

# **Enhancing Indigenous Labour Market Program (ILMP) Employment Insurance & Section 25 Authority Knowledge**

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**October 8, 2019**

# Employment Insurance Act: Parts I and II

The EI Act (1996) has the following parts to consider:

- **Part I *Unemployment Benefits***
  - income support during an interruption in earnings
  - Delivered by Service Canada
- **Part II *Benefits -Employment Benefits and Support Measures***
  - Active measures to help clients return to work
  - Delivered by Indigenous Organizations, Provinces and Territories through their signed Agreements



# Employment Insurance Part I

## Part I *Unemployment* Benefits

- income support during an interruption in earnings
- Delivered by Service Canada
- Client must apply, submit ROE's and to receive must have lost their job by no fault of their own
- Once claim is established, client must be available for and actively seeking employment
- Special benefits may be paid for sick, maternity, parental



# Employment Insurance Part II

## Employment Benefits and Support Measures

- Active measures to help clients return to work
- Delivered by Indigenous Organizations, Provinces and Territories through their signed Agreements
- Section 63 of the *Employment Insurance Act* is ESDC's authority to enter into ISETP agreements with Indigenous organizations to provide EI Part II funding for the delivery of labour market programs.
- SCHEDULE B – Employment Insurance PART II FUNDING for the Indigenous Skills And Employment Training Program



## Part II Employment Benefits & Support Measures (EBSM)

Enabling insured participants to obtain employment, including benefits to

- a) encourage employers to hire them;
- b) encourage them to accept employment by offering incentives such as temporary earnings supplements;
- c) help them start businesses or become self-employed;
- d) provide them with employment opportunities through which they can gain work experience to improve their long-term employment prospects; and
- e) help them obtain skills for employment, ranging from basic to advanced skills.



## Part II EBSMs

**Employment Benefits** are program interventions similar to:

- Targeted Wage Subsidies
- Job Creation Partnerships
- Self Employment
- Skills Development

**Support Measures** includes Employment Assistance Services (EAS) or Core Services

- Clients include the general employed, regardless of EI eligibility
- Equates to the minimum levels of service provided to all Indigenous people



# Determining Part II Eligibility

Insured Participant » EI Part II Funding

Uninsured Participant » CRF Funding



## Determining Part II Eligibility

***Under Section 58 of the EI Act, insured participant*** means an person who requests assistance under employment benefits and when requesting the assistance is:

- an unemployed person for whom a benefit period is established (active EI Part I client)
- or whose benefit period has ended within the previous 60 months (aka “reach-back”)
- or an unemployed person who paid at least 5 of the last 10 years, employee’s premiums that did not entitle the person to a refund under subsection 96(4) (*\*new Premiums Paid Eligible client*)



# El Part II Eligible Clients

## Examples

Active EI claimant (on EI Part I)

An active EI claimant (on EI Part I) on Special Benefits

A previous EI claimant – who is working minimally or is now on another form of assistance who is now working with an Employment Counsellor.

A client working with an E&T Counsellor who has worked only 5 years in the past 10 years.

\*\*\*It is important to keep in mind, that just because a person is deemed “EI Part II Eligible, they may not be eligible to be receiving EI Part I Benefits.



