

EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA EMPLOYMENT INSURANCE TABLE OF AUTHORITIES EI-1 EFFECTIVE September 15, 2017											
AUTHORITY	Legislative Provisions	Assistant Deputy Minister, Benefits Delivery Services (ADM/BDS)	Claims Adjudicators	Claims Assessors	Investigators	Managers /NHQ Managers	Persons with Appeal Responsibilities	Plan Assessors	EBSM Persons	Persons with Enquiry Responsibilities	POLICY STATEMENT
1	Authority to issue a notice of violation when circumstances specified in subsection EIA <u>7.1(4)</u> or <u>152.07 (2)</u> occur.	EIA <u>7.1(4)</u> & <u>152.07 (2)</u>	x	x	x						ADM/BDS and Claims Adjudicators have full authority to exercise this power. Investigators are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.
2	Authority to extend the qualifying period, the benefit period and to cancel a benefit period	EIA <u>8(2)(3)(4)</u> ; <u>10(6)(10)</u> <u>(11)</u>	x	x	x	x					ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power. Investigators are authorized to extend the qualifying period and to cancel a benefit period where required, in relation to the allocation of "other monies," in computer generated investigations.

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3	Authority to determine a claimant has knowingly failed to declare earnings	EIA <u>19(3)(a)(i)</u> & <u>152.18(3)(a)(i)</u>	x	x		x						ADM/BDS and Claims Adjudicators have full authority to exercise this power. Investigators are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.
4	Authority with respect to work sharing applications and agreements	EIA <u>24</u>										ESDC's Skills and Employment Branch is responsible for the administration of authorities related to work sharing applications and agreements. <u>INSTRUMENT OF DELEGATION WORK-SHARING APPLICATIONS/AGREEMENTS</u>

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5	Authority to refer claimants to courses or programs of instruction or training or other employment activities	EIA <u>25</u>	x	x						x		ADM/BDS, Claims Adjudicators and EBSM persons have full authority to exercise this power.
6	Authority to direct a claimant to attend an interview and to give written direction.	EIA <u>27(1)(c)(d)</u>	x	x	x	x				x	x	All groups identified have full authority to exercise this power.

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<p>7 Authority to: 1) impose a disqualification for failure to follow written direction or attend an interview; 2) determine the length of the disqualification; and 3) defer the disqualification when the claimant is otherwise entitled to special benefits or by virtue of s. 25.</p>	<p>EIA <u>27(1)(a)</u> <u>(b)(c)(d)</u> & <u>28(1)(5)</u></p>	<p>x</p>	<p>x</p>	<p>x</p>							<p>ADM/BDS and Claims Adjudicators have full authority to exercise this power. Claims Assessors are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.</p>

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<p>8</p> <p>Authority to: 1) disqualify when a referral has been terminated; 2) determine the length of that disqualification; and 3) defer the disqualification when the claimant is otherwise entitled to special benefits or entitled to benefits under s. 25</p>	<p>EIA 27(1.1) and 28(1)(b), (5)</p>	<p>x</p>	<p>x</p>	<p>x</p>							<p>ADM/BDS and Claims Adjudicators have full authority to exercise this power. Claims Assessors are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.</p> <p>Claims Assessors can defer the disqualification when the claimant is otherwise entitled to special benefits.</p>

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9 Authority to direct the manner in which claimants prove that before the labour dispute they: 1) anticipated being absent from their employment because of any reason entitling them to those benefits; and 2) had begun making arrangements in relation to the absence.	EIA <u>36(3)</u>	x	x	x							ADM/BDS and Claims Adjudicators have full authority to exercise this authority. Claims Assessors are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.
10 Authority to impose, rescind or reduce a penalty, to issue a warning and to set the amount of the penalty	EIA <u>38,39,41,41.1, 65.1</u>	x	x		x						ADM/BDS and Claims Adjudicators have full authority to exercise this power. Investigators are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.

