



UPDATED

Frequently Asked Questions

Fishing EI Benefits

**PLEASE NOTE THAT ALL SPECIAL MEASURES IMPLEMENTED FOR COVID-19 ARE NOW GONE.*

1. How do I calculate my insurable earnings as a harvester?

The insurable earnings of a harvester are the amounts paid or payable to the harvester from the sale of a catch. These earnings do not include amounts paid for a catch or part of a catch made by other persons who were not members of the crew.

- Calculating the insurable earnings of a harvester depends on their circumstances:
 - Enterprise Owner ("Type 1" fisher) – a member of the crew who either:
 - owns or leases the boat or specialized fishing gear used to make a catch
 - employs other persons under a contract of service to make a catch
 - Shareperson ("Type 2" fisher) – any self-employed harvester who is not considered "Type 1."
 - includes a single fisher who borrows a boat and specialized fishing gear and has no employees. In this situation, you should ask for the details of ownership or leasing from the person who makes the delivery.

2. What does the unemployment rate have to do with the amount of money I need to qualify or the amount I need to earn to collect maximum benefits?

- Our province is divided into two unemployment zones or regions: the St. John's region and the Newfoundland and Labrador region.
- Most harvesters live in the Newfoundland and Labrador region.
- The higher the unemployment rate, the fewer earnings you will need to qualify for benefits (**Table A**).

TABLE A
Minimum Insurable Earnings Required for Fish Harvesters
(with fishing labourforce attachment)

Regional Rate of Unemployment	
6% or less	\$4,200
6.1% to 7%	\$4,000
7.1% to 8%	\$3,800
8.1% to 9%	\$3,600
9.1% to 10%	\$3,400
10.1% to 11%	\$3,200
11.1% to 12%	\$2,900
12.1% to 13%	\$2,700
13.1% or more	\$2,500

- EI Benefits are calculated by dividing your insurable earnings by the regional divisor. The divisor (14 to 20) is determined by the **LOCAL UNEMPLOYMENT RATE**.
- The divisor, like the amount of earnings to qualify, is based on the regional rate of unemployment. The lower the unemployment rate, the higher the divisor.
- For most of the province, excluding St. John's, the divisor has remained at 14 (the minimum under the legislation).
- The following table will give you an idea how the divisor can fluctuate. The next table highlights how much an individual fish harvester needs in **insurable earnings** to collect maximum fishing U.I. benefits. Maximum insurable earnings for EI purposes increased to \$60,300 annually in 2022.
- The maximum weekly amount is based on the yearly maximum insurable earnings amount. As of January 1, 2022, the maximum yearly insurable earnings amount is \$60,300. The maximum weekly amount for 2022 is calculated by dividing \$60,300 by 52 weeks. This means the maximum weekly amount for 2022 is \$1,160.

TABLE B
Divisor Table

Unemployment Rate Outside of St. John's	Divisor	Insurable Earnings* needed to get maximum U.I. benefits
Over 13%	14	\$16,240 (14 x \$1,160)
Unemployment Rate Inside of St. John's	Divisor	Insurable Earnings* needed to get maximum U.I. benefits
Over 7%	20	\$23,200 (20 x \$1,160)

3. How are my benefits calculated?

- Once the divisor is determined, total earnings in the qualifying period (31 weeks before filing for benefits or the period since you last filed for benefits if it is less than 31 weeks) are divided by the divisor and multiplied by 55%.
- Example: \$8,500.00 (earnings) divided by 14 = \$607.14 x 55% = \$334 weekly EI benefits.
- Example for top fishing EI: \$638 [(\$60,300 ÷ 52 weeks) x 55%].

4. What is the qualifying period?

- The qualifying period is the period in which your earnings must fall. It can change based on when you file for benefits.
- The qualifying period is the 31 weeks prior to opening a claim or the period since the beginning of your last benefit period, if less than 31 weeks.
- Only earnings in this period are used to calculate your rate.

