

CHAPTER FIVE - RECORD OF EMPLOYMENT

RECORD OF EMPLOYMENT (ROE)

Generally, you have to give your employee a Record of Employment (ROE) within five days of the date he or she stops working for your. This is considered an interruption of service, and includes situations where employment ends or the employee leaves because of pregnancy, injury, illness, adoption leave, layoff, leave without pay, or dismissal. You may also have to provide a ROE if your business status changes.

For more information on the ROE, see the publication called Employment Insurance—How to Complete the Record of Employment (ROE) Form, which is available at your nearest Service Canada Centre or on their website at: www.servicecanada.gc.ca

THE RECORD OF EMPLOYMENT AND ITS IMPORTANCE (ROE)

The ROE is the single most important document in Employment Insurance (EI). Service Canada uses the information on the ROE to determine whether a person qualifies for EI benefits, the benefit rate and the duration of his/her claim. The ROE also plays an important role in controlling the misuse of EI funds. A ROE must be issued even if the employee has no intention of filing a claim for EI benefits.

WHEN TO ISSUE A RECORD OF EMPLOYMENT

Generally, a ROE must be issued within (5) calendar days of the interruption of earnings or the day the employer becomes aware of the interruption.

When does an interruption of earnings occur ?

An interruption of earnings occurs when:

- An employee quits;
- An employee is laid off or terminated;
- An employee has had (within 52 weeks or since the last ROE), or is anticipated to have 7 consecutive calendar days without both work and insurable earnings from the employer.

TABLE OF CONTENTS

CHAPTER FIVE

RECORD OF EMPLOYMENT

- The Record of Employment and Its Importance
- When To Issue A Record of Employment (ROE)
- Establishing Insurable Hours

An interruption of earnings also occurs when the salary falls below 60% of normal weekly earnings due to illness, injury, quarantine, pregnancy, the need for parent to care for either newly born or adopted children, or the need to provide care or support to a family member who is gravely ill with a significant risk of death.

In all cases, a ROE must be issued when requested by Service Canada.

The following is an exception to this five-day rule:

1. For part-time, on-call or casual workers:

The ROE may not be issued each time there is an interruption of earnings, however, it **must** be issued in the following circumstances:

- The ROE is requested by the employee and an interruption of earnings has occurred.
- The employee is no longer on the employer's active employment list.
- The ROE is requested by Service Canada
- If no work performed or earnings for 30 days and there are no insurable earnings for that period.

ESTABLISHING INSURABLE HOURS

You have to keep records of the total hours of **insurable employment**, so if there is an interruption of earnings, the hours of work of the last 52 consecutive weeks (or less if the period of employment is shorter) will be used to determine whether the workers are entitled to benefits and for how long.

If an interruption of earnings occurs, you have to report these hours on the ROE.

To determine the number of insurable hours, follow these instructions:

- **For an employee who is paid hourly** - The number of insurable hours is the number of hours actually worked and paid.

- **For an employee who is not paid hourly** - If the employer knows the number of hours that the employee actually worked and for which he or she is paid, we consider the employee to have that number of insurable hours. For example, an employee who is paid on an annual basis but whose employment contract specifies 32 hours as the usual hours of work per week would be credited with 32 insurable hours. **Note:** If the employer does not know the actual hours worked, the employer and the employee can agree on the number of insurable hours of work for which he or she is paid. For example, an agreement on hours on the value of piecework would determine the number of insurable hours. However, if no contract or agreement on hours exists or can be reached, we determine the number of insurable hours by dividing the insurable earnings by the minimum wage. The result cannot be more than seven hours per day or 25 hours per week.
- **Overtime** - One hour of overtime work equals one hour of insurable employment, even if the rate of pay is higher.
- **Worker called in to work** - The number of insurable hours equals the number of hours paid.
- **Public holiday** - One hour of work on a public holiday equals one hour of insurable employment, even if the rate of pay is higher.
- **Paid leave** - One hour of vacation time taken, paid sick leave, or compensatory time off is considered to be one insurable hour.
- **Remuneration paid with no hours attached** - An employee who receives vacation pay without actually taking any leave does not generate any insurable hours. This also applies to such remuneration as bonuses, gratuities, lieu of notice payments, and retiring allowances. Payments of banked overtime is subject to EI premiums, however there are no insurable hours attached to the payment if the employee is not taking time off.