

J4EIM (JUSTICE 4 EI MISCONDUCT)

SITE: <https://Justice4EIMisconduct.com>

YT: <https://youtube.com/@Justice4EIMisconduct>

Email: J4EIM@outlook.com (Questions & Suggestions)

Presentation: E.I. Case (Complete Walk-Through)

IVIM.ca :: Dmitry Gorodnichy

Date: December 11 & 18, 2025

Disclaimer: All Claims being Tested in Court. Until Final Judgement,
Everything Discussed is for Edutainment Purposes Only...



ABOUT US: WHO ARE WE?

J4EIM Project

During the **Pandemic**, the **Lives** and **Careers** of numerous **Canadians** were **Crushed** by the '**EI Misconduct**' label.

Our **Goal** is to **Explain** the **How & Why** underlying this **Injustice** to Canadians & **Invite You to Join Us** in a **National Campaign** to Obtain **Real Justice**...

All We Ask is that You **Understand what Happened & Send Letters** that **Express Your Concern** to the relevant **Government Agents & Bodies**, Asking them to '**Do the Right Thing**'.

We may file a **Parliamentary Petition**.

DA v. Canada (AG)

DA worked at Purolator for 30 Years.

After losing his Career, he struggled to support his Family with *part-time, low-paying Jobs* for the next 3 years.

Like others, this caused major Health, Financial & Family Life problems – incl. losing their Family Home to the Bank.

This year, he finally found another Carrer Job – and is Fighting this Injustice in Court for All Canadians – *whatever it Costs*, to the very end...

Matthew (J4EIM)

Matthew has held different jobs in various fields over the past 25 years:

from: Call Centres & Charity Agencies,
to: IT, Technical & Security Roles,
to: Landscaping & Manual Labour.

Formal Education in Cyber-Security:
1 Semester short of MSc (Pandemic)

Asked to Help a Family Member with their EI Case in mid-2022. Once I understood what was happening, I was Committed to this Fight, since I could not find any other Case that Challenged the Entire Process Itself...

SUMMARY: WHAT HAPPENED?

Pandemic: Fundamental Premise

Shutdown the Country (and World) to 'prevent the spread' of a 'deadly novel virus', by **quarantining Healthy People**.

To 'prevent economic collapse' (from worldwide lockdowns), institutions mandated experimental injections.

Public Health Agencies and Media Companies launched **coordinated Information Campaigns** to promote **Medical Mandates** country-wide.

Mandates: Fundamental Premise

Companies: *Granted themselves* the **right** to **Break the Law (+Contracts)**, by simply issuing Policies saying so – then issued **Falsified ROEs** to **justify** this fact.

Governments: Used '**State Action**' to pressure private Companies into this – then **accepted** this **Absurdity** whenever 'their Corporate Policy permitted it'.

Adjudicators: Refused to address this **Injustice** on 'Jurisdictional' Grounds – by Changing Tests, Abusing Processes, etc.

SUMMARY: HOW IT HAPPENED

Questions at Issue (12)

#3-4: Can Corporate Policy Override Contracts & Binding Legislation?

#5: When Policies Do Break Laws & Contracts, are They Legally Active?

#6: Are Contracts & Common Law Ultra Vires for EI Adjudicators?

#8: Can Tribunals Violate Home Statutes by citing Case Law?

#9: Can EI Adjudicators ('ADM's) Selectively Apply the Law?

#10: Can EI ADMs Use Undisclosed & Internal Info in their Decisions?

Root Cause (YT)

- Engineered EI ADM Processes
- Coercion & Perverse Incentives
- Diffusion of Responsibility
- No Real Understanding of the Law
- COVID-19: Policy Trumps Law
- Pre-Written Decision Templates

Process Engineering (YT)

- S/C Issued Secret BE-Memo
- CEIC Changed Facts in Case
- Inapplicable Case Law Cited
- Processes Used Logical Fallacies
- Engineered Abuse of Process
- Bypassed Vavilov (SCC)
- Templatized Systemic Errors

SUMMARY: IMPACT OF SCANDAL

ESDC: E.I. Program Stats (20/10-23/05) 10.4M / 2.6M / 25% (15.3% / +64.5%)

