

FEDERAL COURT OF APPEAL

BETWEEN:

(EI Claimant)

Applicant

AND

ATTORNEY GENERAL OF CANADA

Respondent

Rule 309(h): Memorandum of *(EI Claimant)*

Factum: Employment Insurance (SST-AD)

Submitted: 2025-06-##

(EI Claimant)

(Personal Info Redacted)

Table of Contents

Part 1: Statement of Facts	1
Part 2: Points at Issue.....	3
Part 3: Submission	4
(Standard of Review).....	4
A. Vavilov Reasonableness Review	4
Problem #1: Legislative Intent & History.....	4
B. Rizzo Analysis: Employment Insurance Act	4
C. Post-Script: EIA Statutory Amendments	7
Problem #2: Rule of Law, Jurisdiction & Logic	8
D. Tribunal Precedent: (2023 SST 1032: CEIC v. AL)	8
E. Rule of Law & Jurisdiction	10
F. Private Law & Common Law	12
G. Internal Logic & Consistency	14
Problem #3: Cited Inapplicable Case Law	16
H. Historical Jurisprudence	16
I. Side-Bar: Redefinitions & Logic Errors	17
J. Current Jurisprudence	18
Problem #4: Inconsistent Application of Law	18
K. My Case: Purolator Management	18
L. Side-Bar: Purolator's Falsified Evidence.....	21
M. Side-Bar: CEIC Changed Terms & Facts	22
N. Many Cases: Adjudicators (CEIC/SST)	23
Problem #5: Use of Internal, Undisclosed Rules	25
O. Internal 'BE-Memo' Usurps Law.....	25
Problem #6: Precedent Error re. EI Program.....	26
P. EI Denied on 'Tax-Payer' Grounds	27

Problem #7: Atrium Templates Control Decisions	28
Q. Erroneous Templates Change Decisions.....	28
R. Templates Alter Decision-Making	30
Conclusion	30
Part 4: Order & Relief Sought	30
Part 5: Table of Authorities	32
Legislation	32
Statutes.....	32
Regulations	33
Policies.....	33
Guidance	33
Jurisprudence	34
Supreme Court	34
Appellate Courts	35
Trial Courts	36
Arbitration.....	37
Tribunals	37
Government	38
Hansards.....	38
Reports	39
Other Sources.....	40
Appendix A: SST Cross-Case Analysis	41

PART 1: STATEMENT OF FACTS

1. This Application is for J.R. of an EI Benefits Decision by SST TM **Pierre Lafontaine**. On 2024-01-09, he Denied my Appeal (*AD-23-694*). I am seeking to **Quash** this Decision on **Unreasonableness** Grounds – for *many* different Reasons.

2. My case took a lengthy route here: My initial Application for EI was filed on 2022-01-20, which was **Denied** on 2022-02-23. I then Applied for Reconsideration on 2022-03-24 (*ID: 466###*) and the CEIC **Denied** *that* on 2022-04-27. I have since had **four** different SST Cases: **GE-22-2273** ¹ (*filed on 2022-07-10*), **AD-22-909** ² (*filed: 2022-12-04*), **GE-23-740** ³ (*filed: 2023-03-13*), and **AD-23-694** ⁴ (*filed: 2023-07-10*).

3. Many Errors were made throughout, granting ‘resurrection’ on each Dismissal Appeal. I’m filing for JR of my SST-AD Denial on **15+** errors in **7** different categories:

Category #1: Legislative Intent (*Rizzo Analysis: EI Act*) (*Error #1: ‘B’*)

Category #2: Rule of Law, Jurisdiction & Logic (*Errors #2-5: ‘E’, ‘F’, ‘G’, ‘I’*)

Category #3: Inapplicable Jurisprudence (*Errors #6-7: ‘H’ & ‘J’*)

Category #4: Inconsistent Use of Law & Policy (*Errors #8-11: ‘K’, ‘L’, ‘M’, ‘N’*)

Category #5: Use of Internal & Undisclosed Rules (*Error #12: ‘O’*)

Category #6: Erroneous Precedent (*EI ‘TaxPayer’ Funding*) (*Error #13: ‘P’*)

Category #7: Atrium Decision Templates (*+Reverse-Engineer*) (*#14-15: ‘Q’, ‘R’*)

4. The Pandemic caused fear-driven, impaired judgement & Decisions apart from sound rationale & Rule of Law. I understand the worldwide Emergency, but it does *not* negate the need for thoughtful, **lawful** choices. Unprecedented times require *due care*.

5. In this unfortunate situation, livelihoods of thousands of Canadian households were devastated when workers declined to inject an *experimental* medical product.. ⁵

¹ (DA-2273, 2022); DA v. CEIC, *GE-22-2273*, on 2022-11-04 ([2022 SST 1649](#))

² (DA-909, 2023); DA v. CEIC, *AD-22-909*, on 2023-02-16 ([2023 SST 171](#))

³ (DA-740, 2023); DA v. CEIC, *GE-23-740*, on 2023-06-08 ([2023 SST 1093](#))

⁴ (DA-694, 2024); DA v. CEIC, *AD-23-694*, on 2024-01-09 ([2024 SST 26](#)) [*This JR*]

⁵ Affidavit of (*Claimant*), ¶17-21. (*Experimental Nature of COVID-19 Vaccinations*). *I am providing official ClinicalTrial.gov data to prove their experimental nature. I am not making any arguments based on this fact. Nonetheless, this is an undeniable fact.*

..(then undergoing Phase 2/3 Clinical Safety Trials, the largest 3 of which are still incomplete in Dec. 2024) ⁶ – despite the incredible pressure created by employers’ **unlawful coercion mandates** across our country – immunisation policies that Chief Medical Health Officers admitted made ‘*no significant impact*’ on workplace safety. ⁷

6. Some employers implemented & enforced corp. policies (‘*vaccine mandates*’) that broke federal & provincial laws – and contravened binding employment contracts. *Many* companies strove to comply; *some* did not & refused to fix their unlawful actions.

7. My Case is **not** about ‘**reasonableness**’ of Purolator’s policies. It’s about their **Lawfulness & Rule of Law**, which are the foundation of our legal system. (Policies that **comply** with *all* legislation & applicable Contracts *are* binding & enforceable: employers have rights to enforce them *per CBA*.) But *some* policies were **unlawful**: *some* companies broke multiple laws & breached applicable CBAs, *as mine did*.

8. I notified Purolator re. the legal & contractual problems with their ‘COVID-19 Safer Workplaces Policy’ (‘*C19-SWP*’) & exhausted *every reasonable alternative* to remedy this situation. I filed many Grievances & *always* complied with *lawful* policies & my CBA. But Purolator breached our CBA, placing me on ‘Authorised Admin LOA’ & filed my *Falsified ROE*, so I was Denied EI Benefits due to *alleged* ‘**Misconduct**’.

9. As my Case progressed (*4 SST Cases*), I continually raised this fact, but it was ignored: sometimes by silence & sometimes by employing legal gymnastics to avoid addressing this essential fact: my employer broke several laws & breached my CBA.

The EI Act **requires** EI Adjudicators (‘*ADMs*’) to consider this fact (*in EIA §29[c]*). Examining Parliamentary Hansards for the *Legislative Intent* underlying this section **confirms this fact**. EI ADMs *shall* consider whether the “*practices of an employer*..

⁶ Affidavit, ¶19, citing official Safety Study Data: ClinicalTrials.gov. ([NCT04702945](#) has **200K** Participants & still has an ‘Unknown Status’. [NCT04368728](#) has **47K** Participants, with its ‘Results First Posted’ on **2024-11-22** [QC ‘Not Concluded’]. [NCT04834869](#) has **30K** Participants & will not Complete until **2026-12-31**.)

⁷ Affidavit, ¶22 (Cit. professional medical opinions of CMOs [Chief Medical Officers] from 3 jurisdictions: [Dr. Teresa Tam](#), [CPHO @PHAC](#) [Federal], [Dr. Kieran Moore](#), [CMOH @ON-MoH](#) [Provincial], [Dr. David Patrick](#), [@BC:CDC](#) [PHSA].)

..are contrary to law.” This was *intentionally* not done in my EI Claim. (+1000s more)

10. SST TMs used a *modified, composite* Misconduct Test from Case Law with *different Fact Patterns*. By combining this Test with other Jurisprudence – they are committing *multiple logical fallacies*, which renders their Decisions Unreasonable.^{8,9}

11. At its core, this Case is about Statutory Interpretation – *not* Public Health. Can employers & EI ADMs *ignore* binding legislation – and break employment contracts – to enforce *unlawful* corporate policies? (*Relevant laws don’t have Charter §1 ‘Limits’.*)

PART 2: POINTS AT ISSUE

12. **Fundamental Questions: 12 Key Qs** expand in **Exhibits**. ([P19] p.295-300)
(*I will incorporate them here by reference & not repeat what is already found there.*)

Question #1: Who has Jurisdiction for Specific Health-Related Matters?

Question #2: Can Gov’t Use Companies to Violate Laws ‘by Proxy’? (*‘State Action’*)

Question #3: Can Corporate Policy Override Active Legislation?

Can companies write policies granting themselves the right to break the law?

Question #4: Can Corporate Policy Violate Collective Agreements?

Can companies write policies granting themselves the right to break contracts/CBAs?

Question #5: When Policies are In-Breach, are They Legally Active?

When such absurd & nullified policies are written, are they binding notwithstanding?

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

CEIC & SST ADMs claim they are – unless they need to cite them to Deny Benefits.

Question #7: What Would Be Acceptable Lawfulness Indicators/Tests?

By what standards should policies be deemed Lawful, Contractual & Binding?

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

*They are created & bound by said Statute: ADM Deference **depends** on this fact.*

Question #9: Can the CEIC & SST Members Selectively Apply the Law?

What happens when they treat like cases differently, based on the Outcome?

⁸ [2019 SCC 65: Canada \(MC&I\) v. Vavilov](#). Logical errors & ‘internal irrationalities’ render Decisions ‘Unreasonable’ & subject them to being overturned upon J.R. ([¶104](#))

⁹ Affidavit, ¶¶69-74. This is expanded upon below at: [Problem #2 \(‘G’\)](#) [¶48-57].

Question #10: Can They Use Internal & Undisclosed Info in their Decisions?

Is it Fair & Legitimate to use unpublished information to Decide Cases?

Question #11: If Wrong about Funding Source, Who Gets the Benefit of Doubt?

Some SST-EI Precedent is based on Factual Errors re. EI funding sources & flows.

Question #12: What Happens When Case Law is Wrong for Decades?

Does Justice require correcting Precedents based on Legal & Factual Errors?

PART 3: SUBMISSION

(Standard of Review)

13. Reasonableness: The appropriate **Standard of Review** is **Reasonableness**.¹⁰

A. Vavilov Reasonableness Review

14. Here is a breakdown of the Vavilov Holding. *(Used to correlate my Arguments.)*

Reasonableness Factors: *(What factors constitute ‘Reasonableness’? [¶99-¶101])*

['RP']: **Reasons** (*‘Process’*): Internal Coherence & Rational Consistency

['DO']: **Decision** (*‘Outcome’*): Justifiable in Light of Law, Facts & Record

Emphasis: [on] **Reasons & Reasoning Factors** *(Vavilov: ¶¶102..04)*

- Logical Reasoning Process *(Errors & Fallacies)* • Clear, Complete Reasoning
- Thorough Analysis & Judgment • Made ‘in Light of’ Record & Context

Decision Factors: *(Vavilov: ¶¶105..07)*

- (a) Governing Statutory Scheme (¶108f), (b) Statutory & Common Law (¶111f),
- (c) Statutory Interpretation (¶115f), (d) Evidence before ADMs (¶125f),
- (e) Submissions of Parties (¶127f), (f) Past Practices & Decisions (¶129f),
- (g) Impact of Decision on Affected Individual (¶133f)

Problem #1: Legislative Intent & History

B. Rizzo Analysis: Employment Insurance Act¹¹

¹⁰ (2019 SCC 65: **Vavilov**): **Vavilov** is the governing Administrative Law Case.

¹¹ 1998 SCC 837: **Rizzo Shoes (Re)**, [¶31-35]: SCC holding depended on “us[ing] legislative history [to] determin[e] the intention of the Legislature” + citing Hansards.

Applicable Legal Principles: Problem #1 (EIA: Legislative Intent & History)		
Points at Issue (7)	Review Grounds (4)	Vavilov Principles (2)
#3-8 , #11	FCA §18.1(4)(a-c,f)	(a) , (c)

15. Principles of Rizzo Analyses are reinforced in *both* Statutes & Case Law. ^{12, 13}

16. In my final [SST-AD] written arguments, I spent *six pages* conducting an in-depth analysis of the EI Act's *Legislative Intent & History*, specifically focusing on [§29\(c\)](#), the 'Just Cause' clause. Evidence proves conclusively: there are only two valid interpretations, with *only one* practical application to these relevant Cases. ¹⁴ ~~¶¶~~

This detailed 'Rizzo Analysis' of the EI Act's *governing statutory scheme* – based on the *principles of statutory interpretation* – was completely ignored by TM Pierre Lafontaine. Worse, the fundamental *requirement* to **Fact-Find for Just Cause** has been completely avoided by TMs in our Post-COVID world. (*But was common before 2019*)

17. **Rizzo Analysis** (*Text & History*): [EI Act: §29\(c\) \['Just Cause'\]](#)

Summary: 14 Factors that **Canadian Parliament requires** EI Benefits Adjudicators to **consider** when determining whether to Disentitle **Claimants**: (*i.e.* 'Just Cause')

(*Part 1, §29-33: 'Benefits: Disqualification & Disentitlement' [in Bills C-21 & C-113]*)

[§29 \['Interpretation'\]](#): "For the purposes of §30-33, [*Qualification / Entitlement*]

[§29\(c\): 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: (*also note: vii / ix / xii...*)

[§29\(c\)\(xi\): Practices of an Employer are Contrary to Law](#)

18. **EI: Major Reforms**: ^{15, 16} [\[1990\] Bill C-21](#) => (*Lost: [1992] Bill C-105*)

=> [\[1993\] Bill C-113 \('Temp'\)](#) => [1996] Bill C-12

¹² ① [Interpretation Act](#), [§10]: '*Law Always Speaking*'; ② [Vavilov](#) [¶108]: '*Governing Statutory Scheme*', ③ *id.* [¶118-21]: '*Statutory Interpretation*' & '*Legislative Intent*'; ④ [1985 SCC 35: 'Carrières'](#) [¶28]: "*The Legislature does not Speak in Vain.*"

¹³ [Rizzo](#) [¶36]: "Benefits [] ought to be interpreted in a broad & generous manner."