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11 Authority to deduct an amount from benefits equal to the amount of the advance, assistance or welfare payment paid, and pay to the Government of Canada, a provincial or municipal government or any other prescribed authority.	EIA <u>42(3)</u>	x	x	x							ADM/BDS, Claims Adjudicators and Claims Assessors are empowered to exercise this authority when the prescribed conditions in Regulation <u>57</u> are met.
12 Authority to make decisions not to establish overpayments pursuant to section 46.01.	EIA 46.01	x	x	x		x					ADM/BDS, Claims Adjudicators, Claims Assessors and Managers are empowered to exercise this authority. when the prescribed conditions are met and the payment is below the threshold amount identified in the Levels of Decision policy.

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13	Authority to approve the form and manner in which a claim for benefit can be made.	EIA s. <u>48(2)</u>					x					Authority is restricted to NHQ Managers, whose job description includes the operational management of processing and payment of EI benefits.
14	Authority to: 1) require information for claim benefit purposes; 2) to make decisions on claims; 3) to give notification of decisions; and 4) to direct persons to be at a place to make a claim or provide a job search.	EIA <u>48(3), 49,50,51</u>	x	x	x	x				x	x	ADM/BDS and Claims Adjudicators have full authority to exercise this power. Claims Assessors, Investigators, EBSM persons and Persons with Enquiry Responsibilities are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.

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15	Authority to waive or vary the conditions and requirements to receive benefits	EIA <u>50(10)</u>	x	x	x		x			x	x	<p>ADM/BDS, Claims Adjudicators and Managers* have full authority to exercise this power. Claims Assessors, Persons With Enquiry Responsibilities and EBSM persons are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.</p> <p>* Authority is restricted to those Managers whose job description includes the operational management of processing and payment of EI benefits.</p>
16	Authority to reconsider any claim, to calculate overpayments and underpayments and to make the notification	EIA 52(1)(2)	x	x	x	x	x				x	<p>ADM/BDS, Managers* and Claims Adjudicators have full authority to exercise this power. Claims Assessors, Persons with Enquiries Responsibilities and Investigators are authorized to exercise this authority under the conditions specified in the Levels of Decision policy.</p> <p>* Authority is restricted to those Managers whose job description includes the operational management of processing and payment of EI benefits.</p>

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17	Authority to extend the time limit for reconsideration from 36 months to 72 months where, a false or misleading statement has been made in connection with a claim.	EIA 52(5)	x	x		x						ADM/BDS, Claims Adjudicators and Investigators have full authority to exercise this power.
18	Authority to determine the manner in which persons are notified of a decision.	EIA 53					x					Authority is restricted to NHQ Managers, whose job description includes the operational management of processing and payments of EI benefits.

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19	Authority to approve, alter or rescind alternative method of calculating hours of insurable employment and to enter into an agreement with employer and employees regarding such an alternative method.	EIA 55 (2)(3)(4)				x					The Director General, EI Benefits Processing and the Director General, Policy, Appeals and Quality have authority to exercise this power.
20	Authority relating to a reduction of the employer's premiums	EIA 69 Part III of the Regulations				x		x			The Manager of the Premium Reduction Program and Plan Assessors are empowered to determine whether a reduction of EI premiums can be granted to an Employer.

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21	Authority to request an insurability ruling from the Canada Revenue Agency	EIA 90	x	x	x	x	x	x		x		All groups identified are empowered to request an insurability ruling from the Canada Revenue Agency.
22	Authority to appeal a ruling to the Minister of National Revenue	EIA 91					x					The NHQ Manager responsible for EI insurability and coverage has sole authority to appeal rulings to the Minister of National Revenue.
23	Authority to appeal decisions of Minister of National Revenue to the Tax Court of Canada	EIA 103					x					The NHQ Manager responsible for EI insurability coverage has sole authority to appeal the Minister's decision to the Tax Court of Canada.

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24	Authority to rescind or amend the decision on any particular claim for benefit	EIA 111	x	x	x	x						<p>Where no appeal has been filed, the ADM/BDS and Claims Adjudicators have full authority to rescind or amend a decision.</p> <p>Claims Assessors and Investigators are authorized to exercise this authority based on the conditions specified in the Levels of Decision policy.</p>
25	Authority to allow further time to make a request for reconsideration and to reconsider a decision pursuant to s. 112(1)(2)	EIA 112(1)(2)	x	x	x		x					<p>ADM/BDS, NHQ Managers and Claims Adjudicators are empowered to exercise this authority.</p> <p>Claims Assessors are empowered to exercise the authority to allow further time to make a request for reconsideration up to 120 days and are authorized to reconsider a decision under the conditions specified in the Levels of Decision policy.</p>
26	Authority to lay or withdraw an information	EIA 125(1)				x						<p>Investigators are empowered to exercise this authority.</p>

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27	Authority to certify an amount or part of an amount payable under Part I, II, or VII.1 of the EIA, that has not been paid.	EIA 126 (1)				x					Managers are empowered to exercise this authority.

