Employment (ROEs) **in paper format** you have received from buyers of your catch or from employers for whom you have worked in insurable employment during the last 52 weeks or since your last claim (if buyers or employers submit ROEs **electronically** to Service Canada, you do **not** have to provide copies to Service Canada).

## Completing the application form

To complete your online application, visit our Web site at **[www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)**.

From the "On-line Services and Forms" menu on the right-hand side of the page, select "Apply for Employment Insurance." From there, the Web site takes you step by step through the application form, and provides detailed instructions on how to complete it.

## Chapter 3: Getting paid

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### When will I receive benefits?

If you are entitled to receive EI fishing benefits, you will usually receive your first payment within 28 days of the date we receive your application. If you do not qualify to receive EI fishing benefits, we will notify you by letter or by telephone and explain why.

### What is the two-week waiting period?

Before you can start receiving EI fishing benefits, you have to serve a two-week period for which you will not receive benefits. This is called the **waiting period**. The waiting period is like the deductible you have to pay for other types of insurance.

Any money you earn during the two-week waiting period will be deducted from your benefit payment during the first three weeks for which benefits are paid. Once these three weeks have passed, the waiting period has no further effect on your benefits.

### How will I get paid?

To receive your payment, you must complete an EI report (online or by telephone) every two weeks. You cannot receive your payment unless you complete these reports.

Once we receive your application for benefits, we will send you a **benefit statement** in the mail that shows your access code and the date you should submit your first EI report. We will also send you step-by-step instructions on how to complete your report.

Here's how to submit your EI report:

#### On the Internet

To use the EI Internet Reporting Service, visit our Web site at **www.servicecanada.gc.ca**. From the "On-line Services and Forms" menu on the right-hand side of the page, select "Complete your EI report."

#### By telephone

To submit your report by phone, call our EI Telephone Reporting Service at **1-800-531-7555**. (Select "Option 1" for a demonstration, or "Option 2" to complete your EI report.)

## Notes

- You should complete your EI reports no later than three weeks after the reporting date provided. If you are late, your payment may be delayed.
- We cannot issue a payment unless we receive your completed EI report. We usually make payments by direct deposit to your bank account.

## What is my access code?

Your **access code** is the four-digit number printed in the shaded area of the benefit statement. Your access code is your electronic signature, and you will need it, along with your Social Insurance Number, when you make telephone enquiries about your claim and when you file your reports using the EI Internet Reporting Service or the EI Telephone Reporting Service.

The access code identifies you and ensures that your privacy is protected. Do not let others have it because they could get information or take action on your claim without your knowledge. You would be held responsible. Keep your access code in a safe place and, for extra security, keep it stored separately from your Social Insurance Number.

If you have been given a temporary access code, you will need to change it to a new confidential access code. You may also choose to change your existing access code for security reasons. To do this, call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). Choose “1” and follow the instructions to change your access code.

If you lose your access code, call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742) from 8:30 a.m. to 4:30 p.m., Monday to Friday, and press “0” to speak to an agent. You can also go to your local Service Canada Centre.

Whether you are changing your access code or reporting a lost one, you will be asked questions to verify your identity. We will then issue you a new access code number.

## How will I receive my first payment?

We usually pay benefits by **direct deposit** into your bank account. If we have all the required information and you are entitled to receive benefits, we will deposit your first payment within 28 days of the date we receive your application.

We will deposit subsequent payments into your bank account two business days after you complete your EI report by Internet or telephone.

If you are unable to use direct deposit, you will receive your payment by cheque, which we will mail to you.

## What if I still need to give my banking or other information?

If you have applied for EI benefits but did not supply your complete banking information, you have two options:

- You can use the My Service Canada Account service on our Web site at **www.servicecanada.gc.ca**. From the “On-line Services and Forms” menu on the right-hand side of the page, select “Access My Service Canada Account.” (For information about registering for My Service Canada Account, see page 13.)
- You can call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742) from 8:30 a.m. to 4:30 p.m., Monday to Friday, to give the information to an agent.

### Note

To ensure your benefit payments continue without interruption, you should notify us **before** you change your banking information or home address.

## How much will I receive?

To calculate your weekly EI fishing benefit, we consider your total earnings during your qualifying period. The earliest start date of the qualifying period is the week of March 1 for summer fishing or September 1 for winter fishing.