¹⁴ ('DA-694-Args') [AD] **Legislative History** ([P16]: p.248-53 [ADN6-6..11])

¹⁵ [StatCan]: [Zhengxi Lin – 'EI in Canada: Policy Changes'](#) [p.6] (*Summer 1998*)

¹⁶ ('DA-694-Args') [AD] **Legislative History** ([P16]: p.248-53 [ADN6-6..11])

- a. [1971]: Bill C-229 made UI Program ‘Universal’ (*covered Quits & Firings*).
- b. [1980s]: Deindustrialisation + Free Trade: *Major economic crises* created budgetary shortfalls *and* widespread unemployment. (*Political ‘hot-button’*) Canadian institutions conducted major studies into ‘Unemployment Problem’.
- c. [1990]: Bill C-21 stopped federal contributions to UI Program (*direct funding*). To compensate for lost revenue, gov’t proposed Penalties (*quits, firing, etc.*), which led to Committee Studies & *significant* Debate about *who, how & what*. The *new* term ‘Just Cause’ occurs **348 times** (C-21 Hansards). MPs & witnesses discussed *ensuring* Penalties were *not* levied on workers *without* good reason.
- d. [1992]: Bill C-105: UI haemorrhaged *not* receiving federal funds (-\$1.75B in 2yrs [[p.598](#)]). To save UI, they tried to *completely* deny eligibility for Workers ‘without Just Cause’. MPs claimed this would ‘*save UI \$1B annually*’ ([p.598](#), [p.633](#)) by ‘*preventing program abuse*’. (6 MPs: [p.597-99](#), [620-21](#), [625](#), [630](#))¹⁷
- e. MPs expressed serious concern with *blanket* UI Denials. (*Harsh consequences, costly appeals, mistakes, etc.*) 2 MPs objected: ‘*injustice*’ (‘*sentences imposed before ‘investigation’*’) ([p.618-19](#)). It was identified as ‘*unfair*’ & ‘*too severe*’, etc. (8x: [p.595](#), [600](#), [603](#), [611-12](#), [623](#), [634-35](#)) IF ‘Just Cause’ was *the* *determining factor* for *complete denial*, it must be defined *before* MPs would vote for it. (8x: [p.597-99](#), [601](#), [617](#), [628](#), [630-31](#)) MPs from all *three* parties affirmed the need to **codify all 40** specific ‘Just Cause’ Reasons into Law.
- f. This unpopular change caused Protests & MP Sit-Ins across Canada. ^{18, 19, 20, 21}
- g. [1993]: Bill C-113: The PCs learned from *failed C-105* & took **40 ‘Just Cause’ Reasons** (*from Case Law*) & **codified 14 Categories**.²² (*Found in [EIA §29\(c\)](#) ..*

¹⁷ House Debate, C-105: (*many different MPs*) ([D04]: [p.595-638](#) [[#15350..52](#)])

¹⁸ MP [Warren Allmand](#) (LPC): ‘*occupations*’ & ‘*violence*’ ([D05] C-113: #9 [[p.713](#)])

¹⁹ Canadian Labour Congress: *permanent ‘temp’ changes* ([D05] C-113: 5A [[p.657](#)])

²⁰ MP [Vincent Della Noce](#) (PC): **(threatened Canadians)** ([D04] C-105 [[p.626f](#)])

²¹ Public outrage cited *6+ times* in 2 months: [[1:5:62](#)], [p.657](#), [[1:7:12](#), [1:7:18](#)], [p.713](#)

²² House Committee, Bill C-113: J/C, Bill ([D05]: #5A [[p.665f](#)], #9 [[p.639-733](#)])

.. & *EI Digest Principles §6.8.1: 'List of 40 Circumstances to Consider'*)²³

- h. Many MPs & Employment Leadership testified about their *Legislative Intent*: that *Just Cause* ('J/C') analysis & *Benefit of Doubt* ('B/D') would be **authoritative**: *incl. Quits, Terminations & Employer Claims of Misconduct*.^{24, 25, 26, 27, 28, 29, 30}

19. When this Legislative History – and the various Committee Reports – are *fully* considered *in context*, there are three clear observations:^{31, 32}

- a. This change was *very* contentious – more so than any other change in EI history.
- b. MPs from *all 3 parties* specified two *unanimous* objectives in **Legislative Intent**:
 - i. Save the UI Program by preventing '**cheating**' & unauthorised Claimants.
 - ii. Ensure that Claimants *with* '**Just Cause**' are '**protected**' ('*covered*' by UI).
- c. '**Just Cause**' was explicitly, repeatedly explained by those with legal authority:
 - i. **J/C Fact-Finding** is **universal**: it **applies** to Firings & *Misconduct Claims*.
 - ii. Claimants *always* get B/D when '**entitlement evidence**' is '**equally balanced**'.
 - iii. '**Just Cause**' *includes* situations when '**Employers**' act '**Contrary to Law**', make '**significant changes**' to Contracts, or '**unduly pressure employees**'...
 - iv. MPs & witnesses provided stories about citizens who left employment due to law-breaking employers: whether Quit, Forced, or Fired, they *all* have J/C.

C. Post-Script: EIA Statutory Amendments

20. There's only been *one* substantive amendment to the *Just Cause clause* since.³³

²³ House Committee, Bill C-113: **Quits & Fires** ([D05] C-113: #5A [p.663-66])

²⁴ MP **Peter McCreath** (Parl.Sec.): **J/C for Quitting** ([D04] C-105 [p.617] & [p.619])

²⁵ MP **Della Noce** (Parl.Sec.): **B/D in Misconduct** ([D04] C-105 [p.626f] & [p.628])

²⁶ MP **Pauline Browes** (Sec.State): **re. Misconduct** ([D04] C-105 [p.600-02])

²⁷ Gordon McFee (Dir.UI Policy): **J/C & B/D: Fired** ([D05]: #1/9 [p.639-48]/[p.716])

²⁸ Julie Z.-Tanner (Chief.UI Policy): **Fact-Finding, Leaving** ([D05]: #1 [p.646f])

²⁹ MP **Nick Mulder** (Dep.Min.): **Fact-Finding, B/D** ([D05] C-113: #9 [p.710])

³⁰ MP **Bernard Valcourt** (Min.): **re. Misconduct** ([D05] C-113: #9 [p.682] & [p.686])

³¹ '**Just Cause**' is mentioned ~550 times in ~4500 pages across 6 Hansard Volumes.

³² ('DA-694-Args') **Conclusion: Just Cause** ([P16]: p.253 [ADN6-11])

³³ In 2000, '**Common Law Partner**' was added to Family '**Obligation**'. (§29[c]/ii/)

³⁴ In 1990 (*Bill C-21*), it *only* applied to ‘voluntary leaving’ ³⁵ (‘involuntary’ ‘constructive dismissals’ were left vague). In 1992 (*Bill C-105*), the MP who proposed both the ‘Just Cause’ and ‘Benefit of Doubt’ amendments (*Warren Allmand*), ³⁶ mentioned this problem in the House. ³⁷ Later, (*Bill C-113*), this wording ambiguity was debated in Committee (*several times*) ^{38, 39, 40} but left unchanged. Finally, in 1996 (*Bill C-12*) – after the Election, when MP Allmand was ‘in government’ – this section was rewritten to capture *all* separations: whether ‘voluntary leaving’ or ‘taking leave’. ⁴¹ (*J/C moved to §Interpretation, governing Disqualification / Disentitlement [§30-§33].*)

21. (There are *only two ways* to interpret this change in verbiage: in length or by cause & either way, the *practical application* [to C19-MM Cases] is the *same*... ⁴² ~~¶~~)

Problem #2: Rule of Law, Jurisdiction & Logic

D. Tribunal Precedent: (2023 SST 1032: CEIC v. AL)

22. There was a *key* SST Decision cited in my Case which is relevant here, with a foundational argument (*error*) that SST TMs frequently make when citing Jurisdiction:

“It is one thing to ask whether an *express or implied duty* exists. It is another to ask whether the duty was *validly imposed*. The second question *falls outside of EI Law*.”⁴³

23. This *argument* is **unreasonable** for **5** reasons. Since it was cited *dispositively* in my Case, I need to address it here. *If* permitted to stand, it *institutionalises* several different **errors** into EI Jurisprudence forever – and *renders Injustice as Precedent*.

³⁴ In 2021, the definition changed of ‘employment’ to reflect CERB: only most recent employment counted for EI & Just Cause. (*Preventing claims for alternate jobs.*)

³⁵ (‘C-21’) “‘Just Cause’ for Voluntarily Leaving” Clause [¶21] (*UIA* §28[4] [p.16])

³⁶ MP Allmand spent his 31 years in Parliament on Labour matters. (*ParlInfo Bio*)

³⁷ MP Warren Allmand (*LPC*): House Debate: C-105 ([D04] C-105 [p.620f])

³⁸ Canada Labour Congress (*CLC*): Committee: C-113 ([D05]: C-113, #5A [p.665])

³⁹ MP Cyril ‘Cid’ Samson (*NDP*): Committee: C-113 ([D05] C-113: #9 [p.707f])

⁴⁰ Gordon McFee (*Dir: UI Policy*) confirmed ‘constructive dismissals’ *qualify for EI*.

⁴¹ (*Bill C-12: SC 1996, c.23 [PDF]*) *EI Act*: §29(c) [‘Just Cause’] (*CanLII BlackLine*)

⁴² Affidavit: ¶28-29 ([2-1D]: p.40-42) (cf. ‘*Cabiakman*’ [¶161f, ¶172])

⁴³ CEIC v. AL, 2023 SST 1032 (¶20), cited in my own case: at DA-694 [¶37]

a. **Rule of Law:** This contains a *fatal Assumption*: the Duty is **Lawful** ('Valid'). By jumping from '*whether the Duty Exists*' to '*whether it's Validly Imposed*', the SST is tacitly *finding that* Duty Lawful (*in my Case, it wasn't*). This violates Rule of Law: it permits Employers to impose *Unlawful Duties* on Workers *without consequences* – and later Deny their EI Benefits. It is **absurd** to *find* that Companies can *grant themselves the Right to Break the Law*, merely by issuing some Policy saying so.

b. **Jurisdiction:** By *explicitly excluding* the question of *if* '*the Duty is Validly Imposed*', they are violating EIA §29(c)(xi), by permitting Employers to invalidly *Impose* Duties '**Contrary to Law**'. *If* an Employer's Lawbreaking constitutes 'Just Cause' – which can *only* be determined by Fact-Finding for it – then the SST is committing a Jurisdictional Error by *refusing* to test a Duty's Validity.

(Q: What is 'Valid' in this context? A: Something compliant with the Law & Contract. By definition, judging 'lawfulness' IS judging its 'validity'. They are Synonymous.)

c. **Fairness Principle:** It violates Fairness to hold *workers* to a legal standard that *employers* freely violate. Both Parties signed the Contract – and both pay EI Premiums. Both Parties are subject to applicable Legislation. Yet the SST would legitimise penalising *workers* for 'Breaking their Contracts' (*i.e. Denying EI Benefits for* '**Breach of Duties**'), while simultaneously granting *employers* the inherent right to 'breach that same Contract' without Penalty (*EI Benefits*) – by invalidly imposing **unlawful** Duties.

d. **Private Law:** re: '*whether the Duty exists*'. There are **no reasonable** grounds to divorce corporate Policy from its *enabling* Employment Contract. My *Employer breached* our CBA, while I *legitimately* cited it to justify my Actions. To maintain 'Misconduct' *findings*, ADMs *must exclude* Contracts from their Decisions. *But How?* Corporate Policy is **only** binding *because* Contracts establish *Management Rights*: eliminate the Contract & you remove the '**Duty to Comply**'. It is an error in both Law & Jurisdiction to exclude CBAs, relying *only* on 'policy compliance' (*in a vacuum*). How can ADMs invoke 'Management Rights' after ruling the Contracts (*which contain that 'source of authority'*) are *inadmissible* into their decision-making process?

e. **Logically Incoherent Reasoning:** 4-Part 'Misconduct Test' from EI Case Law contains *multiple* Logical Fallacies: '*Petito Principii*' & '*Special Pleading*'. (¶52ff)

E. Rule of Law & Jurisdiction ⁴⁴

Points at Issue (6)	Review Grounds (4)	Vavilov Principles (3)
#3-8 (+#2)	FCA §18.1(4)(a,c,e-f)	(a), (d), (e)

24. It is **absurd** to claim that Employers can codify breach of multiple Laws (into policy) & then attempt to *justify* that fact because “*we created a policy giving ourselves this right*” – as if ‘issuing policy’ granted them the *authority* to break the law.

25. *Partial* listing of *some* of the relevant laws: ⁴⁵ (*Prior Submissions*) ^{46, 47, 48, 49, 50}

26. SWP *coerces* mid-Mgmt into *lawbreaking*: to enforce Application. (*esp. HR*)

27. Our esteemed SCC concurs. They have *repeatedly* held that Employers *are* *subject* to the Rule of Law – *both* contractually (*in CBA Negotiation & Arbitration*) and in their exercise of Management Rights (*Policy Development & Enforcement*). ⁵¹

28. No matter which system: Statutory Law, Common Law, or Private Law (CBAs), the Rule of Law stands. Employers cannot break the law, nor *coerce* workers to do so. When they do, workers have ‘*Just Cause*’ for ‘*leaving*’, regardless of who initiates it.

29. **Rule of Law:** In EI context: identifying the **reasons** *why* work ended, by fact-finding for *precipitating factor[s]* underlying employment separations. If Claimants have statutorily-enumerated J/C, they are **not** Disqualified or Disentitled from Benefits.

⁴⁴ (DA-740-Args) SST-GD Written Arguments: ([P11]: p.183-94 [RGD8-3..14])

(DA-694-Args) **Unreasonableness** ([P16]: p.246-47); **Supremacy** ([P16]: p.257)

⁴⁵ **Affidavit: ¶81** ([2-1M]: p.65f) (*Detailed Breakdown: Unlawful Policies & Actions*)

⁴⁶ (‘CLC’) [Affidavit]: ¶8-10, 14-16, 23, 28-29, 43, 49 [AD Args]: (p.273-76 [ADN6])

(‘CBoR’) [DA-740-Args]: [#2] ([P11]: p.186-89 [RGD8-6..9])

(‘CC’) [Affidavit]: ¶8-10, 24-34, 49, 75

(Other) [AD] **Appendix B: Policy Unlawfulness** ([P16]: p.268-76 [ADN6-26ff])

⁴⁷ CLC ‘Lock-Out’ issue below. (*Purolator* ‘*acting contrary to law*’ [cf. ¶42])

⁴⁸ **KVP: 1965 (ON-LA) 1009**, **Parry Sound: 2003 SCC 42**, **Irving: 2013 SCC 34**

⁴⁹ **Cabiakman: 2004 SCC 55** [¶61, ¶72, ¶79]; **Affidavit: ¶27** ([2-1D] p.40)

⁵⁰ **Hopp v. Lepp: 1980 SCC 14**, **R. v. Ewanchuk: 1999 SCC 711**

⁵¹ **Affidavit: ¶85** (p.66f); **2006 SCC 2** (‘Garon & Fillion’) [¶145-46],

2003 SCC 42 (‘Parry Sound’) [¶24-30], **1995 SCC 108** (‘Weber’) [¶53-58]

30. Parliament *explicitly* assigned EI Adjudicators (CEIC & SST) Jurisdiction to Investigate ‘Just Cause’. They are **mandated** by Law (via EIA §29[c]) to Investigate the **14 Just Cause Reasons** in the Act. Parliament was clear about this. ^{52, 53, 54}

31. This expectation is *not* new; it is a *long-settled requirement* for EI ADMs. For 20+ years, the FC has **held** that [EIA §29(c)(xi)] Analysis includes actions *both* “**contrary to law and as well to the Claimant's union contract.**” ^{55, 56, 57} (AM: ¶98)

32. In my Case, this includes [at least] the following *three* considerations: ^{58, 59}

- a. CBA: ‘**Private law**’ authority governing my employment. It contains ‘**express duties**’ owed each other & defines *legal boundaries* around ‘**implied duties**’. ⁶⁰
- b. CLC: the governing authority over federally-regulated workplaces. Contains *both* Labour & H&S rules – **both** historically deemed part of EI adjudication. Purolator codified & enforced **Lock-Outs** ‘**contrary to law**’. (§88.1, §3) ⁶¹
- c. CC: Falsifying ROEs (Reason Codes) is a Criminal Code offence (§398). ⁶²

33. This statutorily-mandated Jurisdiction was **abdicated** from the start: *before* I was put under Oath, TM Usprich limited the scope of my GD Hearing. (@16:15 min)

34. Purolator & EI ADMs must be **consistent**: this was *either choice or coercion*... **Approved ‘Admin. Leaves of Absence’ cannot** be grounds for Disqualification. ~~##~~

⁵² Senate, Bill C-21: Joe Verbruggen (Dir.Gen. UI Policy) ([D03] V2:2 [p.539-94])

⁵³ House, Bill C-113: Gordon McFee (Dir. UI Policy) ([D05]: #1 [p.639-48])

⁵⁴ DESDA §64(1) [‘Powers of Tribunal’] Parliament gave SST Jurisdiction over “*any question of Law or Fact that is necessary for the disposition of any [Case].*”

⁵⁵ (CUB 51219) Linda Earl v. CEIC: ‘**Contrary to Law**’ means both Laws & Contracts.