SST Stats: Cases by Reason

SST Statistics: Case Load (By Separation Reason)				
Year	EI Cases	Non-C19	C19-MM Cases	MM Load
2019	988	988	0	0.0%
2020	712	712	0	0.0%
2021	595	588	7	1.2%
2022	1304	874	430	33.0%
2023	1496	875	621	41.5%
2024	836	768	68	8.1%
Total	5931	4805	1126	19.0%

Cases: 2019=988, Lull=654, Mandate=1400

Change: +42% / +214% (C19-MM: 37.5%)

SST Stats: Success Rate by Reason

SST Statistics: Benefits Granted Rate (By Reasons + Difference)										
'21-'24	Cases	Yes	Rate	Non	Yes	Rate	MM	Yes	Rate	Diff
GD	2370	453	19.1%	1768	424	24.0%	597	29	4.86%	4.93x
AD	1861	398	21.4%	1337	360	26.9%	526	38	7.22%	3.73x
Total	4231	851	20.1%	3105	784	25.25%	1123	67	5.97%	4.23x

E.I. Granted: Normal=25%, C19-MM=6% (Denied: -423%)

E.I. Program: ~1M Extra Denials (Base: 2.6M / 1.645 = 1.58M)

SUMMARY: ‘SOLUTION’ TO PROBLEM

Overview

‘Due to Pandemic’ **New EI Processes** were **Engineered** across **multiple** federal **Agencies**. (SC, CEIC, SST...)

They **compelled ADMs** to **break laws** by **Denying Benefits** to otherwise **Qualified Claimants**. (EI Act, et al)

Statutory requirements **overridden** by **Secret BE-Memo & Decision Templates** that **mis cited** Case Law & ‘Abused Process’ using **pre-Written Reasons** + **modified** ‘**Misconduct Test**’ containing two **Logical Fallacies**.

100Ks Claimants Denied ~\$13B Benefits

‘**Policy Over Statute**’ Again?

Impact & Cost

C19 Mandate Refusal Rate: ~10%
~10% (4x Ways) (Union, Pension, WF, EI)

Canadians Denied EI Benefits (C19-MM)

EI/SC: **~500k Claims** ('21:Q4–'23:Q1)

SST-EI: **~1100 Cases** (2022–2024)

E.I. Claims: **~\$13B Liability**

EIOA (2023): **50% Revenue**

10M E.I. Claims vs. 20M WorkForce

(50% Working Canadians EI Claim)

Censorship

***** CANCELLED ***** Notice of motion contained within a Motion Record on behalf of the applicant for a Confidentiality Order in writing filed on 02-JUN-2025

71

Someone tried to **silence our Case** by applying for a **Confidentiality Order** “on behalf of the Applicant.”

We are acting ‘**pro se**’ – as an **SRL** (‘Self-Represented Litigant’) – there is **no** ‘on our behalf’. **Who Filed this?**

We don’t know who made this request. Our Case was **Reassigned to New Judge**

PROBLEM #1 (E1): EI ACT (RIZZO)

Legislative History

C-229 ['71]: Socialized UI Program

During this time period (1980-1993) Canada's Net Debt/GDP ratio increased **210%**: **44.9%** to **94.7%**.

Our Unemployment Rate rose **52%+**: from **7.5%** [1980] to **11.4%** [1993].

C-21 ['90]: Removed Federal Funding, Introduced 5 Just Cause Reasons.

C-105 ['93]: Lost (Public Pressure)

C-113 ['93]: Codified 14 'Just Cause' Reasons + Claimant 'Benefit of Doubt'

Hansards: **5** Vol, **4700+** Pgs. (in 5 yrs)
Term 'Just Cause' appears **545 Times**.

Legislative Intent

The **Legislative Intent** of **10+ MPs, 5+ [Deputy] Ministers, 3 UI Directors, 2 Parliamentary Secretaries &** numerous witnesses is clear:

EI Benefits cannot be Denied to Claimants who have 'Just Cause' when separating from Employment.

And this explicitly includes situations when Employers allege Misconduct.

Just Cause Analysis (Contrary to Law) is the required Test when deciding to Disentitle or Disqualify EI Claimants.

This also grants 'Benefit of the Doubt' to Claimants in ambiguous situations.

EIA §29(c), EIA §49(2), EIA §51

Scope/Controversy

This decision was called the most controversial change in EI History.