This is how we calculate your weekly benefit:

1. We calculate your total self-employment earnings from fishing during your qualifying period—the last 31 weeks or from the start date of your last claim for EI benefits (we use the total earnings from the shorter period).
2. We determine the unemployment rate in your region and select the divisor that applies at that unemployment rate (see Table 2).
3. We divide your total self-employment earnings from fishing during your qualifying period by the applicable divisor. This gives us your weekly insurable earnings from self-employment in fishing.
4. If you have earnings from employment other than as a self-employed fisher, we calculate your total earnings from the last 26 weeks of that other employment, using only the weeks contained in the fishing qualifying period. We divide this amount by the applicable divisor or by the number of weeks worked, whichever is greater. This gives us your weekly insurable earnings from regular employment.
5. We add the results from Steps 3 and 4 together to find your total weekly insurable earnings.
6. We compare your total weekly insurable earnings with the allowed maximum weekly amount, and we select the lower figure. (The maximum weekly amount can vary from year to year and is based on the maximum insurable earnings for the calendar year. To find out more about the maximum weekly amount or the maximum insurable earnings for this year, visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742).
7. We multiply that lower figure by 55% to obtain the amount of your weekly benefit. See Examples 1 and 2.

**Table 2 – Divisors used to calculate benefits**

Regional rate of unemployment	Minimum divisor
6% or less	22
6.1% to 7%	21
7.1% to 8%	20
8.1% to 9%	19
9.1% to 10%	18
10.1% to 11%	17
11.1% to 12%	16
12.1% to 13%	15
13.1% or more	14

**Example 1**

In 2010, John earned \$9,865 from self-employment in fishing during his qualifying period of 31 weeks. The unemployment rate in his area is 11.5%, which means the divisor is 16. Dividing his fishing earnings of \$9,865 by 16 gives him weekly insurable earnings of \$616.56. This amount is lower than the maximum weekly amount, which was \$831 in 2010. His benefit rate is therefore \$617.00 x 55% = \$339.

**Example 2**

In 2010, John earned \$9,865 from self-employment in fishing during his qualifying period of 31 weeks. The unemployment rate in his area is 11.5%, which means the divisor is 16. Dividing his fishing earnings of \$9,865 by 16 gives him weekly insurable earnings of \$616.56.

However, within the last 26 weeks (which occurred in the 31-week qualifying period), John also worked in another job during which he earned \$10,000 in 15 weeks. Because these earnings are not from self-employment in fishing, they are called **regular earnings**. The unemployment rate in his area is 11.5%, which means the divisor is 16. Dividing his regular earnings of \$10,000 by 16 gives him weekly insurable earnings of \$625.00. We use the divisor of 16 for the regular earnings because it is greater than 15, which is the number of regular weeks of insurable earnings in the last 26 weeks.

We calculate John's total weekly insurable earnings as follows:

Fishing weekly earnings: \$616.56  
Regular weekly earnings: \$625.00  
Total weekly earnings: \$1,241.56

When the regular earnings are added to the fishing earnings, the total is greater than the maximum weekly amount of \$831 per week. Since John's insurable earnings cannot exceed the maximum weekly amount, we use that amount to calculate his benefit rate. John's benefit rate is therefore  $\$831 \times 55\% = \$457$ .

#### Note

The maximum weekly amount is based on the yearly maximum insurable earnings amount. In 2010, the yearly maximum insurable earnings amount was \$43,200. The maximum weekly amount for 2010 is calculated by dividing \$43,200 by 52. This means the maximum weekly amount for 2010 was \$831.

### Could I receive a higher benefit rate?

You could receive a higher benefit rate if you are in a low-income family with children. In this case, your net income would have to be less than \$25,921. If you or your spouse receives the Canada Child Tax Benefit, you may be entitled to the Family Supplement, which means a higher benefit rate. However, the weekly benefit payment cannot be higher than the maximum benefit rate for the calendar year.

To find out more about the Family Supplement, visit the Service Canada Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call the EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). You can also write to us or visit us in person at a Service Canada Centre.

### For how long will I receive benefits?

If you qualify for fishing benefits, you may receive up to 26 weeks of benefits within a period of 37 or 38 weeks, depending on the day of the week on which April 1 or October 1 falls. This period is called the benefit period.



## How long is the benefit period?

The benefit period for a **winter claim** can start as early as the week of April 1 and must end no later than the week of December 15.

The benefit period for a **summer claim** can start as early as the week of October 1 and must end no later than the week of June 15.