# Next Steps

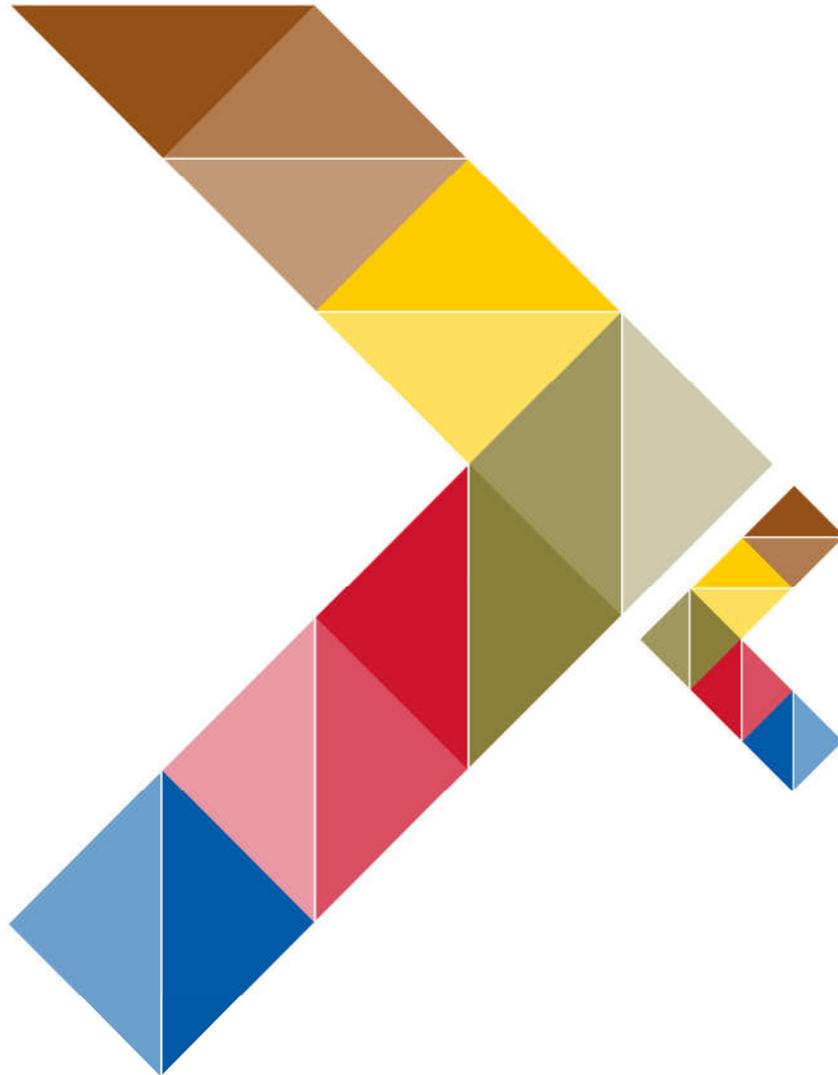
Section 25 Authority

Referrals to Approved Training

Counsel to Leave Employment

What do you need to do?





# El Part I Section 25 Referral Authority

## Part I Referral Authority

Schedule B of ISETP Agreements designates Section 25 referral authority.

Both LMDAs and ISET Agreement Holders have been authorized to exercise the EI Commission's authority under section 25 of the EI Act to:

- Refer active EI Part I claimants to attend approved courses or programs of instruction or to participate in any other employment activity designed to facilitate their re-entry into the labour force while maintaining entitlement to Part I benefits, and
- In extenuating circumstances, counsel a client to quit their employment prior to attending an approved employment benefit activity to support them in making informed training choices while allowing them to be eligible for EI Part I benefits.



## Identifying & Maintaining Section 25 Referral Authorities

Agreement holders delegated with referral authority under Section 25 are required to:

- maintain a list including names, titles, contact information, delegated level;
- provide the list to Canada in the event of any change; and
- validate the list with representatives with Canada,

# Responsibilities of a Part I Referral Authority

Ensure that Section 25 Referral Authorities:

- Are knowledgeable of the terms and conditions of the Agreement;
- Are aware of their roles and responsibilities as a Section 25 referral authority
- Are able to assess and determine suitable intervention programs / services for clients
- able to connect referrals to programs and services identified in the Annual Operating Plan



# Levels of Designated Authority

There are 3 Levels of Designated Authority:

- Level 1 - EI Eligibility Check Only
- Level 2 – Eligibility Check, Referred Training Input
- Level 3 – Eligibility Check, Referred Training Input, Authorization to Leave Employment



# S25A Training Referrals Considerations

- Determining Client Needs
- Section 25 Referral and Case Management
- Determining Eligibility for Referral Under Section 25
- Before Making a Section 25 Referral
- Completing a Section 25 Referral



## How to submit S25A Training Referrals

- By obtaining access to EIBIS (Employment Insurance Benefit Information System)
- Through your current Regional process
- In-person by the client directly at a Service Canada Centre
- Failure of submitting the form may result in disqualification of the client's EI claim.



