



CERB – Canadian Emergency Response Benefit

*This information was provided by the members of the Labour & Employment Team,
Cunningham Swan*

An employee who became eligible for EI before March 15 will be processed under the regular EI rules. However, there is now a single initial portal to guide applicants through the process and which will direct the applicant to the applicable benefit in their circumstances.

The CERB program provides for a flat rate benefit of \$500 per week for up to 16 weeks, running from March 15 to October 3, 2020. The benefit payments are taxable, but no tax will be withheld at source.

The eligibility criteria for CERB benefits are very simple. The benefit is available to workers who:

- had income of at least \$5,000 in 2019 or in the 12 months prior to the date of application;
- have stopped working because of COVID-19 or are eligible for EI regular or sickness benefits; and
- are, or expect to be, without employment or self-employment income for at least 14 consecutive days in the initial four-week period. For subsequent benefit periods, they expect to have no employment or self-employment income.

It is not necessary for applicants to have been formally “laid off” from their employment in order to apply for the CERB benefit - they simply must have stopped work because of COVID-19; for example, a part-time employee whose hours have been reduced to zero would be eligible despite not formally having been laid off.

Information from the federal government indicates that individuals retain their eligibility for EI after they stop receiving the CERB – a person who has received the full CERB series of benefits and who remains unemployed as of October 3, 2020 may apply for EI at that point, and the receipt of CERB payments will not impact the employee’s EI entitlement. The CERB application process currently directs employee applicants to one of two options:

- applying for the CERB through Service Canada and the EI program; or
- applying for the CERB through the CRA.

It remains to be seen, however, how the CERB and EI programs will operate together for those who are eligible for both.

Keep safe.

The Labour & Employment Team at Cunningham Swan

Additional information

- a) No Record of Employment (ROE) is required to apply for CERB
- b) Employee income has to be at zero
- c) Parishes cannot top-up employee salary at this time to be eligible for CERB
- d) Clarification: Eligibility periods
 - Eligibility for CERB is set up in 4-week periods.
 - Employees apply for a 4-week period. If the situation continues, they can re-apply for CERB for multiple 4-week periods, up to a maximum of 16 weeks (4 periods).
 - **Four-week period cycle dates are the following:**
 - 1 - March 15, 2020 to April 11, 2020
 - 2 - April 12, 2020 to May 9, 2020
 - 3 - May 10, 2020 to June 6, 2020
 - 4 - June 7, 2020 to July 4, 2020
 - 5 - July 5, 2020 to August 1, 2020
 - 6 - August 2, 2020 to August 29, 2020
 - 7 - August 30, 2020 to September 26, 2020