The benefit period can be extended to a maximum of 52 weeks if you are claiming EI special benefits such as sickness benefits. The benefit period is extended by one week for each week of special benefits claimed.

## Where can I get more information on my claim?

To get more information about your EI application, you can contact us either online or by telephone.

### Online

To get information about your claim, you first need to register for My Service Canada Account. My Service Canada Account is a Web-based service that allows you to:

- confirm any decisions made about your EI application;
- sign up for direct deposit;
- see details on your payments and deductions;
- view and update your personal information; and
- view all Records of Employment that your employers have submitted electronically in the last two years.

To use My Service Canada Account, you will need to create an Access Key user ID and password. To do this, you will need your access code, which you will find on the benefit statement that is mailed to you after you apply for EI benefits. From the “Online Services and Forms” menu on the right-hand side of the page, click on “Access My Service Canada Account.”

### By telephone

You can also get information about your EI application by calling the EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). Be sure to have your Social Insurance Number and your access code on hand when you call.

## Chapter 4: Other frequently asked questions

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### Can I work while receiving EI fishing benefits?

You cannot work full time and receive EI fishing benefits. However, you can work part time while receiving fishing benefits.

Normally, you can earn up to **\$50 per week or 25% of your weekly benefit, whichever is higher**. Any money earned above that amount will be deducted dollar for dollar from your benefits.

**However, effective December 7, 2008, until August 4, 2012**, a pilot project is in place to encourage workers to accept all available work while on a claim. During this pilot project, you can earn **\$75 per week or 40% of your weekly benefit rate, whichever is higher**.

You must report all gross earnings—that is, earnings before taxes and deductions—during the week you earn them, as well as any other money you receive while collecting fishing benefits.

To find out more about the EI pilot project to increase allowable earnings or to report your earnings, visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742).

### Could I qualify for other types of EI benefits?

Yes, in addition to EI fishing benefits, you may qualify for other types of EI benefits.

- **Maternity benefits**

If you are a birth mother, you may qualify for 15 weeks of maternity benefits. To do so, you must earn \$3,760 or more from self-employment in fishing during the qualifying period.

- **Parental benefits**

If you are a parent, you may qualify for 35 weeks of parental benefits. To do so, you must earn \$3,760 or more from self-employment in fishing during the qualifying period.

- **Sickness benefits**

If you are sick, you may qualify for up to 15 weeks of sickness benefits. To do so, you must earn \$3,760 or more from self-employment in fishing during the qualifying period. You do not have to be ill to qualify for sickness benefits: you may also be injured or in quarantine. You must obtain a medical certificate signed by a physician stating how long your incapacity due to illness, injury, or quarantine is expected to last.

### Note

If you are already receiving EI fishing benefits and you become ill while you are on that claim, you may still receive sickness benefits. If you become ill, you may qualify for sickness benefits with less than \$3,760 of earnings during your qualifying period, as long as the reason you initially stopped working was not illness, injury, or quarantine.

- **Compassionate care benefits**

Compassionate care benefits can be paid for up to six weeks to fishers who have to be absent from work to provide care or support for a gravely ill family member at risk of dying within 26 weeks. Unemployed fishers receiving fishing benefits can also ask for this type of benefit.

To qualify for compassionate care benefits, you must have \$3,760 or more of insurable earnings from self-employment in fishing in your qualifying period. You must also be able to provide medical proof that your family member has a serious medical condition with a risk of dying within 26 weeks and requires you to provide care for and support to your family member who is seriously ill.

For more information on EI maternity, parental, sickness, or compassionate care benefits, visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). You can also write to us or visit us in person at a Service Canada Centre.

### **Can I receive fishing and other types of EI benefits in the same benefit period?**

Under certain conditions, you may receive fishing benefits **and** maternity, parental, sickness, or compassionate care benefits during the same claim period. In this case, the benefit period would be extended, and you could receive up to 50 weeks of benefits.

However, if you have not been paid any fishing or regular benefits during your benefit period, you may be able to receive up to 71 weeks of maternity, parental, sickness, and compassionate care benefits in the same benefit period.

To find out whether you are eligible to receive other types of EI benefits in the same benefit period, please call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742) between 8:30 a.m. and 4:30 p.m., Monday to Friday, and press “0” to speak to an agent. You can also write to us or go in person to your Service Canada Centre.