It resulted in multiple Protests, Sit-Ins & Arrests across Canada. (50k in -25°C)

This 'Public Outrage' was mentioned six times in two months in Hansards.

It resulted in Employment Canada planning construction projects at EI Offices across the country to 'install back-doors' on EI Interview rooms.

It also provoked a specific Motion in the House because it was deemed 'too severe', 'beyond fair', etc.

It was finally imposed via a Supply Bill – which created a Confidence Vote.

PROBLEM #1 (E1): HOME STATUTES

EI Act: §29(c)

EI Benefits: 'Just Cause' Analysis

§29 [Interpretation]: “For the purposes of §30–§33: [Disentitlement]”

(c) **Just Cause** for Voluntarily Leaving an Employment or Taking Leave from an Employment exists IF the Claimant had No Reasonable Alternative to **Leaving or Taking Leave**, having regard to all the circumstances, including: [(a | of)]

(xi) Practices of an Employer that are Contrary to Law

(vii) **Significant Modification** of Terms & Conditions respecting Wages or Salary

(ix) **Significant Changes** in Work Duties

(xiii) **Undue Pressure** by an Employer on the Claimant **to Leave** their Employment

DESDA §64

SST: Powers of Tribunal

§64(1): “The Tribunal may decide **any Question of Law or Fact** that is **necessary** for the **disposition** of **any Application** made **or Appeal** brought under this Act.”

§58(1): [Grounds of Appeal: E.I.]

“The **only** Grounds of Appeal of a Decision made by the E.I. Section are that the[y]:”

- (a) Natural Justice or Jurisdiction
- (b) Erred in Law
- (c) Based its Decision on an Erroneous Finding of Fact

Jurisprudence

Contrary to Law Analysis

[¶198]: “The term ‘**illegal**’ has a broader meaning than merely ‘**Contrary to the Criminal Law**’ and can include **contraventions** of **Employment Standards** [{like: CLC} and **Legislation** (CUB 16209), **Collective Agreements** (CUB 51219), and Licensing Board Certifications.]”

Federal Court Decisions (Binding)

CUB 16209: Steven Becker v. CEIC ('89)

CUB 51219: Linda Earl v. CEIC (2001)

Tribunal Decisions (Persuasive)

2023 SST 1886: AM v. CEIC [¶198] (2023)

PROBLEM #2 (E3): SUMMARY & CONCLUSION

How do ADMs avoid their **legal mandate**?

The clear text of multiple laws, decades of Jurisprudence, Legislative Intent & History

Canada Labour Code (§3/§88.1): Lock-Outs

Criminal Code (§398): Falsified ROEs

Management Rights (Garon, KVP, Irving)

Constructive Dismissal (Cabiakman)

Bill of Rights (1a: Security, 1b: Equal Protection)

State Action (Provincial Health & Consent)

Consistency: Choice or Coercion?

Legal Intent: 'Leave' or 'Take Leave'?

Before the Pandemic (2014–19), **539 Cases** Contained '**Just Cause**' Analysis. (EIA §29[c])

El ADMs **knew** that this **Statutory Requirement** mattered before the 'worldwide emergency'

Also: **13 Cases** relied on '§29(c)(xi)' Analysis 'Employer Practices Contrary to Law'

Also: **24 Cases** relied on '§29(c)(xi)' Analysis during the Pandemic. (2020-2024: Masks)

Before COVID-19 (2014–2019), **365 SST Cases** appear to discuss contents of 'employment contracts' or 'collective agreements' when writing Reasons in their El Benefits Decisions.

PROBLEM #2B (E4): PRIVATE & COMMON LAW

Work Contracts

EIA §51 ['Information']: [When] the Commission **finds an indication from the documents** relating to the claim that the loss of employment resulted from the claimant's misconduct [...]: **(a)** "give the[m] [] an opportunity to provide information [&] **(b)** [] take it into account when determining claim.

DBEP §21.2.2: [Gathering All Evidence]: Evidence can take many forms [like]: written instruments [], letters, notes, contracts, [&] collective agreements. pertinent legislation (e.g. labour laws), collective agreements & employment contracts [are among] the evidence necessary to prove the facts of a particular case. →

Lock-Outs

CLC §3(1) ['Interpret']: "**Lock-Out**: incl. closing a place of employment, a suspension of work by an employer, or an employer's refusal to continue to employ a number of their employees, **done to compel** the[m] [] to **agree to** terms or conditions of employment."

