

Federal EI Trumps Québec Law on Garnishment of CSST Benefits



The Employment Insurance (EI) Commission ordered Québec's CSST to turn over workers' comp benefits paid to an injured worker who had gotten EI benefits he didn't deserve. Sec. 126(4) of the federal *Employment Insurance Act* lets the EI Commission garnish payments of beneficiaries who receive benefits to which they're not entitled. But Sec. 144 of Québec's *Act respecting industrial accidents & occupational diseases* says income replacement benefits are exempt from seizure. The Supreme Court of Canada ruled that because the federal and provincial law conflicted, federal law prevailed in order to avoid frustrating the Commission's purpose—that is, preserving the integrity of the EI system. So despite Québec's law, the worker's benefits were subject to EI Commission garnishment [*Québec (Attorney General) v. Canada (HRSD)*, [2011] SCC 60 (CanLII), Dec. 8, 2011].