



October 19, 2021

## TO ALL IBEW FIRST DISTRICT LOCAL UNIONS

Greetings:

There have been recent changes made by Employment and Social Development Canada (ESDC) regarding Canada's Employment Insurance system in light of COVID-19 and an employer's mandatory vaccination policy.

I strongly encourage Local Union Business Managers to review the links below and ensure that they, along with our members, are aware of these changes and how it could impact them.

These changes indicate that in most cases, if you lose or quit your job because you didn't comply with your employer's mandatory COVID-19 vaccination policy, you won't be eligible for EI regular benefits. To determine if you're eligible, ESDC may contact you to obtain information such as:

- if your employer clearly communicated a mandatory COVID-19 vaccination policy to you
- if you were informed that not complying with the policy would result in you losing your employment
- if applying the policy to you was reasonable within your workplace context
- if you have a valid reason for not complying with the policy and your employer didn't provide you an exemption

ESDC will use the facts provided by you and your employer to determine if you are entitled to benefits.

It should be noted that IF an employer issues a Record of Employment (ROE) and selects "Shortage of Work" for not complying with the mandatory vaccination policy and ESDC finds out that in fact the worker was laid off due to not following an employer's mandatory vaccination policy there could be ramifications such as paying back monies received, penalties, fines, or more.

Employers have been instructed by ESDC to do the following when filling out an ROE.

When the employee doesn't report to work because they refuse to comply with your mandatory COVID-19 vaccination policy, use **code E (quit)** or **code N (leave of absence)**.

When you suspend or terminate an employee for not complying with your mandatory COVID-19 vaccination policy, use **code M (dismissal)**.



If you use these codes, ESDC may contact you to determine:

- if you had adopted and clearly communicated to all employees a mandatory COVID-19 vaccination policy
- if the employees were informed that failure to comply with the policy would result in loss of employment
- if the application of the policy to the employee was reasonable within the workplace context
- if there were any exemptions for refusing to comply with the policy

You can find the link for employees [HERE](#)

You can find the link for employers [HERE](#)

My office will continue to keep you updated on any further changes to the EI system as it relates to employer mandated vaccination policies.

Thank you for your attention to this important matter.

In solidarity,

A handwritten signature in black ink, appearing to read "Tom Reid".

Tom Reid  
International Vice President

TR/ln

cc: International Representatives  
IBEW System Council #11  
IBEW CCO