CLC §88.1 ['Lock-Outs Prohibited']: "...**Lock-Outs** are **prohibited** during the term of a Collective Agreement."

Vavilov [¶111]: "Where a relationship is governed by **private law** [Employment Contracts], it would be **unreasonable** for the ADM to **ignore that law** in adjudicating the parties' rights..."

KVP & Irving

1965 ON-LA 1009: LSWU #2537 v. KVP

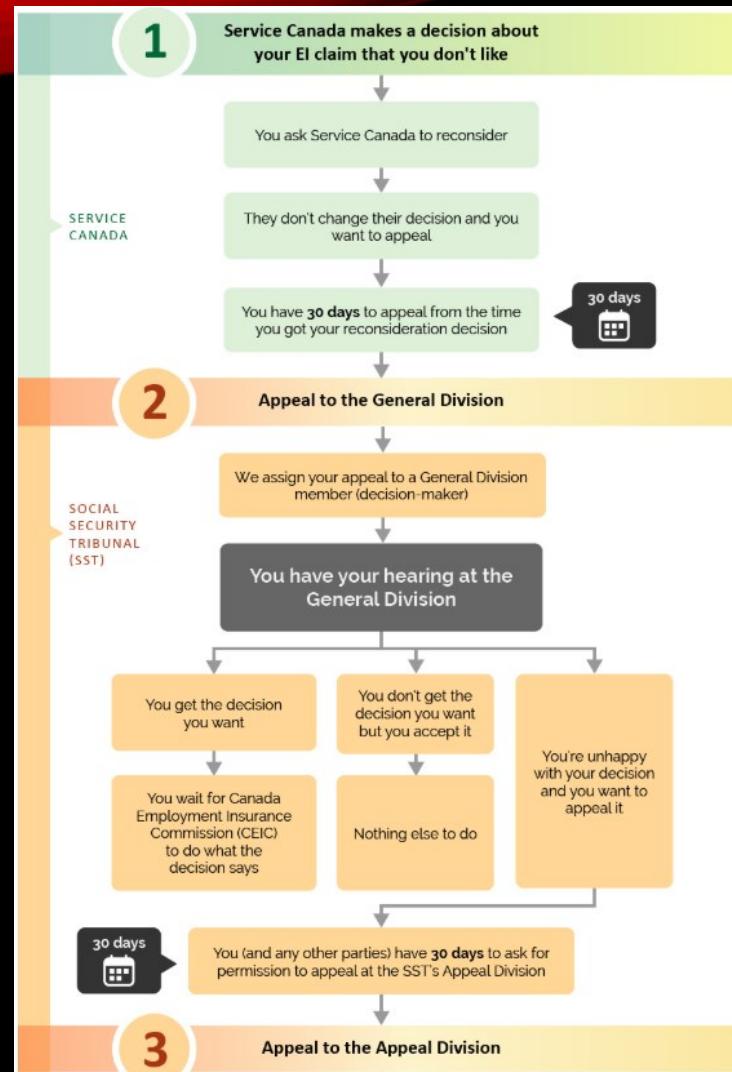
KVP [p.85]: 'Rules unilaterally introduced by the Company, and **not subsequently agreed to** by the Union, **must satisfy** the following [pre]requisites:

1. It must **not** be inconsistent with the CBA
2. It must **not** be unreasonable. (+Lawful)

2013 SCC 34: CEPU Canada #30 v. Irving

Irving [¶24]: "Any rule or policy unilaterally imposed by an employer & **not** [] agreed to by the Union, **must be consistent with the collective agreement** & reasonable."

ESDC RESPONSE: EI CLAIMS PROCESS



SC => SST => FC[A]

#1A: Service Canada (Initial App.)