⁵⁶ (2023 SST 1886) AM v. CEIC: ‘**Law**’ incl. CBAs, Work Standards & Legislation.

⁵⁷ (CUB 16209) Steven Becker v. CEIC: ‘**Law**’ incl. Statutes & ‘**Business Ethics**’.

⁵⁸ re. Baker [¶26], I have ‘**legitimate expectation**’ that *Just Cause* fact-finding occurs.

⁵⁹ re. Vavilov [¶108], EI ADM “**Decisions must comply**” with the Statute & its Intent.

⁶⁰ CBA/CLC: **Affidavit**: ¶¶10,15-16,23,29,47,49,58,68,80,86 **Factum**: ‘**F**’, ‘**N**’, ‘**Q**’

⁶¹ CLC: CBA Terms are considered to possess statutory application. (Part III: §167)

⁶² CC: **Affidavit**: ¶24-27 (FN-33..37), ¶31-34 (FN-41..44), ¶74-75 (FN-92), ¶87 [P01]: ROE-1 (p.100 [GD3-19]), SRC-1 (p.105 [GD3-24]), SRC-2 (p.113 [GD3-32f])

F. Private Law & Common Law ⁶³

Points at Issue (4)	Review Grounds (4)	Vavilov Principles (4)
#4-6 , #9	FCA §18.1(4)(a-d)	(b) , (d) , (e) , (f)

35. I am *not* seeking rulings on the *reasonableness* of Purolator's policy, I'm seeking *statutorily-mandated fact-finding* into the *unlawfulness* of their actions.⁶⁴

36. Vavilov prescribes the 'private law' (CBA) requirements during adjudication.⁶⁵

37. Our SCC has *long* established the boundaries around 'Management Rights'.⁶⁶

38. Employment Contracts form the **foundation** of *all* employment relationships. *All* corporate policy & 'Management Rights' flow out of this **contract**. Therefore, corporate policies **cannot** violate the contract – nor can they **violate** applicable laws.

There is a *long-settled* hierarchy at common law, which is reinforced in jurisprudence:⁶⁷

Hierarchy of Precedence: Laws => Contracts => Policies

39. My CBA *explicitly* restricted Purolator's Management Rights to operate *within* the confines of the Law & our CBA – four times (*incl. explicit 'Nullity' clause*).⁶⁸ ‡

40. My GD TM erred **three** different ways in one para. key to her Decision...⁶⁹

[¶79]: "An employer has a right to manage their daily operations []. When the[y] implemented this policy as a requirement for all of its employees, this policy became an express condition of the Appellant's employment." (FN: Citing 'Lemire')

a. She **omitted** the **requirement** that proposed corporate policies are "*subject to the restrictions imposed by law.*" (*cf. prev. ¶ re. CBA 'Lawfulness' Terms [4x]*)

b. The 'Lemire' Court made **no such finding**. (*Why no para. was cited*)⁷⁰

⁶³ (DA-694-Args) #1: **Nullified Policy [&] CBA** ([P16]: p.255-58 [ADN6-13..16])

⁶⁴ ('Glass') Arbitration already found this policy '**Unreasonable**'. (~\$85M+ Award)

⁶⁵ Vavilov, [¶111]: 'Statutory & Common Law' Requirements (*cf. Dunsmuir* [¶74])

⁶⁶ 2017 SCC 55: 'AJC' [¶20-21]; Garon & Fillion [¶144-48] (*Cit. 'KVP' & 'Irving'*)

⁶⁷ 2013 BCCA 371 ('DTLC'), 2015 SCC 1 ('MPAO') & 2015 SCC 2 ('Meredith'), all **hold** that Parliament **can** pass laws that override *existing* contracts when 'justified'.

⁶⁸ **CBA**: §3.01, §5.01, §5.05, §22.02 | *cf. ([D01]: p.358-61 [RGD8-75ff])*

⁶⁹ ('DA-740') DA v. CEIC (2023 SST 1093); [¶79] [GD Decision] ([P12] p.209)

⁷⁰ Another ex. of errors using 'Decision-Template Generation' tools. (*cf. Problem #7*)

- c. **Basic Law:** Employers **cannot impose** new policies: ‘**employment conditions**’.
(Many conditions must be met **first**: they **cannot** violate binding legislation, employees’ statutory rights, or terms in the CBA [settled Case Law].) ^{71, 72}

41. **KVP Test:** Governs Employer’s *right* to **unilaterally impose** corp. policies. ⁷³
It defines **six requirements** which *must* all be met before companies can **impose** new policies without a requisite: ① union vote, ② consideration, [or] ③ arbitration ruling.

The first rule is that said policy “**must not be inconsistent with the CBA.**”

The second rule is that said policy “**must not be unreasonable.**” (incl. **unlawful**)

42. Purolator is **federally regulated** + **unionised** & subject to CLC & our CBA.
(Affidavit: ¶8 [p.28]) Purolator *both* broke CLC & breached CBA by **imposing Lock-Outs** on workers who *did not consent* to taking *experimental* medical treatments. ⁷⁴

My AD TM Lafontaine *conceded* that I was Locked-Out... ⁷⁵ (‘DA-694’: [¶16], p.280)
[¶16]: “**Evidence shows that the Employer prevented the Claimant from working even though there was work.** [Claimant] acknowledged that **Leave was imposed on him.**”

43. Throughout this process, ADMs have consistently *refused* to address this issue.

[GD]: TM Usprich *refused* to factor my CBA into her Decision. (¶74, ¶79, ¶90, ¶91)

[AD]: TM Lafontaine also “**did not have jurisdiction**” to weigh my CBA or KVP. (¶37)

44. TM Usprich made several **erroneous** findings & cited Case Law that did **not** support those conclusions. They were **dispositive** to her Decision. (¶79, ¶82)

Legally erroneous template used to **Deny 14x Claimants** EI Benefits. (CanLII)

⁷¹ 1974 SCC 12 (‘McLeod’), 2003 SCC 42 (‘Parry Sound’) [¶25-32], 2006 SCC 2 (‘Garon & Fillion’) [¶145-46], all **hold** that ‘Management Rights’ (*ergo ensuing policies*) **cannot** break laws, nor be [mis]used to “**violate employees’ statutory rights.**”

⁷² 1965 (ON LA) 1009 (‘KVP’) [p.85], 2008 ONCA 327 (‘Wronko’) [¶32-36], 2013 NBCA 13 (‘Brown & Cormier’) [¶26-28], 2013 SCC 34 (‘Irving’) [¶24-26], all **hold** that employment contracts **cannot** be *unilaterally* subject to new terms (*or policies*) without consent & consideration first **or** ensuring they are *both* lawful and compliant.

⁷³ (‘KVP’) 1965 (ON LA) 1009 [p.85]. **Affirmed:** 2013 SCC 34 (‘Irving’) [¶24-27].

⁷⁴ **Affidavit:** ¶18-19 (ClinicalTrial.gov data proving *experimental nature of vaccines*.)

⁷⁵ Acknowledging Purolator used ‘Lock-Outs’ *de facto* finds them ‘**Contrary to Law**’.

45. In 6 years before the pandemic (2014–2019), [365 Cases](#) mentioned contents of contracts (CBAs). *re.* [DBEP §21.2.2](#) requirement (‘Gathering All Available Evidence’) ⁷⁶ states: “employment contracts” & “CBAs” are among “evidence necessary to prove facts of a particular case.” (2x in 5 ¶ EI ADMs are told to gather contracts.) ^{77, 78, 79}

46. In further hypocrisy, SST TMs *often* argue the **opposite** *re.* CBAs & KVP: ‡
8x Cases: Did **not** file a CBA – but *could* have – & argued the Policy violated it. ‡
 One more ‘insult to injury’: [AD] TM (Janet Lew) **applied** the CBA to KVP! ^{80, 81}
[\[¶29\]](#): “the SCC has **endorsed** the KVP Test [] **it is good law that should be applied.**”

47. TMs *tacitly find* new, non-ratified policies supersede both laws & contracts.

G. Internal Logic & Consistency

Points at Issue (6)	Review Grounds (5)	Vavilov Principles (6)
#3-8	FCA §18.1(4)(a-c,e-f)	(a), (b), (c), (d), (f), (g)

48. Vavilov [[¶102-¶104](#)]: ‘logical fallacies’, ‘absurdities’, etc. are ‘**unreasonable**’.

49. The *primary* reason for **denying** ‘C19-MM’ (Mandate Misconduct) EI Claims is the *composite* 4-Part ‘Misconduct Test’. It asks these elements: *Did the Claimant?*

① Willfully ② Choose to Ignore ③ a Clear Policy ④ Knowing the Consequences ?

50. This ‘Test’ (*a composite from several Cases*) was cited ~2500 times. (*cf.* [¶59](#))
 It contains an unstated underlying fundamental assumption (‘*unjustified premise*’): that the conduct in question *is* ‘**misconduct**’ – *without* fact-finding to **prove** this conclusion.

51. It is **circular reasoning** to rule that “*we cannot consider your Employer's unlawful actions because you [allegedly] committed Misconduct*” when the **only** reason I’m supposedly ‘guilty’ of Misconduct is because of their unlawful actions. ⁸² ‡

⁷⁶ EI Policy Manual based upon binding Jurisprudence. [Ch.21](#) (‘Evidence or Proof’)

⁷⁷ [DBEP §7.2.1.1](#): ‘Fact-Finding’ Misconduct Cases: “To *determine* [] misconduct, the employer is asked to provide [...] violated provisions of [the] contract.”

⁷⁸ *cf.* [EIA §51](#) [‘Information’] Requirements for deciding ‘Misconduct’-related Cases.

⁷⁹ Vavilov [[¶111](#)] also *holds* that ‘ignoring’ ‘private law’ Contracts is ‘**Unreasonable**’.

⁸⁰ [2023 SST 99: KM v. CEIC](#) [[¶29](#), [¶34-37](#)] (*Citing: ‘Irving’* [[2013 SCC 34](#)])

⁸¹ These Cases *prove* the **errors** caused by using Atrium Templates. (*cf.* [Problem #7](#))

⁸² (‘DA-694-Args’) **Unreasonableness** [**#1 & #2**] ([*P16*]: p.246-47 [*ADN6-4f*])

52. Vavilov ([¶102..04](#)) states that *Logical Fallacies*, *Circular Reasoning*, and other *Absurdities* constitute **incoherent reasoning** which is **unreasonable**. ‡

53. Combining this ‘4-Part Misconduct Test’ with the **requirement** to *intentionally ignore* the Employer’s Actions (*‘vires’*) creates an *inherent* **Logical Fallacy** due to the **assumption** that *all* claims of Misconduct are *true* – *without* proper Fact-Finding.

54. Compare this with my prior examples about *unlawful* employer policies: ⁸³ Requiring: (1) 24-Hour-straight-shifts (2) ongoing sexual ‘favours’ from subordinates. Apply the Substitution Test to see the Absurdity of this [il]Logical Construction:

A: The Employer Terminates X, *Alleging* ‘No Weekly Favours’.

B: In ‘Favours’ Cases, Apply the Test & Ignore the Employer.

C: The Claimant meets All 4 Parts of the ‘Weekly Favours’ Test.

Ergo: X is ‘Guilty’ of (*Not Prostituting Themselves*)’ & **Denied EI**. [*they*]:

① Willfully ② Breached ③ a Clear Policy ④ Knowing the Consequences

55. This 4-Part Test (& *its underlying logic*) means, whenever anyone [rightfully] *refuses* to comply with an *unlawful policy*, they are Suspended with ROEs coded ‘M’ for Misconduct. How could they ever Qualify for EI? They meet all 4 Test ‘Prongs’. Every attempt to Appeal these Decisions would be met with the same blanket rebuttal: “*the employer’s conduct is not a relevant consideration.*” (re. [Paradis \[¶30\]](#), et al) This is **not** Justice & it clearly **contradicts** Parliament’s **Legislative Intent**. (cf. [‘B’](#))

56. **NB:** This ‘4-Part Misconduct Test’ is **not** specifically defined *anywhere* in Case Law – [i.e.] these four parts are **not** *explicitly* defined together as a specific ‘Test’. They are *each* independent requirements found in *different* Cases that, *combined*, make up elements necessary for a ‘Misconduct’ **finding**. (re. *Test Validity Challenges*) ⁸⁴ ‡

57. ‘Passing’ *all* 4 Parts of this [Common Law] ‘Misconduct Test’ **still** leaves the main question about *whether* any specific act really **Is** ‘Misconduct’ **unanswered**. This Test’s *logical form* provides **no** *meaningful information* about the nature of any [mis]conduct itself – it only addresses worker compliance – **without Fact-Finding**. ‡

⁸³ (‘DA-694-Args’) **Unreasonableness #1** (p.246-47), cf. **Affidavit: ¶69-74**

⁸⁴ (‘Francis’) [2023 FCA 217: Francis v. Canada \(AG\): \[¶14\]](#)

58. This construction also meets the definition of a ‘Special Pleading’ Fallacy. ⁸⁵ ‡

Problem #3: Cited Inapplicable Case Law ⁸⁶

Points at Issue (2)	Review Grounds (2)	Vavilov Principles (4)
#8-9	FCA §18.1(4)(b-c)	(b) , (d) , (e) , (f)

H. Historical Jurisprudence

59. Five FCA Cases are cited to Dismiss [C19-MM] EI Benefits Appeals *en masse*, combined with the [fallacious] 4-Part Misconduct Test to support the proposition that EI ADMs **cannot** “*consider how employers behaved*” or “*focus on employer’s conduct*” or investigate “*whether the[y] breached the contract*” as that is ‘*ultra vires.*’ It’s *supposedly* justified when employers allege Misconduct. ⁸⁷ ‡

2005 FCA 87 (Bellavance): [331](#), 2007 FCA 36 (Mishibinijima): [849](#), 2007 FCA 107 (McNamara): [593](#), 2010 FCA 314 (Lemire): [110](#), 2016 FC 1282 (Paradis): [610](#)

60. In all these Cases, the Claimants *self-admittedly* breached their Employment Contracts – and often broke applicable legislation – which **is** ‘**Misconduct**’. ‡

61. I did **not** breach my contract: that was *never alleged*. Citing Cases with *broken Contracts* [when non-factor], is an Error. Citations provide [unfounded] Justification for **refusing** to *conduct Fact-Finding* into whether “*employer acted contrary to Law.*”

62. **Self-evident**: when Claimants **admit** to *wilfully* breaking Contracts, no need to investigate: it amounts to ‘joint submission’ of ‘guilt’. Any ‘reasons’ why *may* impact sentencing but do *not* change final Case disposition. Also *self-evident*: **if** Defendants plead ‘*Not Guilty*’, fact-finding ensues to determine accused’s guilt. It’d be outrageous **if** (after taking ‘*not guilty*’ plea) Prosecutors cited old cases when *unrelated* Defendants pled *Guilty* as ‘evidence’ to establish Guilt now. **Why is this injustice allowed here?**

63. **Egregious Error**: Citing Cases with different facts & pleadings (where **contract violations conceded**) to ‘proof-text’ [unrelated] holdings wherein *those* Judges stated..