5. Can I open two claims in a year?

- Yes, if you have enough earnings (income) and if those earnings fall in your qualifying period.
- With enough earnings, fish harvesters can open a winter and summer claim. (Please see attached table.)
- **Winter claim:**
 - Can be opened any time after October 1st
 - To receive the maximum number of weeks from a fishing claim, you must file by December 1st because you can only collect benefits until June 15th
 - Some harvesters end up cancelling this claim to open a second claim because of the weeks in which their earnings fall
 - You can still file for winter benefits any time after December 1st (*BUT remember that your qualifying period changes based on when you file for benefits. The date you file for benefits also starts the qualifying period for your next claim*)
 - You have until June 15th to collect your maximum 26 weeks of benefit from a winter claim
 - You can cancel a claim at any time and establish another claim if it is to your benefit.
- **Summer Claim:**
 - Can be opened any time after April 1st
 - If you are currently on a winter claim, you can cancel that claim (if it is a fishing claim) and open a new summer claim.
 - You can open a summer claim if you have enough earnings in the 31 weeks prior to filing for benefits
 - You have until December 15 to collect 26 weeks of benefits.

6. Can I cancel a fishing claim to open another claim?

- Yes, you can cancel a fishing claim at any time and open another claim if you have enough earnings to do so.

7. I've heard about opening two claims and splitting my earnings. How does this work?

- **Don't delay filing (mailing) your application for Fishing E.I. benefits.** Waiting to apply for benefits until weeks after you have requested a record of employment from the fish buyer or weeks after you have earned enough for a decent EI claim may cost you down the road in EI benefits.
- There have been numerous cases of fish harvesters who failed to qualify for a winter claim. (e.g., They filed a claim for benefits in December only to find out that delaying the filing of the previous claim in June meant they did not have enough earnings for the December claim because all their earnings fell into the qualifying period for the June claim.)

- You **do not** need an ROE to apply for benefits. You can apply and submit the Record of Employment or Record of Earnings later. The key is to apply/file claim with local HRDC office or through the mail once you have requested a ROE from the fish buyer.
- The date you apply for benefits determines your qualifying period. The qualifying period is the 31-week period prior to filing for benefits (or since your last benefit period was established). This period is examined to determine a person's earnings and benefit rate. Once you have applied for benefits, any earnings you have from fishing will be used towards a future claim. When you delay filing, earnings that you thought could be used for a future EI claim will be ineligible.
- **Dates to remember:** A fish harvester can open a claim for summer benefits any time after April 1st. Once the claim has been filed, any fishing income earned after that claim has been opened will be used towards the next claim for benefits. A winter claim can be opened any time after October 1st. Any income earned after you open the winter claim can be used towards your next summer claim. Don't forget to report your earnings exactly if you are fishing.

Example:

Earned \$12,525.00 from fishing between April 15th and June 10th. Requested Record of Employment from the buyer for this period.

Continued to fish without applying for E.I. benefits.

Did not apply for benefits until July 15th.

Between June 10th and July 15th, you earned another \$8,500.00.

After July 15th and until the end of the fishing season you earned \$5,000.00

Because you waited until July 15th to apply (file a claim for benefits), the earnings up to and including the 15th of July will be considered earnings for the summer claim. Only those earnings from fishing that were accumulated after you applied for benefits (in other words only the \$5,000.00) will be used to calculate your benefit rate for the winter claim.

The result: Your winter claim is based on only \$5,000 income instead of \$13,500.

8. What happens if a fishing trip starts in one week and ends in another week and I have an EI claim open?

- A week for the purposes of reporting earnings on you EI claim is

Sunday to Saturday. If you start a fishing trip on a Friday or Saturday and return to port on a Monday or Tuesday, then any fishing earnings must be reported as having occurred in two separate weeks.

Example:

You earned \$1,000 in a fishing trip that started on a Saturday and ended on a Monday. This means Saturday is in one week and Sunday and Monday fall into the second week. The \$1,000 is split among the three days for purposes of reporting earnings. Therefore, earnings are reported as \$333 in one week and \$667 for the other week.

9. What happens if I have fishing earnings and earnings from regular employment? How will this affect my EI claim?

- When you file for EI benefits, your employment history is examined
- If you have enough hours of work on land, you will automatically be set up on a Regular claim for benefits, but if your earnings from fishing fall within the qualifying period too, they will be used to help boost your benefit rate
- If you do not qualify for a Regular claim (because you didn't have enough hours), but do qualify for a Fishing EI claim, any earnings from regular employment will also be used in the calculation of your rate, if those earnings fall in the qualifying period
- But remember: if you become eligible for regular benefits, you cannot cancel that regular claim at any point for benefits in order to establish a fishing claim
- You must collect all the benefits in which you are entitled

9. Depending on my annual income, will I have to pay back any EI benefits?

- Yes. At the time you file your income tax return, depending on your net income and if you were paid regular benefits, including regular fishing benefits, you may be required to repay some of the EI benefits you received.
- If your net income from all sources exceeds \$70,375 you will be required to repay 30% of the lesser of:
 - Your net income more than \$70,375 or;
 - The total regular benefits, including regular fishing benefits, paid in the taxation year.