(Authority: [DESDA §5, §7 & §19](#))

#1B: EI Commission (Reconsider)

(Authority: [DESDA §24 & §28](#))

#2: SST-GD: General (Appeal #1)

(Authority: [DESDA §52 & §54](#))

#3: SST-AD: Appeal (Appeal #2)

LTA: Leave to Appeal Required

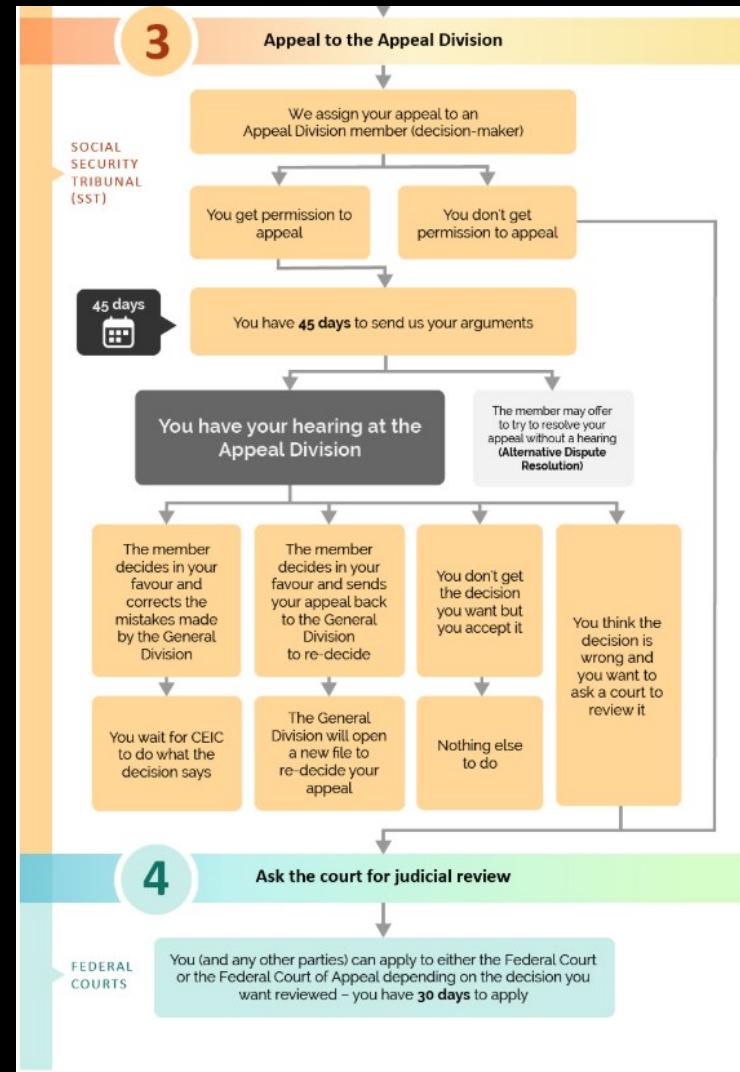
(Authority: [DESDA §55–§59](#))

#4: Federal Court (Judicial Review)

FC = Appealing GD & LTA (1 Judge)

FCA = Appeal AD & FC (3 Judges)

(Authority: [FCA §18.1 & §27–§28](#))



PROBLEM #4 (E9): FALSIFIED ROEs

ROE: Legal Requirements (Form)

- **Criminal Code: §398**

“Every one who, with intent to deceive, **Falsifies an Employment Record** by any means [] is **guilty of an [Summary] Offence...**”

- **ESDC: ROE Guide** (Box: #16 & #22)

“It is a **serious Offence** to misrepresent the **reason** for issuing an ROE. If you **knowingly enter a false or misleading reason** [] you may be **subject to fines or prosecution**.”

“Use **Code 'N'** when the Employee is Leaving the workplace **Temporarily** to take a **Leave of Absence**. For example, if the Employee is taking **any period of Unpaid Leave**.”

- **ESDC: ROEs during COVID-19** (2110-2412)

“When the Employee doesn't report to work because they **refuse to comply with your Mandatory COVID-19 Vaccination Policy**, use [] **Code 'N'**. (Leave of Absence)”

- **ROE Form** (Blocks #16, #18, #22)

‘N’ vs. ‘M’ | Certified | ‘Knowingly’

Why? Practical Consequences

- **ROEs are the Only ‘Sworn’ Evidence:** (-SST:GD)

Whenever there is **conflicting evidence**, the **Certified ROE** will **always prevail**.

- **Avoid Premiums [2.2%+]** (**Arbitration:** ¶246f)

EI Act: §11(3) ['Leave with Deferred Pay']

EI Regs: §14(6) ['Interruption of Earnings']

EIR: §23(1)(a)(ii) ['Allocation of Insurable Earnings']

- **WorkForce Reduction** (**ROE Code 'G':** ¶251f)

Reduce your overall number of **workers permanently**.