# Authority to Counsel to Leave Employment

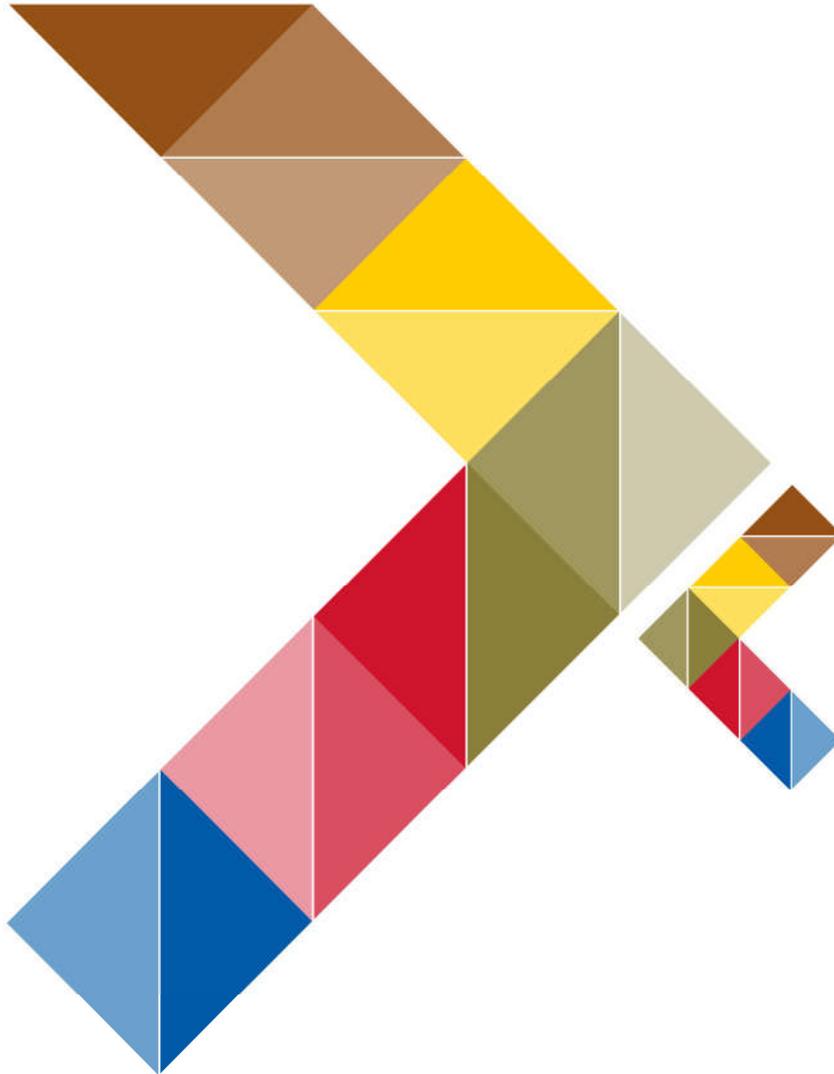
- Under the EI Act, persons are disqualified from receiving benefits if they voluntarily leave their employment without “just cause.”
- In addition, they cannot use the insurable hours from that employment to qualify for benefits when making a subsequent claim.
- In exceptional circumstances, a designated authority may recommend that a client leave his or her employment to take a course/training program or to participate in an employment activity.



## S25A Training Referrals & Authorization to Leave Employment

- The Authorization to Leave Employment (Level 3) requires the “Training/Intervention Notice-Counsel to Leave Employment “ standardized form to be completed and submitted by facsimile or can be delivered to a Service Canada in-person office by the client. This cannot be done electronically.
- The designated authority will provide written documentation (in the form of a letter) to support their decision to allow a client to quit their employment in exceptional circumstances to attend training.
- No backdating of an ATQ is permitted.
- Failure of submitting the form may result in disqualification of the client’s EI claim.





## **Innovations in the provision of EI Support**

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**A enhanced solution to the secure  
exchange of protected b personal  
information between Canada and  
Indigenous Skills  
& Employment Training Program  
(ISETP) Organizations**

# ISETP Data Results Exchange



## Data Gateway Overview

The Data Gateway is a secured exchange of information website, up to protected B level, offering the ability for GoC program stakeholders to share files with the external partners (users and organizations) of their respective program (aka 2-way Data Gateway).

- Multiple files & users
- Notifications
- Access Management
- Future possibilities

# Questions