⁸⁵ Affidavit: ¶24-27, ¶31-33, ¶75 Details re. ¶82. (Puro. Exec) & my falsified ROE

⁸⁶ (DA-694-Args) [AD] **Problem #2: Case Law** ([P16]: p.258-62 [ADN6-16ff])

⁸⁷ In my 2 Cases (GD+AD), they are *cumulatively* cited **39 times**. (15 para + 24 FNs) (The actual ‘individual’ count is higher, as some citations are repeated per location.)

..obvious (*further fact-finding **not necessary in those Cases***). +Clearly violates Natural Justice (*Fairness*). Case Law does *not* matter *if principal Facts & Pleadings differ*.

64. Where ‘EI guilt’ (*Misconduct*) is admitted (*when EI Claimants concede they wilfully broke their Contracts*), there is *no reason* to Fact-Find for ‘Just Cause’ – thus “*considering how employers behaved*” is *ultra vires*. **But**, where Claimants deny ‘EI Guilt’ (*refute misconduct or broken contracts*), ‘thorough Fact-Finding’ is **required** to determine ‘Just Cause’ – it’s *mandated* by policy, by statute & for fundamental Justice. This **travesty cannot stand unquashed** – or become **injustice** as *binding* precedent...

65. Both TMs ignored my ‘Just Cause’ Arguments, citing these cases *ad nauseum*.⁸⁸

66. Also: these cases *don’t* address *my* arguments: *their* objections are different. ‡ My ‘Primary Argument’ has *not* changed. I *still* request *statutorily-mandated Fact-Finding re. Just Cause*. (*‘Contrary to Law’ & ‘Significant Changes’ to my CBA.*) ‡

I. Side-Bar: Redefinitions & Logic Errors

67. The CEIC unilaterally changed my Work Status [Disposition] **to** ‘*Suspended*’ **from** ‘*Leave without Just Cause*’, which is *erroneous* – and without factual basis.^{89, 90}

On my 2nd SRC, my HR Manager (H.R.) confirmed my 1st ROE was *coded wrong*.⁹¹

I was on ‘authorised’ ‘Admin Leave’ – **not** ‘Suspended’. Senior Leadership *carefully* chose this option & argued it *under oath* during Arbitration.⁹² *Approved* Admin Leaves are *fundamentally* different from Suspensions: LOAs are non-disciplinary & require

⁸⁸ (‘DA-740’) [GD] (2023 SST 1093): [33x] ¶24-25 (FN:13,16); ¶26 (FN:18); ¶28-31 (FN:20-23); ¶32 (FN:24-25); ¶33 (FN:26,27); ¶71 (FN:48); ¶75; (FN:52); ¶79 (FN:54); ¶88 (FN:64,65); ¶92 (FN:68); ¶99 (FN:75)

(‘DA-694’) [AD] (2024 SST 26): [10x] ¶32 (FN:10); ¶40 (FN:14); ¶47 (FN:18)

⁸⁹ (‘Evidence’) Compare CEIC’s Findings: Reconsideration vs. GD Representation “LOA *without Just Cause*” (04-27) [to] “Suspended *due to Misconduct*” (07-18) They called this change a ‘*clerical error*’. ([P01/02]: p.128-36 [GD3-47..GD4-7])

⁹⁰ The policies, letters & documents ‘on-the-record’ repeatedly use the terms ‘*leave of absence*’, ‘*administrative leave*’ & similar sentiments **15+** different times. (FN-122)

⁹¹ Affidavit: ¶31-34. [SC/EI] SRC-#2 ([P01]: p.113-14 [GD3-32ff])

⁹² Affidavit: ¶25, ¶49 *cf.* (‘Glass’) 2023 (CA-LA) 120937 & (J.R.) 2025 BCSC 148

[pre]authorisation. Suspensions are *inherently* Disciplinary. They also use different ROE Codes & it is a *Criminal Offence* [for HR] to *knowingly* misreport them. ⁹³

68. TM Lafontaine continued this ‘red herring’ to justify *his* use of the ‘Suspension’ Clause ([EIA §31](#)) – instead of ‘Leave Without Just Cause’ ([EIA §30](#)) ‡

69. The CEIC made *conflicting* statements in their ‘Position’ arguments: ^{94, 95} ‡

70. They also relied on **tautologies** (*logic errors*) or *unproven* assertions. ‡‡

J. Current Jurisprudence

71. Cecchetto holding is clear (*repeatedly*). ⁹⁶ He was Denied *LTA* because he “*did not raise an arguable case per the DESDA.*” (*Governing Statute*) That does **not** apply to me. Cit. just *b/c* other Cases mention ‘**C19 Vaccination Policies**’ is **not** reasonable. Ignoring ‘Cecchetto Inapplicability’ args – a *legal error* itself – TM Lafontaine doubled down, citing **five** post-Cecchetto Cases that *cite it dispositively*. ⁹⁷ Considering *their* pleadings (*what is public*), I understand AD’s *LTA Denial* & FC’s J.R. *Affirmation*. ADMs & Courts can only address pleadings *properly made* by various Applicants. But, citing Cases Dismissed on *technical & procedural grounds* as **precedence** to Deny *other* Cases on their Merits, while *ignoring their pleadings*, raises **Justice** issues. ‡

72. **Logic 101:** Once *Prop ‘A’* is **falsified**, it’s *illogical* to counter Props ‘**B-E**’, when they all explicitly depend on Proposition ‘A’ as their *major Premise*. ‡

Problem #4: Inconsistent Application of Law

K. My Case: Purolator Management

Points at Issue (7)	Review Grounds (3)	Vavilov Principles (2)
#3-9	FCA §18.1(4)(a,d-e)	(d) , (e)

⁹³ cf. ‘**O**’: Purolator’s Falsified Evidence (¶81ff); ([ROE Guide](#) [#22] & [CC §398](#))

⁹⁴ (‘Evidence’) CEIC Representations [to SST-GD] ([P02]: p.130-37 [GD4])

⁹⁵ (‘SRC-RR’) They Denied my EI Benefits based on “the Claimant’s Dismissal [] as being due to **misconduct proven**, as defined by the EI Legislation.” (p.126 [GD3-45]) (*Defined where? The EIA requires Just Cause Fact-Finding. ‘Misconduct Proven’ is nowhere in it. Inapplicable Jurisprudence cannot override [Home] statutory duties.*)

⁹⁶ [2023 FC 102: Cecchetto v. Canada \(AG\)](#) (¶¶33,40; cf. ¶¶23,28,31-32)

⁹⁷ (‘DA-694’) [AD] (¶44), citing: [Milovac](#), [Kuk](#), [Matti](#), [Davidson](#) & [Francis](#).

73. *Local Depot* Mgmt knew policy was **unratified & unlawful**. They wilfully **refused to enforce** it within Depots.⁹⁸ I listed **5x** deadlines they *refused to enforce* ('in practice' vs. 'on paper') at my AD Hearing.⁹⁹ They *facilitated* 'non-compliance'. ‡

74. **Fact #1: Two Management Admissions:** Purolator execs made *two* serious admissions in writing that *completely undermined* their ability to enforce this policy.¹⁰⁰

a. In Sept. 2021, (*Company Executive*), posted to our FB @WorkPlace portal, affirming that Management had *"...absolutely zero intent to make vaccines mandatory. We would never do that and couldn't even if we wanted to..."*¹⁰¹ This (exec)'s public confession *proves* Leadership *knew* they had **no legal basis** to **add new** Employment Conditions to our **Contract without** Union Ratification. ‡

b. In Nov. 2022, (*Company Executive*), mailed out 'final warnings' (on official letterhead) to every non-compliant employee, reminding them to *"attest to being vaccinated against COVID-19 as a condition of employment"* and confirming they were still *"absent from work on authorized administrative leave."*¹⁰² (Both admissions were repeated twice.) By then, numerous Grievances were filed with active Arbitration. (v. *Local #31 [B.C.] Purolator lost: their Policy was deemed 'Unreasonable' [from 2022-07-01] & \$85M+ Back-Pay Awarded. Upheld on J.R.*)

75. **Fact #2: Serious Inconsistency** during final months at work. Leadership contradicted each other – & policies – which *changed &* were **not** applied **consistently**. (e.g. on my last shift, **Local Mgmt.** [GM & Union Rep] assured us we could '*come in*'...

⁹⁸ **Affidavit: ¶14, FN-23** (They did warn us, incl. 'notes to file', but the policy required they **block us** from coming into work five deadlines prior. Limiting personal liability? They enforced '**C19 Safety Plan**' [Cleaning, Masking, Distancing] & **I fully complied**.)

⁹⁹ ('AD-Hear') List of unenforced deadlines: @ (Time: 31:20-33:35). **Lock-Outs:** @ (36:40-38:40). TM Lafontaine vs. CEIC re. Policy Inconsistency: @ (47:35-51:00).

¹⁰⁰ **Affidavit: ¶8-15, ¶48. Mgmt Response:** Affidavit: ¶21-26, ¶39-42, ¶56, ¶86-89 (DA-740-Args) [GD] **#4: Exec Admissions** ([P11]: p.191-92 [RGD8-11f]) (DA-694-Args) [AD] **#3: Mgmt Admissions** ([P16]: p.262-63 [ADN6-20f])

¹⁰¹ **Affidavit: ¶9, FN-15.** (Corp Exec)'s FB Post at: ([D01]: p.302 [RGD8-19])

¹⁰² **Affidavit: ¶49, FN-59.** (Exec)'s Final Warning: ([D01]: p.331-32 [RGD8-48f])

...& ‘continue working next week’ despite our ‘undeclared’ C19 Immunisation Status.)
Inconsistency nullifies policy enforceability. ¹⁰³ (cf. [KVP](#) [p.85], [Asurion](#) [[¶28](#), [¶32](#)])

76. I listed **five** different Attestation Deadlines (2021: 09-20, 10-15; 2022: 01-07, 11-16 & 2023-04-13), **four** ‘Antigen Testing Deadline’ changes (Issued 2021: 09-16, 10-13, 11-01 & 2022-01-07) & **four** different ‘Immunisation Deadline’ changes (2021: 10-01, 11-01, 12-31 & 2023-04-13) ¹⁰⁴ – before **unvaccinated** staff **returned to work**.

77. HQ issued *many* short-term date & policy changes b/c they **could not enforce** compliance without *unmanageable* Service Level disruption +legal/liability problems: ‘Christmas Rush’. Policy Delays & Inconsistencies until convenient... (~4mo later) ~~††~~

78. Both TMs excused this excessive inconsistency – and *their own* ongoing refusal of their statutory duties – due to ‘business requirements’. [AD TM] said this “*does not mean that it was not applied & enforced consistently.*” Ultimately, the evergreened policy was *not* enforced until the **sixth deadline**. ¹⁰⁵ (cf. *Debt Ex. & Alternatives*) ~~††~~

79. Purolator first employed SWP on 2021-09-15, with a deadline of 2021-10-01. ~40% workforce (~6k people) missed this (cf. *Hearing*). ¹⁰⁶ By their *real* ‘enforcement date’ on 2022-01-10 (5 deadlines & 100+ days later), down to 563 Unionised workers (+hourly staff). TM Lafontaine rejected this: “I can’t consider *new evidence* at this stage” – despite detailed Inconsistency Matrix *already in record* – and more. ^{107, 108} ~~††~~

80. Summary & highlights from my SST-AD Hearing. ([2024 SST 26](#): *this J.R.*) ~~†††~~

I listed all TM Usprich’s **errors** from my GD Decision at the start: @10:00 (+75 sec)

I reiterated *the unfairness errors* (re. *Vavilov*) towards the end: @39:30 (+2:15 min)

¹⁰³ (DA-740-Args) [GD] #4: **Inconsistency** ([P11]: p.191-93 [RGD8-11ff])

(DA-694-Args) [AD] #4: **Mgmt. Inconsistency** ([P16]: p.263-66 [ADN6-21ff])

¹⁰⁴ **Affidavit**: ¶10-16, **FN-23**, ¶54(A4) #4: §Inconsistency ([P11]: p.192 [RGD8-12])

¹⁰⁵ [GD]: ¶114, [AD]: ¶29 (*Excuses for ignoring inconsistency & no enforcement.*)

¹⁰⁶ (AD-Hear) [51:20-56:20] Only the #of original hold-outs was ‘new’, nothing else.

¹⁰⁷ TM Lafontaine refused to hear ‘new evidence’ based on facts already in the record.