Your worker's were **informed and voluntarily left their job**.

Each worker's **voluntary leaving** **protected** [] a co-worker.

PROBLEM #5 (E12): BE-MEMO

Summary

OPSD: 'BE-Memo' ('BE-2021-10')

Title: "*El Eligibility & Refusal to Comply with Mandatory Vaccination Policy*"

Policy "Guidance [to] **All Staff** involved in the processing of [El] Claims." (p.7)

"This memorandum is **not linked** to any legislative or regulatory amendments."

Unlawfully Usurped Parliament's Authority:

Discriminatory: Only Applies to Sub-Group

Unjust & Unreasonable: Violates Vavilov ¶95

Internal Records: Secret Adjudication Rules: **Only Accessible via Multiple ATIPs**
Impossible to Know Rules Used Against Us

Unlawful: Violated El Act & Jurisprudence

Result: Mass Systemic Denial of El Benefits for narrowly-defined Group using Secret Rules

Authorities

DESDA: Employment Dept. Act

The **Minister** can issue **[binding] 'Direction'** re. 'Duties & Functions'.

=> **Agency Rules & Guidelines**

(Set El Program Directions/Agendas, via Internal Policy, not Legislation)

SC/El: §24(3) & §25(1) (CEIC)

SST-El: §45.1(1b&2) (Chair)

Vavilov ¶95 ['Internal Records']

"It [is] **unacceptable** for ADMs to [] expect that its Decision would be upheld on the basis of **Internal Records** that were **not available** to that Party."

Key Errors

Abuse of Process: 'Just Cause' Analysis

Mandated New Definitions & Eligibility Criteria without Legislative Authority.

Overrode El Act: Legal Tests & Case Law

'Exceptional Circumstances' (p.2-3,6)

'Fact Finding' [esp. Contracts] (p.6-7)

[*Old*] Rules: EIA §51 & DBEP §21.2

'Suspension or Dismissal' (p.3)

'Leave of Absence' (p.3-4)

'Availability for Work' (p.4-5)

'Medical & Religious Exemptions' (p.5-6)

PROBLEM #4 (E10): CEIC CHANGED FACTS

- 18 different statements from 4 different sources = ‘Approved Leave’
- **Approved** ‘LOA without Just Cause’ \neq Suspended for Misconduct
- Changed their Final Decision *ex post facto* – Claiming ‘Clerical Error’
- [p.2, ¶7]: “The attention of the SST is drawn to the fact that a **clerical error** was made in the **Notice** sent to the Claimant. The **Notice** indicated that the **Claimant is on a ‘Leave of Absence’** whereas it should have stated that the Claimant was **Suspended due to Misconduct**.”
- [p.2, ¶4]: “**Errors** which **do not** cause **Prejudice** are **not fatal** to the **Decision...**” (cit. Desrosiers [#A-128-89])
- This is also the **first time** that the term ‘Suspended’ is used anywhere in the record.
- Changing the Separation Type (from ‘LOA’ to ‘Suspended’) changes the applicable subsection in the EI Act ([LOA] §30/§32 => §31 => Eliminates ‘Just Cause’ Analysis)

PROBLEM #7 (E14): ATRIUM DECISION TEMPLATES

History

Annual Report (1807): “Between [FY16 -FY17], SST launched **five new releases** of its **Case Mgmt. System...**” (**Atrium**)

“**Capacity** was also enhanced with new features, [like] Assignment Tools”

“**Efficiency** was further improved [by] develop[ing] **Decision Templates** **pre-populated with Legislative Texts** related to the issues at hand...”

‘**Benefits**’: Capacity & Efficiency (**AR**),

Readability & Consistency (**SG**),

‘Plain Language Training’ (**Eval**)

PreText: [Our Members: Selection]

~67% SST TMs “**do not** [have] a Law Degree or **Legal Background...**”

Usage

Style Guide: (**2109, 2208, 2405**)

Plain Language: “...is about clear communication. [] How you **structure** and **design** your **Decision** is equally important. The **wording, structure & design** all contribute to **Readability**.”