Notes

- You can cancel a fishing claim and open a new fishing claim if you feel it is to your advantage and you meet qualifying criteria.
- Insurance earnings include all fishing income from an enterprise after 25% has been deducted from total gross sales. It can also include earnings from employment.
- Beware of clawback rules:
Fish harvesters, like all other claimants, are subject to a \$70,375 clawback threshold. Once you have earned this much in a year, you will have to repay 30% of the lesser of your net income over \$70,375 or the total benefits paid in the taxation year. This is determined at tax time.

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- You must get a ROE (Fishing Record of Employment) from your buyer(s), but you can file a claim without the ROE and submit it when you receive it
 - It is critical to file a claim right away as it is the filing of the claim that determines the qualifying period, the benefit period, and your next qualifying period
 - Filing at the right time, cancelling a claim, if needed, can make a difference in thousands of dollars in EI benefits or in you qualifying for any benefits

Please contact your FFAW-Unifor staff representative if you have any questions.

Qualifying Period (31 weeks)	October 1 - earliest winter EI claim can be opened	Winter Benefit Period (Also Qualifying period for Summer claim)	April 1 - earliest summer EI claim can be opened	Summer Benefit Period - (Qualifying period for Winter claim)	Winter Benefit Period
<p>* The Qualifying Period changes based on when you open/file a claim with local employment office.</p> <p>The Qualifying Period is the 31 weeks prior to filing or the number of weeks since the beginning of your last benefit period if less than 31 weeks.</p> <p>Only earnings that fall in the Qualifying Period are considered in calculating a person's weekly benefit.</p>	<p>* You can open your winter claim any time after October 1st, but to receive full 26 weeks of benefit you must file by December 1st. You can still file for winter benefits any time after December 1st.</p>	<p>* 26 weeks is the Max. # of weeks of benefits you can collect.</p> <p>* You have until June 15 to collect 26 weeks of benefits (if you file on October 1st you have between 36-37 weeks excluding waiting period to collect the 26 weeks of benefit).</p> <p>* Earnings during this period should be reported exactly</p> <p>* Weeks with earnings and no U.I. extend benefit period, but the winter benefit period can only be extended to June 15th, even if you have fewer than 26 weeks of benefits collected.</p> <p>* Earnings during this period (i.e., while you are on a winter claim) can be used towards a summer claim.</p> <p>Note: You can cancel a fishing claim for benefits at any time and open a new claim for benefits. You cannot, however, cancel a claim for regular benefits and open a fishing claim. You must first exhaust the regular claim.</p> <p>Some harvesters cancel claims before they have collected the full 26 weeks in order to ensure all earnings in the 31-week window are considered for their next claim for benefits.</p>	<p>If you earned enough since your last benefit period (claim) began, or in the last 31 weeks, you can open a second claim - a summer claim.</p> <p>This claim can be opened any time after April 1st. You have until the week of December 15th to collect 26 weeks of benefits. Some harvesters end up cancelling claims before they have collected the full 26 weeks to ensure all earnings in the 31-week window are considered.</p> <p>Fishing claims can be cancelled at any time.</p> <p>Fish harvesters do not need a seven-day interruption of earnings. Just ask the plant/buyer for an ROE, marked requested by fisher.</p>	<p>Max. 26 weeks of benefits.</p> <p>You have until December 15th to collect 26 weeks of benefits.</p> <p>Earnings should be reported exactly.</p> <p>Earnings during this period can be used towards a winter claim. But you need to file for summer claim as soon as possible as it is the opening of the claim that starts your winter qualifying period.</p> <p>Once this benefit period has ended or you have cancelled the claim, you can file for a winter claim with earnings you have had in the last 31 weeks or since beginning of last benefit period.</p>	<p>You can file as early as October 1st.</p> <p>The key to filling two claims is making sure your earnings are divided in two separate qualifying periods.</p> <p>NOTE: Remember, you determine your qualifying period when you file.</p>