PRESS RELEASE

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Self-Represented Citizen Challenges Canada's E.I. System in Landmark Federal Court of Appeal Case

Niagara Region, ON – An important case is now before the Federal Court of Appeal (Case #A-63-24). D.A. is taking on Canada's Employment Insurance (EI) system without a lawyer (pro se). This case exposes the serious errors, engineered processes, and unfair denials that affected tens of thousands of Canadians during the pandemic.

Like numerous other workers, D.A. was placed on unpaid leave in Jan. 2022, for choosing not to share his private medical data per the employer's mandatory vaccination policy (MVP). When he applied for EI benefits, his claim was denied *"due to his Misconduct"* – a verdict he firmly rejects. Refusing to accept this injustice, he researched and started an appeal that has uncovered troubling revelations about how EI decisions were made in these cases.

Secret Changes to EI Rules: Freedom of Information requests revealed that in October 2021, the EI decision-making process was secretly changed, but *only* for workers who chose not to reveal their vaccination status or be forced into an unwanted medical procedure (BE-Memo 2021-10). For just these specific people, the EI Act was ignored, and legally-required tests and definitions were changed to enable mass denials.

At the Social Security Tribunal (SST), EI judges (TMs) used 'Atrium Decision Templates', with *pre-written* reasons and decisions that relied on conflicting case law with legal errors. Instead of investigating the personal circumstances of each case, many decisions were 'reverse-engineered' to deny benefits. In some situations, TMs even used templates that contradicted their own past rulings, raising serious concerns about procedural fairness.

Twisted Legal Standards: The SST adopted a modified 'Misconduct Test' for MVP cases, based on five abused historical EI decisions and two logical fallacies, to avoid the 'Just Cause' test that is required by the Employment Insurance Act (section 29(c)). Since 1993, Parliament is clear: EI applicants cannot be denied benefits when their employers act 'contrary to law' or make one-sided, 'significant changes' to their work contracts.

Historical debates in the House of Commons and Parliamentary Committees created about 4,700 pages of Hansard records, which confirm that the 14 'Just Cause' reasons listed in the EI Act are intended to protect workers in these exact situations. Yet, during the pandemic, this Just Cause investigation was intentionally avoided.

National Impact: Canadians filed 10 million EI claims while vaccinations were promoted (Oct. '20 to May '23; this is *half* of the total 19 million workforce). Over *two million* claims were denied, many using this redefined 'Misconduct' label, due to their employer's MVPs. Analysis estimates that paying out these claims would have cost ~$13 billion – *more than half* of the EI Operating Account at the time (2024: EIOA Projections).

"This case is about more than any one person's benefits," said D.A. "It's about exposing the system-wide process-engineering that denied struggling Canadians the EI benefits they paid into and were legally entitled to receive. The law is clear. And no government decision-makers have the right to rewrite the law in secret."

Call for Accountability: The Federal Court of Appeal now faces a defining moment: to decide whether the government truly upheld the law when processing *MVP-specific* EI claims, or whether it trampled the rights of Canadians, by forcing a targeted group of claimants into new, discriminatory, and error-filled processes.

This case makes Canada confront a defining question: **will Fairness, Accountability & the Rule of Law win?**

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