



# *Session 46*

*Employment law 6*

*Unemployment*

# Unemployment

## Switzerland, Canada:

The unemployment scheme operates just like any other kind of insurance, where premiums and benefits are carefully calculated with the purpose of helping the unemployed find work.

## Unemployment (cont.)

### Sources of law

Switzerland:

LACI: <http://www.admin.ch/opc/fr/classified-compilation/19820159/index.html>

OACI: <http://www.admin.ch/opc/fr/classified-compilation/19830238/index.html>

Directives: <http://www.espace-emploi.ch/dateien/Kreisschreiben/F->

[Bulletin\\_LACI\\_IC\\_2014.pdf](#)

Portal: <http://www.espace-emploi.ch/>

Canada: [Employment Insurance Act](#)

## Unemployment (cont.)

### Sources of law

Canada:

Employment Insurance Act: <http://laws-lois.justice.gc.ca/eng/acts/E-5.6/index.html>

Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-332/index.html>

Program changes: <http://www.esdc.gc.ca/eng/jobs/ei/acts/changes.shtml>

Portal: <http://www.servicecanada.gc.ca/fra/sc/ae/>

## Right

Have the right to unemployment benefit any worker who:

1. Is unemployed or partially unemployed (LACI, art 10 and 11; EI, s. 5).
2. Is a recognized resident (LACI, art 12; EI, s. 5).
3. Fulfils the conditions in terms of the contributions (LACI, art 13 and 14; EI, s. 5).
4. Is capable of being placed so as to fill a suitable position (LACI, art 15; EI, s. 17).
5. Satisfies the requirements of the control (LACI, art 17; EI, s. 27).

## Right (cont.)

Do not have the right to unemployment benefit those who are shareholders/owners or managers of a business (LACI, art. 31, 3; EI, s. 5(2)).

## Case: **CANADA (CANADA EMPLOYMENT AND IMMIGRATION COMMISSION) v.GAGNON**

Appellant received unemployment insurance benefits pursuant to the provisions of the *Unemployment Insurance Act, 1971* for thirty-four weeks, namely until January 22, 1983. On this date he was in a regionally extended benefit period (s. 35). Hospitalized two days later for surgery rendered necessary by a work-related injury sustained in 1981, appellant became eligible for "total workmen's compensation payments for an...injury" and, pursuant to s. 29(3) of the Act, his unemployment insurance benefits were suspended. Having recovered but being unable to find work, appellant applied for an extension of his unemployment insurance benefit period, under s. 20(7)(b) of the Act. ...

....The benefits claimed cover the fifteen-week period equivalent to the time he was incapacitated, during which he received benefits from the C.S.S.T., that is within the period of extended benefits to which he would have been entitled if he had not been hospitalized. His application was dismissed on the ground that he was beyond his initial benefit period and that, in view of s. 36 of the Act, a claimant is not "entitled to be paid extended benefit for any working day for which he fails to prove that he was capable of and available for work". The Board of Referees upheld this decision. On appeal, an umpire allowed appellant's claim. The Federal Court of Appeal set aside this decision, however, and restored the decision of the Board of Referees.



Issue:

This appeal is to determine whether a claimant who was disentitled to extended benefit for a certain time by reason of s. 29(3) of the Act is entitled to an extension of his benefit period if during that time he was also disentitled to extended benefit by reason of s. 36 of the Act.

# Jurisprudence

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