¹⁰⁸ (DA-740-Args) [GD] #4: **Inconsistency** ([P11]: p.192-93 [RGD8-12ff])

(‘SRC-DA’) [SC/EI] Supp. Claim Record: (Claimant) ([P01]: p.107, #2 [GD3-26])

(‘DA-694-Args’) [AD] Foundational Principles ([P16]: p.254, ¶1(2b) [ADN6-12])

- a. Unreasonable Definition of ‘Consistent’ (5 Changed Deadlines ≠ ‘Consistency’)
- b. Overbroad Definition of ‘New Evidence’ (*Rationale / Impact of SWP Changes*)
- c. Elusive Definition of Misconduct (*Absurdities* ≠ *Reasonable Decisions*)
- d. Conflicting Authorities: ‘Bound’ by What? (*Statute or Precedent?*)
- e. Unusual Admission: Jurisdiction (*re. KVP: CBA & Policy Admissibility*)

L. Side-Bar: Purolator’s Falsified Evidence

81. [FCA §18.1\(4\)\(e\)](#): “**fraud or perjured evidence**” is Grounds to overturn Decision. *Knowing falsities* caused my Denial: **Perjury** ([§131/11](#)) or **Falsified ROE** ([§398](#)). ‡

82. (*Corp Exec*) is: ① (*Primary Role*), ② on Senior Leadership Team [&] ③ on National Health & Safety Committee [that] developed Purolator’s SWP. ‡

83. When Purolator Leadership directed my ROE Coding, they *certified* an ‘**M**’ in Box 16 (*alleging ‘Misconduct’ ended my employment*). (*An Exec*) later ‘**confirmed**’ this, telling an EI Agent I was “*Dismissed based on Covid-19 Mandates*” – despite the paperwork & repeated managerial affirmations we were on “*Authorized Admin Leave*.” This was **false**. When they contacted (*HR Manager*) (*my local HR Rep*) one month later, she refuted this statement, confirming I was on Approved ‘**Admin Leave**’. ^{109, 110} Later, during [Glass Arbitration] *sworn* deposition, (*an Exec*) **contradicted this**, [matching the record]: we were on Approved Admin. Leave; *nobody* was Fired. ^{111, 112}

84. Consequences for ‘**remaining unvaccinated**’ were repeated *ad nauseum*. ¹¹³ ‡

85. ESDC rules for HR (*ROE Guide*), lists specific rules for coding ‘**COVID-19**..

¹⁰⁹ (‘SRC-1’) ‘**Final Notice**’ said ‘**unpaid leave**’ yet (*Exec*) ‘**confirmed**’ ‘**M**’ (*not* ‘**N**’).

¹¹⁰ (‘SRC-2’) (*Accounting#1*) (*Payroll Analyst who processed my 1st ROE*) “**stated she was not the correct person to speak with**” when SC Investigator [Cory Kuenen] called to research my original EI Claim, **4 days** before Denial. ([P01]: p.113, #2 [GD3-32ff])

¹¹¹ **Affidavit**: ¶24-27 (FN-33..37), ¶31-34 (FN-41..44), ¶74-75 (FN-92), ¶87 [cf.] ROE-1 (p.100 [GD3-19]), EI-SRC-1 (p.105 [GD3-24]), EI-SRC-2 (p.113 [GD3-32ff])

¹¹² (‘Glass’) Summary of (*Exec*)’s Testimony: (*Arbitration*): ¶80-82, ¶240-56)

¹¹³ **6x+**: Purolator [Vaccination] SWP [2109] (p.308 [RGD8-25ff]), SWP [2110] (p.319 [RGD8-36ff]), Reminder Letter (p.326 [RGD8-43]), CHRO Policy Update (p.109 [GD3-28ff]), Final Reminder (p.327 [RGD8-44]), (*Exec*) Bulletin (p.328)

Vaccination' ROEs: "When the employee **doesn't report to work** because they refuse to comply with your mandatory vaccination policy, use [] Code '**N**' (LOA)." ^{114, 115} ‡

86. ESDC requires '*knowing certification*' when filing ROEs ("*with full knowledge of the facts*"), warning about [Criminal] ("*Offense [for] false entries.*") ROEs [Box 16] contain a '*further information Contact*' to satisfy this requirement. (Exec) knew. ‡

87. (ROE Discussion: Decision & Internal Policy re. **Contact & Reason Code**.) ‡

88. **Legislation:** EI Act & Regs state workers on Approved Leave who "**receive remuneration** [] regardless of when" are deemed '**Employed**' per statute, meaning Premiums are **owed** for *entire* Leave period. (~\$680K-\$1M during Arbitration.) ¹¹⁶ ‡

89. **WorkForce Reduction ('WFR'):** Using ROE Code '**G**' requires **approval**. ¹¹⁷ ‡

90. (Discussion re. **Grievance #393##: Falsified ROE**.) ¹¹⁸ ‡

91. History of Purolator's **false claim** of '**Misconduct**' in my Arguments. ¹¹⁹ ‡

M. Side-Bar: CEIC Changed Terms & Facts

92. Problems occur when significant terms are *misused* & do not reflect reality or 'the record' (e.g. '*Suspension*' & '*Misconduct*'). Replacing existing words with these terms is **changing facts**. (e.g. '*LOA*' => '*Suspension*' & '*Admin*' => '*Misconduct*'.) ‡

93. (Corp Exec) is the **only** person from Purolator to *knowingly* '**confirm**' I was '**Dismissed**'. They **never specifically** said '**Misconduct**' – **no Purolator employee ever** used this term – something I've **always objected** to. Aside from (Exec), *nobody* from Purolator *ever* claimed I was '**Fired**' (or its synonyms) ¹²⁰ **nor** that I committed '**Misconduct**' or was '**Disciplined**' (and their synonyms). Every time these concepts

¹¹⁴ **6x:** Affidavit [¶24]: **C19 ROEs**, **ROE Guide** [Box 16], [Box 22], Criminal Code [§398], [P01] ROEs [Box 22] (p.100 [GD3-19]), cf. ('EI-SRC-1') (p.105 [GD3-24])

¹¹⁵ **Affidavit:** [¶25-28, ¶75]: Facts suggesting requisite *mens rea* for Criminal Intent.

¹¹⁶ **EIA:** **§11(3) [Leave]**, **EIR:** **§14(6) [Interruption]** & **§23(1)(a)(ii) [Allocation]**

¹¹⁷ [ESDC]: **WFR: Downsizing** & **ROE Guide (16: Code 'G')** (cf. Affidavit: ¶37-39)

¹¹⁸ ('GD-Hearing') [30:30-37:20] & [1:36:23-:37:27] (re. False ROEs & Grievances)

¹¹⁹ **[GD] Arg #4** ([P11]: p.190 [RGD8-10]), **[AD] #2** ([P16]: p.247 [ADN6-5])

¹²⁰ One potential exception: (Accounting) (Accounting Clerk/Admin Assistant) who arranged an HR call-back & insisted they were "**not the correct person to speak to**."

were raised by EI Investigators, they were *always* corrected. The CEIC Record [alone]¹²¹ documents 18+ different statements – from 4 different sources – that clearly contradict either ‘Dismissal’ or ‘Suspension for Misconduct’ findings.^{122, 123} ❖❖

94. My EI Claims file was coded ‘LOA’ internally,¹²⁴ until I Appealed to the SST. Only when the CEIC’s Decision was subject to external review, did they ‘discover’ their ‘clerical error’ & change my status to “Suspended due to Misconduct.”¹²⁵ This is also the *first time* the term ‘Suspended’ is used anywhere in the record. ❖❖

N. Many Cases: Adjudicators (CEIC/SST)

Points at Issue (8)	Review Grounds (4)	Vavilov Principles (5+)
#3-10	FCA §18.1(4)(a-c,f)	(b), (d), (e), (f), (g) + Fairness

95. **Procedural Fairness & Errors in Law:** Two legal principles were *applied selectively*, ‘reverse-engineer[ing] desired Outcomes’: KVP Test¹²⁶ & Employment Contract Analysis (CBAs). EI ADMs consistently chose the application that Denied EI Benefits, even when that meant *contradicting their own* prior [C19-MM] Decisions.¹²⁷

96. Below are various statistical analyses of historical SST Decisions.^{128, 129} ❖❖❖

97. **C19 Mandate Case Load:** Cases by Cause (*Vaccine Mandate Misconduct*) Pandemic (2020-2024): 4943 Cases Adjudicated: 1126 / 3817 = 22% of all Claims.

¹²¹ Analysis relies *only* on **GD3** (*Reconsideration*) + **GD4** (*CEIC Arguments to SST*). Other documents in the Tribunal Record *compound* this evidence (*like the SWP*).

¹²² **[P01]:** (‘SRC-1’) **1x** (p.105 [GD3-24]); (‘SRC-DA’) **5x** (p.107f [GD3-26ff]); (‘SRC-2’) **5x** (p.113 [GD3-32ff]); (‘SRC-RR’) **3x** (p.126 [GD3-45ff]); ([Other]): **4x** [EI App: Reason, CHRO Update, Note to File] (p.88, 109-11 [GD3-7,28-30])

¹²³ ([Other]) **8x** CEIC Args list **8** contradictions [with citations] ([P02] p.130ff [GD4])

¹²⁴ My [SC] Case file was coded LOA until SST Appeal. (GD3-23,25,31,47; GD4-2)

¹²⁵ CEIC unilaterally changed legal terms without evidence. (p.131, ¶7 [GD4-2])

¹²⁶ **KVP:** cf. [Problem #2: ‘F: Common Law’](#) (¶35-47, ¶120-23; FN-63..81), and: [Problem #7: ‘Q: Templates Change Decisions’](#) (¶120-27, FN-153..60)

¹²⁷ Vavilov [¶120-22]: (*Valid Statutory Interpretation prohibits Reverse-Engineering*)

¹²⁸ **Affidavit:** ¶61 (*Tables omitted for brevity. In-depth analysis available on request.*)

¹²⁹ All Stats Queried from: [SST Decisions Database](#) (*Current to: 2024-11-30*)

Pre-Mandate (2020-21) saw a **33% Decline** (653.5/988) in SST-EI Cases. **Mandates** caused a **42% Rise** (*Case Load vs. pre-Pandemic*) + **2.14x Rise** over Pre-Mandate Lull (1400/653.5). During Mandate-Peak, **37.5% of All EI Appeals** were **C19-MM Cases**. This is a **National Crisis**. *Never* have **singular causes** underlaid **22%** of *all* EI Appeals (C19-MM / Total) – much less **42%** rise in Appeals provoked by **one** policy change. *Some unlawful* Mandates caused **214%** rise in SST Appeals vs. ‘Lock-Down Lull’. ‡

98. **Success Rate:** Compare Benefits ‘Success’ (*Appeals Granted*) by Cause. ‡
Analysing **C19-MM Cases** (Jan 2022 – Sept 2024) exposes *serious inconsistency*.¹³⁰
C19-MM Cases **Denied 4.23x more** than ‘normal’ EI Claims. (**25.25% vs. 5.97%**)

99. During ‘Pandemic Peak’ **over 1 in 3** EI Claims were based on C19 Mandates.

100. **Cross-Case Analyses:** this covers just over the last decade (2014-2024).¹³¹

101. **Findings: ‘Just Cause’** (**EIA §29(c)(xi): ‘Contrary to Law’ Clause**)¹³²
(*Rizzo Analysis [EI Act]: Problem #1: [‘B’] Legislative Intent & History [¶16-22]*)
(*Legal Argumentation: Problem #2: [‘E’] Rule of Law & Jurisdiction [¶25-35]*)
Before pandemic (2014-19): **539 Cases** contain §29(c) Analysis. (*Statutory Mandate*)
Also: 13 Cases relying on ‘29(c)(xi)’ Analysis: ‘**Employer Practices Contrary to Law**’
Also: 24 Cases relying on ‘29(c)(xi)’ Analysis *during* the Pandemic. (2020-2024)

How is it *reasonable* for SST TMs to ‘selectively’ conduct *required* investigations? ‡

102. **Details & Findings: KVP Test (Policy ‘Applicability’ Test)**¹³³

(*Argumentation: Problem #2: [‘F’] Private & Common Law [¶36-48]*)

KVP cited **24 times** since 2020. **12x: unilaterally cited** to Justify using new, non-CBA-compliant corp. policies to **Disqualify** Claimants. *But 12x: when Argued by Claimants (policy Fails KVP Test #1), same TMs ruled KVP ultra vires & [again] Denied EI.*

¹³⁰ Interesting Case: The Employer’s C19 Policy **was found** to be ‘**contrary to law**’. This **proves** TMs will consider **EIA §29(c)(xi)** when it suits them. (**2021 SST 377**)

¹³¹ First full year of SST Cases published in 2014: **Decision Database**. Current SST created by statute in April 2013. The *first* Decision was published on 2013-09-10: (**GDEI 2013 SST 1** (*JB v. CEIC*)). **Notable:** the TM conducted a Rizzo Analysis.

¹³² Tables with lists of specific §29(c) Cases at: **Appendix ‘A’ (SST Analysis)**

¹³³ Tables with lists of individual KVP Cases at: **Appendix ‘A’ (SST Analysis)**

103. Details & Findings: CBA Analysis (*Employment Contracts*)¹³⁴

(*Legal Arguments: Problem #2: [‘E’] Rule of Law & Jurisdiction* [¶25-35])

15x *Dismissed* Cases: Claimants ‘did **not** file CBAs’, TMs ‘*would have examined*’ for ‘*contractual violations*’. Absent, TM *required* to find MVPs ‘compliant’ with Contract.

58x *Dismissed* Cases: citing Mgmt. Rights (M/R), authority *directly deriving* from Contracts. If CBAs are *ultra vires*, M/R clauses are **not admissible**. (*Reasonable?*)

104. Details: Atrium Decision Templates (*‘Reverse-Engineering’ Outcomes*)

(*‘Selective’ Use: Problem #7: Template Use Determines Decisions* [¶120ff])

Widespread procedural unfairness occurs through Atrium Decision Templates. ¶¶

Inconsistent Reasoning, consistent Outcomes, always favouring government: Benefits *always Denied*. (*Despite Reasons/Citations conflicting same TM’s previous Decision.*)

105. Details & Findings: SST Members (*Appointment Analysis*)^{135, 136} ¶

Problem #5: Use of Internal, Undisclosed Rules¹³⁷

Points at Issue (I)	Review Grounds (I)	Vavilov Principles (3+)
#10	FCA §18.1(4)(b)	(d) , (e) , (f) + Fairness

106. Transparency is a core tenant of Reasonableness. (*Vavilov* ¶95, *Baker* ¶126)¹³⁸

O. Internal ‘BE-Memo’ Usurps Law

107. On 2021-10-29, the CEIC’s ‘Business Expertise’ Team (‘BEA’) – under the authority of the ‘EI Operational Policy Service Desk’ (‘OPSD’) – published an internal ‘memo’ (‘BE-2021-10’) to the ‘Policies’ portal of the ‘EI Online Reference Tool’ (ORT): the “*EI Eligibility & Refusal to Comply with Mandatory Vaccination Policy*” (or ‘BE Memo’). This **internal ‘policy’** purported to provide “*guidance [to] all staff involved in the processing of claims*” (p.10) for a specific subset of Claimants – **only** those who “*refus[ed] to comply with a mandatory vaccination policy.*” (p.10)

¹³⁴ Tables with lists of individual CBA Cases at: [Appendix ‘A’ \(SST Analysis\)](#)

¹³⁵ Table with *SST Membership List* links located at: [Appendix ‘A’ \(SST Analysis\)](#)

¹³⁶ **Affidavit: ¶62** (p.57f [2-1:L]) (*Data about SST Membership & Appointments*)

¹³⁷ I am **not** claiming personal discrimination, collusion, or any other problems with any *specific* person. This ‘BEMemo’ was only discoverable via *multiple* ATIPs.

¹³⁸ [1999 SCC 699: Baker v. Canada \(MCI\)](#): [¶26] (cit. [Qi](#) [¶6f] & [Bendahmane](#) [p.31f])

108. Despite being a **binding ‘policy’**, the BE Memo opened with a ***legal disclaimer***: “*Th[is] memorandum is not linked to any legislative or regulatory amendments.*” BEMemo self-admittedly contained no legal foundation. How was it published as EI ‘policy’? By what authority? **Statutory Definitions & Processes** are already defined.