## **I am going to be outside Canada. Does this affect my benefits?**

Normally, you cannot collect fishing benefits while outside Canada. However, in certain situations, you can receive fishing benefits during a temporary absence. In this case, you must be available for work in Canada and you must inform Service Canada of your temporary absence.

You can collect maternity and parental benefits while outside Canada. Under some circumstances, you may also be able to collect sickness or compassionate care benefits. However, you must advise Service Canada if you go outside Canada by calling our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742), writing to us, or visiting us in person at a Service Canada Centre.

## **Will I have to repay benefits at income tax time?**

When you file your income tax return, you may be required to repay some or all of the EI benefits you received. This will depend on your net income and whether you were paid EI regular or fishing benefits during the tax year.

For more information on repaying benefits at income tax time, visit our Web site at **[www.servicecanada.gc.ca/ei/repayment](http://www.servicecanada.gc.ca/ei/repayment)** or call our EI Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742). You can also write to us or visit us in person at a Service Canada Centre.

### **Note**

You do not have to repay benefits if you:

- are a first-time claimant; or
- receive only maternity, parental, sickness, or compassionate care benefits.

## What are my rights and responsibilities?

The EI program is designed to protect Canadians from financial hardship when they have lost their jobs and are looking for work. The right to receive benefits, however, is balanced by the responsibility of each person to abide by the requirements of the law.

- **When receiving fishing benefits, you are responsible for:**
  - being ready, willing, and capable of working at all times;
  - actively looking for work and keeping a detailed written record of your efforts;
  - reporting all periods when you are not available for work, unless your lack of availability is related to fishing activity (for example, you are working on repairs to fishing gear);
  - providing all required information and documents;
  - keeping appointments with your Service Canada Centre;
  - notifying us of any separation from employment and the reasons for that separation;
  - accurately reporting all earnings before deductions from employment, in the week(s) in which they were earned, as well as any other money you may have received;
  - reporting any absence from your area of residence and/or any absence from Canada; and
  - reporting any hours you spend attending or taking a training program or course.
- **You have the right to:**
  - file a claim for Employment Insurance;
  - receive help in making your claim;
  - be served in the official language of your choice;
  - receive any benefits that are owing to you; and
  - appeal decisions about your benefits that you feel are unjust. (For more information on how to appeal, see “How do I appeal a decision?” on page 18.)

Under the *Privacy Act*, you also have the right to see any government records that contain your personal information.

## How do I appeal a decision?

The rules on eligibility for EI benefits are complex. Service Canada always tries to interpret them fairly, but you might not agree with a decision. If you disagree with one of our decisions, you may want to talk about it with a Service Canada agent. You will be able to provide any new information you may have and clarify any issues surrounding the decision.

If you still wish to appeal, you must **write** to your local Service Canada Centre, stating clearly what decision you disagree with and why you feel the decision is incorrect. You must do this within 30 days of receiving the EI decision. Do not forget to include your Social Insurance Number on any additional documents you supply.

For more information on the appeal process, contact your local Service Canada Centre or see the publication called *Appealing a Decision* (IN-209), which is available from any Service Canada Centre. You can also visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

## Chapter 5: Protecting Employment Insurance – with your help

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Service Canada works to protect the EI program from misuse. One of the ways we do this is by working with employers and claimants to ensure the accuracy of the information we receive. With your help, we can reduce the amount of misuse and ensure that the EI program is used as it should be—as a program that provides temporary financial assistance to Canadians.

### What is a mistake?

A mistake is an unintentional act. We know claimants can make mistakes when filing their reports. Common mistakes include:

- estimating weekly earnings instead of putting in the actual amount earned;
- forgetting to declare all the earnings received;
- writing or entering the wrong number when reporting earnings; or
- adding the number of hours or amount of earnings incorrectly.

Some mistakes can delay benefit payments, while others can affect the amount of benefits you receive—meaning you are paid more or less than you are entitled to receive.

For example, estimating your earnings can have the following effects:

- If you estimated your earnings in any one week and your estimate was higher than the earnings you actually received, your benefit amount will be less than it should be. Let us know if this happens. We will adjust your file and ensure that you receive all the benefits to which you are entitled.
- If you estimated your earnings in any one week and your estimate was lower than the earnings you actually received, your benefit amount will be more than it should be. Let us know if you receive an overpayment. You will have to repay the excess amount, but we will ensure that this causes no undue hardship. As well, we will adjust your file to reflect your accurate information.