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<p>Authority to require a person who is or about to become indebted or liable to make a payment to a person liable to make a payment under Part I, II, or VII.1 or under subsection 126(7) of the EI Act, to pay the monies otherwise payable to the second person in whole or in part to the Receiver General on account of the second person's liability.</p>	<p>EIA 126 (4)</p>					<p>x</p>					<p>Managers are empowered to exercise this authority.</p>

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29	Authority to enter premises to examine and enquire in relation to a claim and to certify copies of documents as required.	EIA 126; excluding subs. (1),(4),(11) (12), and (15)			x						Investigators are empowered to exercise this authority.
30	Authority to require information for the administration and enforcement of this Act other than for insurable earnings and collection of premiums.	EIA 126(14)			x						Investigators are empowered to exercise this authority
31	Authority to certify documents in accordance with Section 134	EIA 134	x	x	x	x	x	x	x	x	All groups identified can certify documents.

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32	Authority to enter into an agreement with a self-employed person	EIA 152.02(1)	x	x	x		x					All groups identified have full authority.
33	Authority to fix the form and conditions of the Agreements with self-employed persons	EIA 152.02(3)					x					The Director of EI Operational Policy has sole authority.

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34	Authority to direct the form and manner in which information is to be supplied and to require any other information from self-employed persons for the purposes of establishing a benefit period.	EIA 152.1(2)(b)	x	x	x	x					x	All groups identified have full authority.
35	Authority to cancel a benefit period or cancel, a portion of a benefit period when the prescribed conditions in 152.11(7) are met.	EIA 152.11(7)	x	x	x							All groups identified have full authority.

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36	Authority to extend the benefit period when the conditions prescribed in 152.11(11) & (12) are met.	EIA 152.11(11) & (12)	x	x	x	x						All groups identified have full authority. Investigators are authorized to extend the benefit period where required, in relation to the allocation of "other monies," in computer generated investigations.
37	Authority to decide if a self-employed person qualifies for benefits and to give notification of such a decision.	EIA 152.12	x	x	x							ADM/BDS, Claims Adjudicators, and Claims Assessors have full authority.

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38	Authority to determine insurable earnings and hours when the record of employment is missing	EIR 19(6)	x	x	x						ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power.
39	Authority to allocate insurable hours when the period of employment falls partially within a claimant's qualifying period and no evidence of the actual hours worked has been provided.	EIR 22(1)	x	x	x						ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power.

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40 Authority to allocate the insurable earnings for a period of employment that falls partially within the qualifying period, when no information on the actual earnings has been provided by the claimant or employer; earnings paid or payable by reason of lay-off or separation are excluded.	EIR 24	x	x	x							ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power.

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41	Authority to terminate a claimant's period of eligibility for exemption from the requirement to make periodic claims for weeks of unemployment in the benefit period.	EIR 26.1(3)	x	x	x				x	x	<p>All groups identified have full authority.</p> <p>When the claimant notifies Service Canada or it becomes aware the claimant is no longer eligible for exemption reporting the exemption must be terminated.</p>

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42	Authority to pay a benefit to any person acting on behalf of a claimant with mental disabilities, or who is incapacitated; or pay benefits to the legal representative of a deceased person, when the requirements are met under Part I, VII.1, or VIII of the EIA are met.	EIR 27(1)(2)	x	x	x						All groups identified have full authority.
43	Authority to make payments in advance	EIR 28		x	x	x			x		NHQ Managers have full authority to exercise this power. The authority of the ADM of BDS, Claims Adjudicators, Claims Assessors and EBSM Persons is restricted to 28(b)(ii).