[#1] Strategies: “A **solid structure** will serve as the **backbone** for your **Decision**. [] recent **Decision Templates** in **Atrium** give you **solid examples...**”

[#5] Format: “**Decision Templates** help with **Readability**. [] **Make sure you use the most recent Decision Template**. [] Use Templates so that your **Decisions** are **Consistent with other Decisions**.”

“Decision Templates have Benefits:

They often **set out the Legal Tests**.

Some are **already in Plain Language**.”

Problems

Evaluation (2108): (**2108, 2205, 2401**)

“TMs *first* received **Plain-Language Training** in **18/01**, then subsequent sessions or supporting tools & **at least 15 months to practice before** this Study began to sample their Decisions for Analysis.”

“Some TMs expressed **challenges** in **applying training recommendations**, particularly those **delivered by non-legal professionals** or **inconsistent with Templates or internal messaging**.”

What **additional Training or Support** would you like from the Tribunal? (/6)

#1: Decision Templates (48%)

#2: Plain Language Guide or Updated Style Guide (48%)

PROBLEM #3 (E6): HISTORICAL CASES (ABUSE)

Miscited Case Law

Historical Case Law (Cited: ~2500+)

2005 FCA 87: **Bellavance** [¶13] (331)

2007 FCA 36: **Mishibinijima** [¶132] (849)

2007 FCA 107: **McNamara** [¶19] (593)

2010 FCA 314: **Lemire** [¶21] (110)

2016 FC 1282: **Paradis** [¶15-16] (610)

In **all** these Cases, the **Claimants Self-Admit** to violating their **Work Contracts**

Judges *explicitly* state the Breaches...

Broke: Provincial Health & Safety Laws,
Criminal Code & Conflict of Interest

Why Cite These?

Why Applied? (Proof-Texting)

El Management **found 5 Cases** (/500+) where Judges said they 'would not Investigate the Employer' because the **Claimants broke their Contracts** (+Law)

In **all 5 Cases**, **Misconduct** was **proven**: **No investigation required under those circumstances**. (re. Facts & Pleadings)

That is very different from **Allegations...**

El Agencies are **attempting to codify Injustice as Binding Precedent**.

Also: **Circular Reasoning** (re. Citations)

Abuse of Process

Legal Principle: Procedural Fairness

Abuse: Unjustified or Unreasonable Use:

"Misuse or pervert regular Court processes – **not justified** by underlying facts – to gain an unfair advantage in a proceeding."

Baker [¶126]: "If Claimants have legitimate expectation that a certain procedure will be followed, this procedure will be **required** by the Duty of Fairness." (Contrary-to-Law)

Ex: 'Guilty' Pleas do not result in Trials.

'Not Guilty' Pleas require Fact-Finding.

Prosecutor Abuse after Non-Plea [or]
Citing *decades old*, *non-related* Cases

PROBLEM #2C (E5): INTERNAL LOGIC & [IN]CONSISTENCY

Misconduct Test

Proof-Texted 5 Decisions 2500+ times.

Paradis [130] “the Employer’s conduct is **not** a relevant consideration.”

[Composite] 4-Part ‘Misconduct Test’:

Did the Claimant?: ① Willfully ② Violate
 ③ Clear Policy ④ Knowing Consequence

A: The Employer Terminates a Worker,
Alleging Misconduct. (CBA or Policy)

B: In Misconduct Cases, Apply the ‘Test’ and Ignore the Employer’s Actions.

C: The Claimant meets All 4 Elements of the ‘Misconduct Test’.

Therefore: The Claimant is ‘Guilty of Misconduct’ & Denied EI Benefits.

Circular Reasoning

C/R: Ruling “we cannot consider your Employer’s **unlawful actions** b/c **you** [allegedly] commit. **Misconduct**” when the **only** reason I’m supposedly ‘Guilty’ of ‘Misconduct’ is **b/c** my Employer’s **unlawful actions**.

Absurdity: Determine ‘Guilt’ in alleged Misconduct on Boss’ unlawful actions, while simult. presuming to [mis]use that ‘Guilt’ to skip statutory requirement to investigate Boss’ unlawful actions.

Escape Hatch: ROE Code ‘M’ (CC §398)

χ = Obey EIA: Just Cause Analysis

‘M’ = **Impossible** to Qualify for EI

** Policy Over Statute [Again]... ** ←

Logical Fallacies

Vavilov [102-04]: “[Reasonable] Decisions must be [] rational and logical. [] Rationality may be questioned If the[y] exhibit clear Logical Fallacies, [like] circular reasoning, false dilemmas, [] or an absurd premise.”