109. This **internal policy set new Definitions** (e.g. ‘*Just Cause*’ & ‘*exceptional circumstances*’ [p.3], ‘*suspended*’ [p.4-5] & ‘*availability*’ [p.6-7]) that **only applied to specific** EI Claimants. It *violated* targeted Claimants’ **legitimate expectation** that the following *long-settled* legal definitions, tests & processes would continue (*per statute*):

(a) **Voluntary Leaving** (BE Memo: p.3-4) | (b) **Suspension or Dismissal** (p.4-5)
 (c) **Leave of Absence** (p.5) | (d) **Fact-Finding** (p.9-10) | (e) **Processes** (p.10-11)
 (f) **Other Problems: Medical & Religious Exemptions** (p.7-9)

110. It *inverted* statutory B/D [*burden-shift*] ([EIA §49\[2\]](#)), ¹³⁹ removed requirement to consider CBAs ([EIA §51](#) & [DBEP §21.2.2](#)), ¹⁴⁰ *purposely [mis]conflated* LOAs with Suspensions ([legally distinct Reason Codes](#) submitted on ROEs, ¹⁴¹ *Certified under the CC §398*) ¹⁴² & **invented** the novel concept of ‘*exceptional circumstances*’ to *bypass* the *statutory requirement* to **fact-find** for Just Cause ([EIA §29\(c\)\[xi/vii/ix\]](#), *et al.*) ¹⁴³ (*COVID-era Arbitration found Suspensions ‘unreasonable’: re. [Oakes](#) & [Irving](#)*) ¹⁴⁴

111. This **undisclosed internal, binding ‘Benefits Eligibility’ (Adjudication) policy** **targeted specific** Claimants – **only** those who “*refuse[d] to comply with a mandatory vaccination policy.*” This document ‘guided’ Case Workers through a *custom* decision-tree that resulted in **ineligibility** at *most* branches: & created new [invalid] precedent.

Problem #6: Precedent Error re. EI Program

¹³⁹ Claimants get ‘**Benefit of Doubt**’ when entitlement evidence is ‘equally balanced’.

¹⁴⁰ **EI Policy** (+Act) defines **Contracts/CBAs** as ‘evidence necessary to prove the facts’.

¹⁴¹ ESDC’s [ROE Guide](#) defines valid ‘Reasons: Issuing ROEs’ [[Box 16](#)] (*cf.* [Box 22](#))

¹⁴² Due to legal implications, ROE **Reason Codes** are *Certified* per the [Criminal Code](#).

¹⁴³ **Fact-Finding for Just Cause** is *the* primary basis for determining EI Eligibility. New, *invented*, undefined concepts *cannot* eliminate required, foundational processes.

¹⁴⁴ Precedent initially established in [2022 \(ON LA\) 78809: Toronto FireFighters #3888 v. Toronto \(City\)](#) /¶263f & ¶313] – and has been widely cited since mid-2022.

Points at Issue (2)	Review Grounds (3)	Vavilov Principles (3)
#11-12	FCA §18.1(4)(a,c-d)	(d) , (f) , (g)

P. EI Denied on ‘Tax-Payer’ Grounds ¹⁴⁵

112. In 2007, the Court made an **erroneous** statement about EI Funding in an EI J.R. Decision. Although that *error* was originally written as *dicta*, over time it ‘migrated’ into *ratio*. This *error* is now being cited – out of context – as **unjust precedent**, and is being used to *overrule* the EI Act ([§29\[c\]](#)), which *usurps* Parliament’s Authority. ¹⁴⁶

*“There are [] remedies to sanction [] an Employer **other than** transferring the costs of that behaviour to the Canadian Taxpayers by way of Unemployment Benefits.”*

*(Paradis [[¶34](#)], citing: **McNamara** [[¶23](#)], cf. Dubeau [[¶36](#)])*

113. This erroneous precedent was cited 160 times ¹⁴⁷ to **unjustly deny** EI Benefits. It excused employer lawbreaking, while ADMs violated EIA fact-finding *requirements*.

114. [GD] TM Usprich Denied my Claim using it. ¹⁴⁸ So I spent **6** pages showing EI Act’s *Legislative History* in my AD arguments. One fact I *proved*: the government stopped funding EI with tax revenue **in 1990**. (*They **did** fund it before...*) I cited the specific law making this change (*Bill C-21*), along with Parliamentary Hansards. TM Lafontaine ignored this, citing another *derivative* Case with this same error. ¹⁴⁹

115. I agree with this principle: **taxpayers** should ***not*** fund employers’ lawbreaking. **And they don’t**. It is ***only*** Employers & Workers that **prepay** EI Premiums: *auto-*remitted & deducted every pay period. EI Benefits return *already-paid* Premiums.

116. Vavilov is clear: when an individual’s ‘**livelihood**’ is involved, ADMs possess “a *heightened responsibility* [to] ensure **their reasons demonstrate** [the] **consequences are justified in light of the facts and law.**” (*Vavilov* [[¶133-135](#)])

117. The **EI Act §65-§70** govern ‘**Premiums**’, while **§70.2-§80.1** administer the ‘**EI Operating Account**’ (*‘EIOA’*). Since 1990 (*Bill C-21*), this statute *requires* the EI..

¹⁴⁵ (DA-694-Args) [AD] **Legislative History** ([*P16*]: p.248-53 [*ADN6-6..11*])

¹⁴⁶ 2007 FCA 107: Canada (AG) v. **McNamara**. ‘Taxpayer’ error at: [[¶23](#)]

¹⁴⁷ SST ‘C19-MM’ Decisions cite ‘taxpayer’ reasons to Deny EI. (**SST, CanLII**)

¹⁴⁸ (‘DA-740’) [GD] 2023 SST 1093 [[¶31](#)] (p.201) (*Erroneous ‘Taxpayer’ Reason*)

¹⁴⁹ (‘DA-694’) [AD] 2024 SST 26 [[¶39](#)] ([*P17*] p.284) (*Erroneous ‘Taxpayer’ Reason*)

..Program to be ‘**revenue neutral**’, meaning it pays for itself. Any ‘profits’ are returned (*lowering future Premium Rates*) & ‘shortfalls’ are funded by raising future Premiums. There **cannot** be Taxpayer ‘**burden**’ from granting EI Benefits. Expert Actuaries *forecast* financials & [provide annual reports](#) to its various owners & stakeholders.¹⁵⁰ This **statutory** ‘revenue neutral’ requirement reconciles the program’s financials over rolling seven-year cycles: ‘*7-year forecast break-even rates.*’^{151, 152}

118. The EI Program is simple: *Both* I & my employer pay Premiums to cover *some* of my lost income **if** I have ‘Just Cause’ when my job ends. Put differently: ~~##~~

119. However, because a *well-meaning* [generalist] Judge – who misunderstood the EI Program’s Funding model – wrote **erroneous dicta** about who pays for EI Benefits in his Decision, we now have a *perverse caricature* codified into *binding* precedent: I pay for me + they pay for me. **If** J/C, *some of it* is returned to me for 45 weeks. When they break laws, *everything* we both paid for me is **forfeit** to ‘**save taxpayers**’ **\$0**. **I lose everything**: my **job**, my **wages** & my **EI Benefits**, *despite having Just Cause*. ~~##~~
And everyone involved is ok with this *life-altering* unlawful **injustice** because: ~~##~~

Problem #7: Atrium Templates Control Decisions

Points at Issue (0)	Review Grounds (1)	Vavilov Principles (?)
(N/A)	FCA §18.1(4)(b)	(Impacts All of Them)

Q. Erroneous Templates Change Decisions

120. **Summary**: SST TMs use an ‘intelligent’ Case Management system (‘*Atrium*’) that inserts **prewritten** ‘templated’ paragraphs into their Decisions. **Prefilling** specific Citations & Arguments that “*often set out the legal tests*” (*in advance*)¹⁵³ impacts *final disposition* of written Benefits Decisions: they’re ‘*interfered with*’ based on Template’s content – and context – which are driven by **undisclosed** algorithms (*or TM actions*).

121. Atrium contains **conflicting templates** – with *inverted* logic & reasons – that permit TMs to “*reverse-engineer desired outcomes.*” (**Unreasonable**: [Vavilov ¶121](#))

¹⁵⁰ [Actuarial Reports on the EI Premium Rate](#), (Catalogue: GC Publications)

¹⁵¹ [Summary 2024 \[EI\] Actuarial Report](#) [§Premium Rate Setting: ¶2] ([D06] p.748)

¹⁵² Employment Insurance Act: [§66\(1\)](#), (‘*Annual Premium Rate Setting*’)

¹⁵³ SST Training Manual: [Style Guide: Decisions](#) ([Part 5: Format](#)) *Decision Templates*

122. When TMs find Atrium’s auto-generated content is unhelpful, inapplicable, or erroneous, they enter an *impossible* predicament: (*Justify, Remove, or Comply*) ¹⁵⁴ ‡

123. **Proof:** Analyse how TMs *selectively* applied KVP & CBAs to justify blanket Denials. Many pre-C19 Decisions analyse Contract clauses & *alleged* violations. ¹⁵⁵

- KVP first appeared in [2022 SST 1337](#) (‘CH’) where the “*Claimant argue[d] the policy must be unreasonable because it fails the KVP test.*” The TM **rejected** this: “[the KVP] legal test [] is **not** applicable [to] the EI Act.” ¹⁵⁶ (¶24, FN-26)
- KVP appeared [86 days later]: [2023 SST 31](#) (‘SS’). ¹⁵⁷ This time, TM *cited it to justify employer’s breach of contract – and why* TMs could cite it [unsolicited]. (cf: ‘SS v. CEIC’: [2023 SST 31](#) [¶82-88] vs. ‘TH v. CEIC’: [2023 SST 63](#) [¶44])

124. [KVP]: The interlinked combination of text, citations & footnotes ‘give away’ the ‘reverse-engineering’, despite word changes. (Ex: [KVP Used](#) v. [KVP Denied](#), FNs)

Fairness: Templates **diametrically opposed**. Provokes 14 pressing questions. ‡‡

125. Quotes about Decision Templates (*from official SST Reports*), raise serious questions about **unfairness & undue influence** they impose on EI Cases: ^{158, 159, 160} ‡

Their [Style Guide](#) [5, #1] makes major admissions: TMs must use the “*most recent Decision Template[s]*” that “*often set[s] out the legal tests*” with “right formatting built in” [to] “**provide a ‘solid structure’ for the “backbone [of] your Decision.”**”

¹⁵⁴ (‘CEIC-AL’) [2023 SST 1032: CEIC v. AL](#), [¶45-46] (Ex. Template ‘Problems’)

¹⁵⁵ [SST Search](#) (Rel. Cases: [2017 SST 84988](#), [2018 SST 679](#), [2019 SST 431](#), [2019 SST 619](#), [2019 SST 816](#), [2019 SST 949](#), et al) (*Benefits Granted per Contract Analysis*)

¹⁵⁶ (‘CH-CEIC’) [2022 SST 1337: CH v. CEIC](#) (¶24, FN-26)

¹⁵⁷ (‘SS-CEIC’) [2023 SST 31: SS v. CEIC](#) (¶82)

¹⁵⁸ [SST Report \(FY17\)](#) [p.9]: (§Improving Efficiency [p.9, ¶3]) ([D08] p.958) “Efficiency was improved [by] Templates **pre-populated** with legislative texts.”

¹⁵⁹ [Evaluating Decision Readability](#): [§Impact, ¶4] ([D08] p.1054: ‘Members first...’) “TMs expressed challenges [...] **inconsistent** with **Templates or internal messaging.**”

¹⁶⁰ [id] TMs’ #1 Request (48%) was ‘Training on Decision Templates’ ([D08] p.1052f)

(Pre-determining ‘legal tests’ controls how to *interpret facts & select/apply the law*, which *directly* impacts *final disposition*. *Public disclosure & judicial oversight* into *both Atrium* template development & specific application is *imperative*.) (cf. [Prob. #5](#))

R. Templates Alter Decision-Making

126. There are 4 *different* problems with Atrium Templates: ① Imposed Constraints, ② Template Correctness, ③ Improper Application, ④ Reverse-Engineering. ~~##~~

127. Internal systems alter Decision-making *non-transparently*: **unreasonable**. ~~##~~

Conclusion

This Case has numerous **errors**: 15 across 7 different Categories. Many are *systemic* – impacting more than just *my* Case – making this of *National Public Importance*.

I appreciate the overwhelming Case Load & Political Pressures *underlying* this subject.

Despite the occasional strong wording, I am **not** blaming SST TMs for *intentional* bias.

I am **not** ‘fault-finding’ anyone specific – although some **errors** were *egregious*. ~~##~~

True **Justice** is desired & required outcome. Errors need Fair & ‘Proper’ Remedy: **E.I.** Primarily, Justice needs to *reign supreme* across the *E.I. Corpus* – as **Precedent**.

PART 4: ORDER & RELIEF SOUGHT

I, (*EI Claimant*), would ask the Court to **Allow** this Application for Judicial Review and **Quash** the Decision of the [SST] Tribunal (*to Dismiss my Appeal for EI Benefits*).

I also ask you **not Remit** this back for many different Reasons (*per* [Vavilov ¶142](#)). ~~##~~

Thank you for taking the time to *honestly* weigh my Case. You **three** Honorable Justices hold the lives & futures of many Canadian Families in your hands...