**If you notice a mistake** on a completed form or report, or if there is a change in your circumstances that could affect your EI claim, **tell Service Canada immediately**. This will help prevent future problems with your claim and help you avoid penalty or prosecution.

## **Absence from Canada**

Usually, you cannot receive EI fishing benefits while outside Canada. (For exceptions, see “I am going to be outside Canada. Does this affect my benefits?” on page 16.) One measure we take to enforce this rule is to compare EI information with information from the Canada Border Services Agency. If we find you have been out of the country while collecting fishing benefits, we will try to determine whether you are entitled to those benefits. If not, we will calculate your overpayment, which you will then have to repay.

We may also impose penalties of up to three times your weekly benefit rate or three times the amount of your overpayment. As well, you may have to earn more to qualify for fishing benefits in the future.

## **Misrepresentation**

If you knowingly withhold information, make misleading statements, or misrepresent the facts to make a false claim for benefits, this is considered misrepresentation. You could face severe monetary penalties or prosecution. This could also affect your future benefits. However, if you notify Service Canada of your actions before an investigation begins, we can waive the monetary penalties and prosecutions that might otherwise apply.

## **Consequences of misrepresentation: Interest and penalties**

### **Interest on debt**

When EI claimants receive benefits to which they are not entitled, the amount of the overpayment counts as a debt that must be repaid.

Service Canada charges interest on this debt when it results from claimants who knowingly withhold information or make false or misleading representations or statements. However, we do not charge interest on debt that results when Service Canada makes an error in the benefit payment.

The rate of interest is the Bank of Canada average rate plus 3 percent. Interest is calculated daily and compounded monthly.



## Penalties

A penalty may be imposed on a claimant, an employer, or an individual acting on their behalf in relation to a claim for benefit, when he or she has:

- knowingly made false or misleading representations or statements; or
- completed a statement without declaring essential information.

Here is an example of a situation where penalties may be imposed:

### Example

An EI benefit claimant goes on an ocean cruise for a month and arranges for a friend to conceal the absence by signing and returning two EI claimant reports. As a result, the claimant illegally receives \$350 in benefits for each of the four weeks of the cruise. After investigation, we find that this was the first time the claimant and the friend had misused the EI system. As well, we find that they both knew that what they did was illegal but they did it anyway.

In this case, the claimant will have to repay \$1,400 (four weeks of benefits at \$350 per week) and may have to pay a penalty of \$700 (\$350 for each of the two false reports filed during the holiday). The friend may also have to pay a penalty of \$700 for the illegal act of filing two false reports on behalf of the claimant.

There are many situations where a penalty can apply, and the amount can become very high. Depending on the circumstances, the maximum penalty can be up to three times the amount of the overpayment, three times the weekly benefit rate for each incident of misrepresentation, or three times the maximum benefit rate.

As well, claimants who misuse the EI program may need more insurable earnings from self-employment in fishing to qualify for fishing benefits in the future. The required amount of insurable earnings to qualify rises based on the seriousness of previous incidents of misrepresentation. The amount of the penalty will also depend on the amount of the overpayment and the number of previous incidents of misrepresentation.

### **Example**

A fisher knowingly misreports earnings in one year, receives an overpayment of \$1,000, and receives a notice of violation. To qualify for benefits in the following year, he will need \$3,200 in insured earnings from self-employment in fishing—instead of the \$2,500 in insured earnings from self-employment in fishing he would need to qualify for benefits (see Table 1, page 4) with no past violations.

Claimants who repeatedly misuse the EI program may require a minimum of \$5,100 in insurable earnings from self-employment in fishing to qualify for benefits.

## How to contact us

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- **Click [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)**
- **Call the EI Telephone Information Service at 1-800-206-7218 (TTY: 1-800-529-3742)**

This automated telephone information service is available 24 hours a day, seven days a week. To speak with an agent, call this number between 8:30 a.m. and 4:30 p.m., Monday to Friday, and press “0.” You can get general information about the EI program, how to obtain a Social Insurance Number, and your own EI claim. Please note that you will need your Social Insurance Number and access code to receive information about your EI claim.
- **Visit a Service Canada Centre**

To find the Service Canada Centre nearest you, call **1 800 O-Canada** (1-800-622-6232; TTY: 1-800-926-9105) or visit our Web site at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

**Notes**

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