A: The Employer Terminates ‘X’, Alleging Only 12-Hour Shifts. (Not 24h)

B: In ‘12h Shift’ Cases, Apply the Test & Ignore Employer’s Actions. (**No** Just Cause)

C: The Claimant meets All 4 Parts of the ‘12h Shift’ Test.

Therefore: ‘X’ is ‘Guilty’ of ‘Working 12h Shifts’ & Denied El. (**Abuse**: Contrary to Law)

Petitio Principii (Begging the Question)

Special Pleading (Unjustified Exceptions)

PROBLEM #7 (E14): SPECIFIC DECISION TEMPLATES

- KVP AND ("unilaterally impose" OR "unilaterally bring in") AND "even if the union disagrees" ([CanLII](#), [SST](#))
- KVP AND "this legal test was developed in the context of employment and labour law, I didn't find it helpful in interpreting the EI Act" ([CanLII](#), [SST](#))
- KVP AND "this is why the KVP test does not apply in EI misconduct cases" ([CanLII](#), [SST](#) [Prove:SameParent])
- KVP [[Filter:=Denied](#)] (All 24 [/24] 'KVP' SST Cases Used Denial Templates)

PROBLEM #6 (E13): PRECEDENT ERROR (EI FUNDS)

Bad Precedent

3 Cases: 2007 FCA 107 (McNamara)

McNamara [¶123]: “There is [remedy] to sanction an Employer's behaviour other than transferring the[ir] costs to Canadian Taxpayers via EI Benefits.”

(i.e. Wrongful Dismissal Lawsuits)

Dubeau [¶136]: “[...] not the responsibility of Canadian Taxpayers to assume the cost of Employer's wrongful conduct by way of EI Benefits.” (0703-1905)

(Ratio [Decidendi] vs. Obiter Dicta)

Cited: First 6 Years vs. Mandates (3a)

(‘14-‘19): SST Denied EI 3 Times (!ROE)

C19-MM: SST Denied EI ~160 Times

EI Act: Funding

(Taxes ≠ Fund Employer Lawbreaking)

TaxPayers Do Not Fund E.I. (1990: C-21)

Premiums Taken 'Off-Top' Weekly (1½%)

EI Act: Premiums [§67-§68] (58%/42%)

EIA [§68]: “..Employers shall pay [...] 1.4 times the Employees' Premiums.”

EIA [§66.x] + EI Actuarial Report (2024):

“just enough Premium Revenue [= \$0]”

‘Revenue Neutral’ + ‘7Y Break-Even Rate’

Event Chain caused by Falsified ROE ↪

I'm ‘guilty’ of Misconduct, but ADMs ‘cannot investigate’ due to Falsified ROE.

Court said Taxpayers ‘unfairly burdened’ paying \$0 to ‘sanction’ their lawbreaking

New Reality

EI Act: Intent of Benefits Program

Premiums: I pay + they pay for me.

If Just Cause, some of it is returned to me

When Fact-Finding proves they ‘acted contrary to law’ I have Just Cause.

If no Just Cause, everything we have both paid is forfeit for other people.

ADMs: Caricature of Benefits Program

I pay + they pay for me. If Just Cause, some of it is returned to me for 45 weeks.

When they break laws, everything we both prepaid for me is forfeit to ‘save’ \$0

So I lose everything: my job, wages & EI Benefits, despite having Just Cause...

J4EIM: OUR CALL-TO-ACTION

- **Share J4EIM Content & Press Releases** **J4EIM@outlook.com**
 - Help Us Spread the Word to Canadians *(We Need Public Support to Win)*
(J4EIM Home): <https://Justice4EIMisconduct.com>
Press Release: <https://blog.Justice4EIMisconduct.com/p/press-releases>
- **Send Public Interest Letters** *(Draft: Final Release before Christmas)*
 - Mail Letters to relevant Government Officials, Sharing Your Concern
PIL: <https://blog.Justice4EIMisconduct.com/p/public-interest-working-group>
- **Sign Parliamentary Petition to Expose & Remedy this Scandal** *(In-Progress)*