Respectfully Submitted,

Date: 2025-06-##

(EI Claimant)

(Personal Info Redacted)

The Canadian Bill of Rights clearly defines our Nation's Foundation. Our most pressing question is: Do we still: *"Acknowledge the Supremacy of God, the Dignity & Worth of the Human Person, and the Position of the Family in a Society of Free Men & Free Institutions? [Will Canadians] Remain Free, founded upon Respect for Moral & Spiritual Values and the Rule of Law?"*

PART 5: TABLE OF AUTHORITIES

Legislation

Statutes

Constitution Act, 1867; British North America Act [UK] (30 & 31 Vict, c.3) [*‘Const-BNA’*]

Constitution Act, 1982; Schedule B, Canada Act [UK] (1982, c.11) [*‘Const-CAN’*]

Canada Labour Code (RSC 1985, c.L-2) [*‘CLC’*] | (*Justice Canada*)

Canadian Bill of Rights (SC 1960, c.44) [*‘CBoR’*]

Criminal Code (RSC 1985, c. C-46) [*‘CCC’*] | (*Justice Canada*)

Department of Employment & Social Development Act (SC 2005, c.34) [*‘DESDA’*]

Employment Insurance Act (SC 1996, c.23) [*‘EIA’*]

Federal Courts Act (RSC 1985, c.F-7) [*‘FCA’*]

Interpretation Act (RSC 1985, c.I-21) [*‘Interpret’*]

Bill C-21: Unemployment Insurance (34th Parliament, 2nd Session) [*‘Bill-C21’*]

Bill C-113: Unemployment Insurance (34th Parliament, 3rd Session) [*‘Bill-C113’*]

Bill C-12: Employment Insurance (35th Parliament, 2nd Session) [*‘Bill-C12’*]

Regulations

Employment Insurance Regulations (SOR/96-332) [*'EIR'*]

Federal Courts Rules (SOR/98-106) [*'FCR'*]

Social Security Tribunal Rules of Procedure (SOR/2022-256) [*'SST-RoP'*]

Policies

ESDC: Constructive Dismissal (IPG-033)

ESDC: Substance Use in the Work Place (IPG-080)

ESDC [EI]: Digest of Benefit Entitlement Principles [*'DBEP'*]

Canada.ca: List of Federally Regulated Industries & Workplaces (*'FRIW'*)

<https://canada.ca/en/services/jobs/workplace/federally-regulated-industries.html>

Canada.ca: Jurisprudence Library: 'Umpires' (*Sub-Issue Detail*) [*'Umpires'*]

<https://srv130.services.gc.ca/index/eng/subissue.aspx?issuesn=25&level=1>

PHO (MoH): Directive #6 [for Public Hospitals] (CMoH: [HPPA §77.7](#)) [*'D6-PH'*]

Guidance

ESDC (SC): Employers: How to Complete ROEs (*'ROE-Guide'*)

<https://canada.ca/en/employment-social-development/programs/ei/ei-list/reports/roe-guide.html>

ESDC (SC): Records of Employment during COVID-19 (*'ROE-C19'*)

<https://canada.ca/en/employment-social-development/programs/ei/ei-list/ei-employers.html> (2022: [Archive](#); 2024: [Archive](#))

ESDC (SC): Employment Insurance (EI) : Quitting Your Job ('EI-Quit')

<https://canada.ca/en/employment-social-development/programs/ei/ei-list/quit-job.html#period>

ESDC (SST): Style Guide: Social Security Tribunal of Canada Decisions

<https://sst-tss.gc.ca/en/our-work-our-people/style-guide-social-security-tribunal-canada-decisions>

Jurisprudence

Supreme Court

1974 SCC 12: McLeod v. Egan ([1975] 1 SCR 517; 1974-05-27) ['McLeod']

1980 SCC 14: Hopp v. Lepp ([1980] 2 SCR 192; 1980-05-20) ['Hopp']

1985 SCC 35: A.G. (QC) v. Carrières Ste-Thérèse Ltée ([1985] 1 SCR 831)
['Carrières']

1998 SCC 837: Rizzo & Rizzo Shoes Ltd. (Re) ([1998] 1 SCR 27; 1998-01-22)
['Rizzo']

1999 SCC 699: Baker v. Canada (MC&I) ([1999] 2 SCR 817; 1999-07-09)
['Baker']

1999 SCC 711: R. v. Ewanchuk ([1999] 1 SCR 330; 1999-02-25) ['Ewanchuk']

2003 SCC 42: Parry Sound DSSAB v. OPSEU #324 ([2003] 2 SCR 157) ['Parry
Sound']

(Parry Sound [District] Social Services Administration Board
v. O.P.S.E.U., Local #324) (File: #28819; 2003-09-18)

2004 SCC 55: Cabiakman v. Industrial Alliance Life Insurance Co.

['Cabiakman']
([2004] 3 SCR 195; File: #29584; 2004-07-29)

2006 SCC 2: Isidore Garon v. Tremblay; Fillion et Frères v. SNEGO [*'Garon & Fillion'*]

(*Isidore Garon ltée v. Tremblay; Fillion et Frères* (#1976)

v. Syndicat National des Employés de Garage du Québec Inc.)

([2006] 1 SCR 27; File: #30171, 30172; 2006-01-27)

2013 SCC 34: CEPU Canada #30 v. Irving Pulp & Paper ([2013] 2 SCR 458) [*'Irving'*]

(*Communications, Energy & Paper-Workers Union of Canada, Local #30*

v. Irving Pulp & Paper, Ltd.) (File: #34473; 2013-06-14)

2015 SCC 1: MPAO v. Canada (AG) ([2015] 1 SCR 3; 2015-01-16) [*'MPAO'*]
(*Mounted Police Association of Ontario v. Canada [Attorney General]*; File #34948)

2015 SCC 2: Meredith v. Canada (AG) ([2015] 1 SCR 125; 2015-01-16) [*'Meredith'*]

2017 SCC 55: AJC v. Canada (AG) ([2017] 2 SCR 456; 2017-11-03) [*'AJC'*]
(*Association of Justice Counsel [Canada] v. Canada [Attorney General]*; #37014)

2019 SCC 65: Canada (MC&I) v. Vavilov ([2019] 4 SCR 653; 2019-12-19) [*'Vavilov'*]

Appellate Courts

2005 FCA 87: Canada (AG) v. Bellavance (File#: A-553-03; 2005-03-02) [*'Bellavance'*]

2007 FCA 36: Mishibinijima v. Canada (AG) (#A-85-06; 2007-02-08) [*'Mishibinijima'*]

2007 FCA 107: Canada (AG) v. McNamara (File: A-239-06; 2007-03-14) [*'McNamara'*]

2008 FCA 13: O.Bellefleur v. Canada (AG) (File: A-139-07; 2008-01-11) [*'Bellefleur'*]

(*EI-JR: Oberde Bellefleur OP Clinique Dentaire [Employer] v. Canada [AG]*)

2010 FCA 314: Canada (AG) v. Lemire (File#: A-51-10; 2010-11-23) [*'Lemire'*]

2023 FCA 217: Francis v. Canada (AG) (File#: A-83-23; 2023-11-02) [*'Francis'*]

2008 ONCA 327: Wronko v. Western Inventory Service Ltd. (2008-04-29)
[*'Wronko'*]

2013 NBCA 13: Asurion Canada v. Brown & Cormier (2013-02-14) [*'Asurion'*]

2013 BCCA 371: DTLC v. Canada (2013-08-19) [*'DTLC'*]
(*Federal Government Dockyard Trades and Labour Council v. Canada [AG]*)

Trial Courts

2015 FC 1348: Canada (AG) v. Hoffman (File#: T-303-15; 2015-12-04)
[*'Hoffman'*]

2016 FC 1282: Paradis v. Canada (AG) (File#: T-649-16; 2016-11-17) [*'Paradis'*]

2019 FC 725: Dubeau v. Canada (AG) (File#: T-1055-18; 2019-05-22) [*'Dubeau'*]

2023 FC 102: Cecchetto v. Canada (AG) (File#: T-1665-22; 2023-01-23)
[*'Cecchetto'*]

2025 BCSC 148: Purolator v. Teamsters (File#: S24-143; 2025-01-30)
[*'Purolator-JR'*]
(*Purolator Canada v. Canada Council of Teamsters, Local #31 & Nicholas Glass*)

CUB 16209: Steven Becker v. CEIC (Umpire: F.C. Muldoon; 1989-02-06)
[*'Becker'*]

CUB 18009: Amos DeBay v. CEIC (Umpire: MacKay J.; 1990-05-03) [*'DeBay'*]

CUB 51219: Linda Earl v. CEIC (Umpire: W.J. Grant; 2001-03-20) [*'Earl'*]

Arbitration

1965 (ON LA) 1009: LSWU #2537 v. KVP Co. Ltd. (1965-05-30) [*'KVP'*]

(*Re. Lumber & Sawmill Workers' Union, Local #2537*)

2022 (ON LA) 78809: Toronto FireFighters #3888 v. Toronto (City)

[*'FireFighters'*]

(*Toronto Professional Fire Fighters' Association, IAAF Local #3888; 2022-08-26*)

2023 (CA LA) 120937: Teamsters #31 v. Purolator Canada (2023-12-14) [*'Glass'*]

(*Teamsters [Canada] Local Union No. 31 v. Purolator Canada Inc; Nicholas Glass*)

Tribunals

My Decisions:

2022 SST 1649: DA v. CEIC (SST#: GE-22-2273, Date: 2022-11-04) [*'DA-2273'*]

2023 SST 171: DA v. CEIC (SST#: AD-22-909, Date: 2023-02-16) [*'DA-909'*]

2023 SST 1093: DA v. CEIC (SST#: GE-23-740, Date: 2023-06-08) [*'DA-740'*]

2024 SST 26: DA v. CEIC (SST#: AD-23-694, Date: 2024-01-09) [*'DA-694'*]

Other Decisions:

2022 SST 1428: AL v. CEIC (SST#: GE-22-1889, Date: 2023-01-16) [*'AL-1889'*]

2023 SST 1032: CEIC v. AL (SST#: AD-23-13, Date: 2023-08-01) [*'CEIC-AL'*]

Government

Hansards

House Legislative Committee: **Bill C-21, Part 1** (*Unemployment Insurance*)

34th Parliament, 2nd Session: Vol. 1 (1989: Issues 1–8, 1006 Pages)

https://parl.canadiana.ca/view/oop.com_HOC_3402_102_1/7 ('House-C21-1')

(Archive: <https://archive.org/details/31761117012161>)

House Legislative Committee: **Bill C-21, Part 2** (*Unemployment Insurance*)

34th Parliament, 2nd Session: Vol. 3 (1989: Issues 16–21, 982 Pages)

https://parl.canadiana.ca/view/oop.com_HOC_3402_102_3/7 ('House-C21-2')

(Archive: <https://archive.org/details/31761117012153>)

Senate Special Committee: **Bill C-21, Part 1** (*Unemployment Insurance*)

34th Parliament, 2nd Session: Vol. 1 (1989: Issues 1–14, 1048 Pages)

https://parl.canadiana.ca/view/oop.com_SOC_3402_4_1/5 ('Senate-C21-1')

(Archive: <https://archive.org/details/31761117014720>)

Senate Special Committee: **Bill C-21, Part 2** (*Unemployment Insurance*)

34th Parliament, 2nd Session: Vol. 2 (1990: Issues 15–26, 1130 Pages)

https://parl.canadiana.ca/view/oop.com_SOC_3402_4_2/5 ('Senate-C21-2')

(Archive: <https://archive.org/details/31761117014712> [Part: 1/2])

(Archive: <https://archive.org/details/31761117014704> [Part: 2/2])

House of Commons, Debates: **Bill C-105** (*SO-81: Unemployment Insurance*)

34th Parliament, 3rd Session, Vol. 12 (1993-02-03: p.543-586 [15345-388])

https://parl.canadiana.ca/view/oop.debates_HOC3403_12/543 ('House-C105')

House Legislative Committee: **Bill C-113** (*Unemployment Insurance*)

34th Parliament, 3rd Session: Vol. 1 (1993: Issues 1–9, 714 Pages)

https://parl.canadiana.ca/view/oop.com_HOC_3403_47_1/7 ('House-C113')

Reports

StatCan Report: Zhengxi Lin – ‘E.I. in Canada: Policy Changes’

Summer 1998: Perspectives (75-001-XPE); ([‘Zhengxi: EI Changes’](#))

<https://www150.statcan.gc.ca/n1/en/pub/75-001-x/1998002/article/3828-eng.pdf>

StatCan Research: Zhengxi Lin – ‘E.I. in Canada: Recent Trends & Policy Changes’; *Analytical Studies, Sept. 1998, No.125 (11F0019MPE);*

<https://www150.statcan.gc.ca/n1/en/pub/11f0019m/11f0019m1998125-eng.pdf>

([‘Zhengxi: EI Research’](#))

HRDC: Unemployment Insurance Evaluation (1995 Series: 25 Reports)

<https://publications.gc.ca/site/eng/9.507428/issues.html?hpp=25>

Short: <https://tinyurl.com/GC-HRDC-UIES-Series> ([‘HRDC-UIES’](#))

Bill C-113: Effects on Unemployment, Job Search Behaviour & New Jobs;

HRDC: UI Evaluation (*Vol.14*): Stephen Jones, Aug.1995 (*IN-AH-213E-08-95*)

https://publications.gc.ca/collections/collection_2015/rhdcc-hrsdc/LU2-153-213-1995-eng.pdf | <https://tinyurl.com/GC-HRDC-UIES-14> ([‘HRDC-UIES-14’](#))

Bill C-113: Effects on Unemployment Insurance Take-Up Rates;

HRDC: UI Evaluation (*Vol.16*): Peter Kuhn, Aug.1995 (*IN-AH-215E-08-95*)

https://publications.gc.ca/collections/collection_2015/rhdcc-hrsdc/LU2-153-215-1995-eng.pdf | <https://tinyurl.com/GC-HRDC-UIES-16> ([‘HRDC-UIES-16’](#))

ESDC (CEIC): Actuarial Reports on the EI Premium Rate (Catalogue: #CC536-3E)

<https://publications.gc.ca/site/eng/9.507275/publication.html> ([‘CEIC-EIAR-Cat’](#))

ESDC (CEIC): Summary of the 2024 Actuarial Report on the EI Premium Rate

<https://canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2024.html> ([‘CEIC-EIAR-24’](#))

SST: Report on the Tribunal's Activities & Accomplishments (2016-2017)

<https://sst-tss.gc.ca/en/our-work-our-people/report-tribunals-activities-and-accomplishments-2016-2017> ('SST-RTAA-17')

SST: An Evaluation of How Easy It Is to Read Social Security Tribunal Decisions

<https://sst-tss.gc.ca/en/our-work-our-people/evaluation-easy-it-read-decisions-social-security-tribunal> ('SST-SSTRE')

Alberta's COVID-19 Pandemic Response (Review Task Force: Final Report)

<https://open.alberta.ca/publications/albertas-covid-19-pandemic-response> ('AB-C19-PR') (Report Date: 2025-01-28, Alberta: Open Government, [PDF](#))

Other Sources

National Citizens' Inquiry: Into COVID-19 Response in Canada ('NCI-CFR')

Final Report (2311): <https://NationalCitizensInquiry.ca/commissioners-report>

Supplement (2411): <https://NationalCitizensInquiry.ca/commissioners-supplemental-report>

Expert Witnesses: <https://NationalCitizensInquiry.ca/expert-witnesses>

Inquiry Hearings: <https://NationalCitizensInquiry.ca/hearings>

Testimony (Video): <https://rumble.com/c/NCITestimony>

Science, Public Health Policy & the Law | PublicHealthPolicyJournal.com | ('IPAK')

[V6: 2501] Review: Calls for Market Removal of COVID-19 Vaccines Intensify as Risks Far Outweigh Theoretical Benefits | **By:** Nicolas Hulscher, Mary Bowden, Peter McCullough

<https://PublicHealthPolicyJournal.com/review-of-calls-for-market-removal-of-covid-19-vaccines-intensify-risks-far-outweigh-theoretical-benefits>

Short Link: <https://tinyurl.com/IPAK-C19-Vaccine-Removal>

APPENDIX A: SST CROSS-CASE ANALYSIS

This section contains the citations from argumentation in [Problem #4 \('N'\):](#)
[Adjudicators.](#)

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%

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

[¶#]: Details & Findings: 'Just Cause' ([EIA §29\(c\)\(xi\)](#)): 'Contrary to Law' Clause)

Between 2015-2019 (5 years), there are 501 Cases that Contain '29(c)' Analysis. Apparently, it was understood that this Statutory Requirement mattered before the COVID-19 Pandemic. **Also:** 12 Cases relying on '29(c)(xi)' Analysis: 'Employer Practices Contrary to Law'