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44	Authority to determine the value of the other benefits	EIR 35(12)	x	x								ADM/BDS, and Claims Adjudicators have full authority to exercise this power.
45	Authority to require a claimant to undergo a medical examination and to direct that such a medical examination takes place at a certain time and place.	EIR 40(2)	x	x	x							All groups identified have full authority.
46	Authority to waive the waiting period in respect of a claimant if certain requirements are met.	EIR 40(6)	x	x	x							ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power.

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47	Authority to approve the reason for claimant to be outside of Canada	EIR 55(11)	x	x						x		ADM/BDS, Claims Adjudicators have full authority to exercise this power. EBSM persons are authorized to exercise this authority under the conditions specified in the Levels of Decision Policy.
48	Authority to review a claim for benefits at the time of importation	EIR 55(13)				x						Investigators have full authority to exercise this power.
49	Authority to write-off overpayment when the overpayment was not due to the claimant's error nor to a false or misleading declaration	EIR 56(1)(e) and 56(2)	x	x			x					ADM/BDS, Claims Adjudicators and Managers* have full authority to exercise this power. * Authority is restricted to those Managers whose job description includes the operational management of processing and payment of EI benefits.

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50	Authority to waive or reduce interest charges on misrepresented Employment Insurance debts (compromise settlements during appeal or judicial review)	EIR 56.1(8)(b)						x				The following positions have full authority: Director, EI Appeals Policy; Manager, EI Appeals Policy; Manager, EI Appeals Services and Programs; and Manager, Operations & Appeals Technology, EI Appeals Services
51	Authority to approve the form and the manner in which information is to be provided	EIR 90					x	x				NHQ Managers and Persons with Appeal Responsibilities have full authority to exercise this power.

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52 Authority to allocate the insurable earnings when the period of employment, falls partially within the fisher's rate calculation period when no actual earnings information has been provided by the claimant or employer; earnings paid or payable by reason of lay-off or separation are excluded.	EIR(F) 4.1	x	x	x							ADM/BDS, Claims Adjudicators and Claims Assessors have full authority to exercise this power.

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53	Authority to allow a longer period of time to request a reconsideration, when it is determined that a reasonable explanation for the delay exists and the person has demonstrated a continuing intention to request a reconsideration.	RRR 1(1)	x	x	x							<p>ADM/BDS and Claims Adjudicators have full authority to exercise this power.</p> <p>Claims assessors have the authority to allow a longer period of time, up to 120 days, to make a request for reconsideration for decisions that meet the conditions specified in the Levels of Decision Policy.</p>
54	Authority to enter into contracts with agents in or for locations where the Commission considers it desirable to do so.	DESDA 28(2)					x					Managers are empowered to enter into contract with third parties to act as agents.

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55	Authority to allow third parties to deliver non-decisional activities with respect to Part I of the EI Act.	DESDA 28(3)				x					Managers / Directors and Regional Executive Heads are empowered to enter into contract with third parties to deliver non-decisional activities in accordance with this authority. It must be noted that the special arrangements are only administrative measures for service delivery and are not devolution of ESDC's responsibilities. Where such arrangements will result in the immediate or gradual withdrawal of department staff from the locality, the Regional Head and the Deputy Minister must be informed before official negotiations are undertaken.

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56 Authority to make decisions for the same reasons as the Claims Adjudicators have under the Instrument of Delegation EI-1 solely for the purpose of supporting automation of decisions (Automated Decisions) where they are satisfied that the decisions made by the System meet the requirements of the Employment Insurance	DESDA 28(3)	x									ADM/BDS has full authority.

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57	Authority to bring an appeal to the Social Security Tribunal on behalf of the Commission	DESDA 55				x	x				NHQ Managers, and Senior Appeals Officers are empowered to exercise this authority.
58	Authority to submit all documents, within 7 days, upon receipt of an appeal.	SSTR 30	x	x			x				The ADM/BDS, Claims Adjudicators and Persons with Appeal Responsibilities have full authority to exercise this power. To ensure legislative timeframes are respected, all documents must be provided to the SST, along with the Commission's Representations, within 7 business days of the Commission being notified of an appeal.

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59	Authority to investigate and report on any question referred by the Employment Insurance Section of the Social Security Tribunal General Division	SSTR 32	x	x	x		x				ADM/BDS, Claims Adjudicators, Investigators and Persons with Appeals Responsibilities are empowered to exercise this authority.