1. 2019 SST 816 (CBA)
2. 2019 SST 963 (CC)
3. 2019 SST 1719 (ESA)
4. 2018 SST 1254 (CLC/ESA)
5. 2017 SSTGDEI 74 (Safety: 'Red Zone')
6. 2015 SSTGDEI 201 (QC: Highway-Traffic)

2016 SSTGDEI 115 (CPS Kidnapping Children)

2016 SSTADEI 212 (Leave to Appeal)

SST: EIA §29(c)(xi) Analysis: 37 Cases Total

SST: EIA §29(c)(xi) Analysis: Appeal Allowed (12)

JS v. CEIC, [2017 SST 94826 \(¶37\)](#); EP v. CEIC, [2019 SST 816 \(¶13f\)](#);

RF v. CEIC, [2014 SST 98699](#); JG v. CEIC, [2015 SST 105344](#);

WD v. CEIC, [2018 SST 1254](#); VR v. CEIC, [2019 SST 963](#);

CC v. CEIC, [2019 SST 1329](#); LA v. CEIC, [2019 SST 1719](#);

VD v. CEIC, [2021 SST 197](#); CE v. CEIC, [2021 SST 388](#);

GM v. CEIC, [2022 SST 878](#); JL v. CEIC, [2021 SST 377](#) *

** (Pandemic Context re. Employer Masking) **

SST: EIA §29(c)(xi) Analysis: Appeal Dismissed (22)

AL v. CEIC, [2019 SST 872 \(¶18\)](#); TH v. CEIC, [2022 SST 1588 \(¶25\)](#);

AM v. CEIC, [2023 SST 1886 \(¶98\)](#);

DA v. CEIC, [2016 SST 104008](#); MH v. CEIC, [2017 SST 447](#);

DJ v. CEIC, [2018 SST 987](#);

WF v. CEIC, [2020 SST 207](#); DS v. CEIC, [2020 SST 787](#);
MG (X) v. CEIC, [2020 SST 1064](#); JA v. CEIC, [2020 SST 1110](#);
VD v. CEIC, [2021 SST 1](#); KM v. CEIC, [2022 SST 898](#)
CK v. CEIC, [2022 SST 1013](#); JP v. CEIC, [2022 SST 1031](#);
CL v. CEIC, [2022 SST 1153](#); DP v. CEIC, [2022 SST 1646](#);
CC v. CEIC, [2023 SST 1650](#); DC v. CEIC, [2023 SST 1933](#);
DM v. CEIC, [2024 SST 159](#); TB v. CEIC, [2024 SST 917](#);

JC v. CEIC, [2023 SST 1913](#) ([2024 SST 278](#));
CM v. CEIC, [2024 SST 860](#) ([2024 SST 859](#));

DG v. CEIC, [2022 SST 760](#) ([¶39](#)); (Just Cause Alternative to Misconduct)
DG v. CEIC, [2022 SST 759](#) ([¶75](#)); [CLC]

[¶293]: Details & Findings: KVP Test (Policy ‘Applicability’ Test)

SST: KVP Applied: Appeal Dismissed (12) | (* Quotes CBA *)

*SS v. CEIC, [2023 SST 31](#); TH v. CEIC, [2023 SST 63](#);
*KM v. CEIC, [2023 SST 99](#); MW v. CEIC, [2023 SST 128](#);
TH v. CEIC, [2023 SST 183](#); AG v. CEIC, [2023 SST 348](#);
RR v. CEIC, [2023 SST 367](#); WW v. CEIC, [2023 SST 368](#);
GM v. CEIC, [2023 SST 675](#); SJ v. CEIC, [2023 SST 682](#);
NG v. CEIC, [2023 SST 807](#); CD v. CEIC, [2023 SST 887](#);

SST: KVP Ignored: Appeal Dismissed (12)

CH v. CEIC, [2022 SST 1337](#); MV v. CEIC, [2023 SST 671](#);
AG v. CEIC, [2023 SST 1063](#); MB v. CEIC, [2023 SST 1147](#);
OK v. CEIC, [2023 SST 1195](#); AK v. CEIC, [2023 SST 1411](#)
JP v. CEIC, [2023 SST 1833](#); KM v. CEIC, [2024 SST 16](#)
DA v. CEIC, [2024 SST 26](#); VM v. CEIC, [2024 SST 194](#)
SM v. CEIC, [2024 SST 583](#); JP v. CEIC, [2024 SST 714](#)

[¶294]: Details & Findings: CBA Analysis (*Employment Contracts*)

(Vaccine OR Vaccination OR Vaccinated) AND "The second question falls outside of EI law"

<https://decisions.sst-tss.gc.ca/sst-tss/en/d/s/index.do?cont=%28Vaccine+OR+Vaccination+OR+Vaccinated%29+AND+%22The+second+question+falls+outside+of+EI+law%22&ref=&d1=2021-01-01&d2=2024-12-31&col=219&or=date>

CanLII Search Query (*102 SST Cases*): "express or implied duty" AND ("contract" OR "CBA") AND ("Vaccinated" OR "Vaccination" OR "Vaccine")

Date Range: 2021-01-01 to 2024-12-31 (*Filter by Date*)

2022-03-14 (*2022 SST 280*) to 2024-08-23 (*2024 SST 1025*)

SST: Contract/CBA Cited Analysis: Appeal Allowed (3+12=15)

LN v. CEIC, [2022 SST 1654](#); JB v. CEIC, [2022 SST 1797](#);

AL v. CEIC, [2022 SST 1428](#);

‘Could have Filed’ / ‘CBA Did Not Say’ / (Similar Acceptance):

MW v. CEIC, [2023 SST 128](#); TH v. CEIC, [2023 SST 183](#),

SS v. CEIC, [2023 SST 31](#); TH v. CEIC, [2023 SST 63](#);

KW v. CEIC, [2023 SST 271](#); HJ v. CEIC, [2023 SST 314](#);

RA v. CEIC, [2023 SST 310](#); AF v. CEIC, [2023 SST 370](#);

DS v. CEIC, [2023 SST 362](#); FS v. CEIC, [2023 SST 382](#);

RD v. CEIC, [2023 SST 423](#); IT v. CEIC, [2023 SST 602](#);

SST: Contract/CBA Cited Analysis: Appeal Dismissed (3)

AL v. CEIC, [2022 SST 280](#); SM v. CEIC, [2023 SST 27](#),

DC v. CEIC, [2023 SST 88](#);

SST: Contract/CBA U.Vires Analysis: Appeal Dismissed (13) *(Charter)*

*JM v. CEIC, [2022 SST 1550](#); MS v. CEIC, [2023 SST 768](#);
KZ v. CEIC, [2023 SST 1287](#); MD v. CEIC, [2023 SST 835](#);
CEIC v. AL, [2023 SST 1032](#); CEIC v. JB, [2023 SST 1062](#);
AG v. CEIC, [2023 SST 1063](#); LY v. CEIC, [2023 SST 1085](#);
LM v. CEIC, [2023 SST 1088](#); DN v. CEIC, [2023 SST 1133](#);
MB v. CEIC, [2023 SST 1147](#); MM v. CEIC, [2023 SST 1747](#);
({This Case}); (2308: *Common Vires Argument*)

SST: Contract/CBA Analysis (Law: BC, ON, NB): Appeal Dismissed (11)

MO v. CEIC, [2022 SST 702](#); MN v. CEIC, [2022 SST 960](#);
CS v. CEIC, [2022 SST 975](#); LM v. CEIC, [2022 SST 1700](#);
SS v. CEIC, [2022 SST 1004](#); SM v. CEIC, [2022 SST 1438](#);
MV v. CEIC, [2022 SST 1254](#); MV v. CEIC, [2022 SST 1636](#);
GH v. CEIC, [2023 SST 12](#); MD v. CEIC, [2023 SST 835](#);
AK v. CEIC, [2023 SST 1411](#);

SST: Contract/CBA Analysis (None/Mgmt.Rights): Appeal Dismissed (58)

WW v. CEIC, [2022 SST 1044](#); DC v. CEIC, [2022 SST 1599](#);
LA v. CEIC, [2022 SST 1126](#); LC v. CEIC, [2022 SST 1641](#);
AD v. CEIC, [2022 SST 1595](#); RZ v. CEIC, [2022 SST 1383](#);
TC v. CEIC, [2022 SST 1656](#); BW v. CEIC, [2022 SST 1444](#);
DP v. CEIC, [2022 SST 1646](#); DS v. CEIC, [2022 SST 1742](#);
JC v. CEIC, [2023 SST 325](#); MW v. CEIC, [2023 SST 128](#);
ME v. CEIC, [2023 SST 125](#); RS v. CEIC, [2023 SST 131](#);
SO v. CEIC, [2023 SST 118](#); IT v. CEIC, [2023 SST 603](#);
TS v. CEIC, [2023 SST 151](#); GL v. CEIC, [2023 SST 165](#);
SC v. CEIC, [2023 SST 885](#); TH v. CEIC, [2023 SST 183](#);
MB v. CEIC, [2023 SST 179](#); MC v. CEIC, [2023 SST 226](#);
AK v. CEIC, [2023 SST 239](#); EM v. CEIC, [2023 SST 658](#);

KW v. CEIC, [2023 SST 271](#); YS v. CEIC, [2023 SST 279](#);
HJ v. CEIC, [2023 SST 314](#); RA v. CEIC, [2023 SST 310](#);
AF v. CEIC, [2023 SST 370](#); DS v. CEIC, [2023 SST 362](#);
FS v. CEIC, [2023 SST 382](#); CL v. CEIC, [2023 SST 436](#);
RD v. CEIC, [2023 SST 423](#); SR v. CEIC, [2023 SST 467](#);
DS v. CEIC, [2023 SST 485](#); LY v. CEIC, [2023 SST 1084](#);
IT v. CEIC, [2023 SST 602](#); MS v. CEIC, [2023 SST 768](#);
KZ v. CEIC, [2023 SST 1287](#); CP v. CEIC, [2023 SST 1049](#);
LM v. CEIC, [2023 SST 1088](#); AD v. CEIC, [2023 SST 1096](#);
DN v. CEIC, [2023 SST 1133](#); MB v. CEIC, [2023 SST 1147](#);
AK v. CEIC, [2023 SST 1190](#); PZ v. CEIC, [2023 SST 1199](#);
RT v. CEIC, [2023 SST 1203](#); KR v. CEIC, [2023 SST 1235](#);
CEIC v. RB, [2023 SST 1249](#); KZ v. CEIC, [2023 SST 1286](#);
CK v. CEIC, [2023 SST 1699](#); CL v. CEIC, [2023 SST 435](#);
GM v. CEIC, [2023 SST 1297](#); BK v. CEIC, [2023 SST 1304](#);
KZ v. CEIC, [2023 SST 1360](#);

Purolator: KS v. CEIC, [2022 SST 1600](#);
AB v. CEIC, [2023 SST 1292](#); MM v. CEIC, [2023 SST 1747](#);

SST: Contract/CBA Analysis (N/A): Summary Dismissal (3)

BH v. CEIC, [2022 SST 1240](#); ZF v. CEIC, [2022 SST 1245](#);
FA v. CEIC, [2022 SST 1753](#);

CanLII Search Query (96 SST Cases): "express or implied duty" AND ("contract"
OR "CBA") AND NOT ("Vaccinated" OR "Vaccination" OR "Vaccine")'

Date Range: 2014-02-27 (2014 SST 103728) to yyyy-mm-dd (____)

[¶346-48]: Decision Templates**Direct Copies:**

MV v. CEIC, [2023 SST 671](#); SJ v. CEIC, [2023 SST 682](#);

NG v. CEIC, [2023 SST 807](#);

RR v. CEIC, [2023 SST 367](#); GM v. CEIC, [2023 SST 675](#)

AG v. CEIC, [2023 SST 348](#); WW v. CEIC, [2023 SST 368](#);

MW v. CEIC, [2023 SST 128](#); TH v. CEIC, [2023 SST 183](#);

Search (17): Q = "express or implied duty" AND "personal and deliberate choice"

Search (6x): Q = "express or implied duty" AND "never pointed to a comparable provision"

Search (6x): Q = "express or implied duty" AND "It is another to ask whether the duty was validly imposed"

Search (4x): Q = "express or implied duty" AND "Employees often voluntarily subordinate their rights when they take a job"

Search (6x): Q = "express or implied duty" AND "it is not the responsibility of Canadian taxpayers to assume the cost of wrongful conduct by an employer by way of employment insurance benefits"

EIA §29(c): Mapachee v. Canada (AG), 2023 FCA 109

[2012 FCA 35: Canada \(AG\) v. Maughan](#)

SST: Members (*Historical Lists*)

[1903:27]

<https://web.archive.org/web/20190502174149/https://www1.canada.ca/en/sst/members.html>

[1909:13]

<https://web.archive.org/web/20191119225201/https://www1.canada.ca/en/sst/members.html>

[2006:15]

<https://web.archive.org/web/20200805095114/https://www1.canada.ca/en/sst/members.html>

[2010:02]

<https://web.archive.org/web/20201025071427/https://www1.canada.ca/en/sst/members.html>

[2102:22]

<https://web.archive.org/web/20210411174220/https://www1.canada.ca/en/sst/members.html>

[2107:12]

<https://web.archive.org/web/20210727234038/https://www1.canada.ca/en/sst/members.html>

[2109:01] [https://web.archive.org/web/20210911021017/https://www.sst-](https://web.archive.org/web/20210911021017/https://www.sst-tss.gc.ca/en/our-work-our-people/sst-members)

[tss.gc.ca/en/our-work-our-people/sst-members](https://web.archive.org/web/20210911021017/https://www.sst-tss.gc.ca/en/our-work-our-people/sst-members)

[2207:20] [https://web.archive.org/web/20220901013837/https://sst-tss.gc.ca/en/our-](https://web.archive.org/web/20220901013837/https://sst-tss.gc.ca/en/our-work-our-people/social-security-tribunal-members)

[work-our-people/social-security-tribunal-members](https://web.archive.org/web/20220901013837/https://sst-tss.gc.ca/en/our-work-our-people/social-security-tribunal-members)

[2303:27] [https://web.archive.org/web/20230529205813/https://www.sst-](https://web.archive.org/web/20230529205813/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20230529205813/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2308:01] [https://web.archive.org/web/20231004084633/https://www.sst-](https://web.archive.org/web/20231004084633/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20231004084633/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2310:03] [https://web.archive.org/web/20231030204823/https://www.sst-](https://web.archive.org/web/20231030204823/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20231030204823/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2312:18] [https://web.archive.org/web/20240202091245/https://www.sst-](https://web.archive.org/web/20240202091245/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20240202091245/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2404:02] [https://web.archive.org/web/20240412163900/https://www.sst-](https://web.archive.org/web/20240412163900/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20240412163900/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2407:03] [https://web.archive.org/web/20240803061652/https://www.sst-](https://web.archive.org/web/20240803061652/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20240803061652/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[2412:18] [https://web.archive.org/web/20250102194656/https://www.sst-](https://web.archive.org/web/20250102194656/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members](https://web.archive.org/web/20250102194656/https://www.sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)

[Live] [https://sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-](https://sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)
[members](https://sst-tss.gc.ca/en/our-work-our-people/list-social-security-tribunal-members)