## TERMINATION OF EMPLOYMENT POLICY

The purpose of this policy is to ensure employee terminations are handled in a fair and consistent manner, according to legislated employment practices.

DEFINITIONS

“Terminate” includes:

1. a layoff of an employee from employment, other than a temporary layoff; or
2. the alteration of a condition of employment that the director declares to be a termination of an employee’s employment.

“Involuntary Termination” means the employee's departure at the hands of the employer.

“Voluntary Termination” or resignation means the decision is made by the employee to leave the job.

“Temporary layoff” means when an employer causes a break in an employee’s employment. The break becomes permanent if it lasts for longer than 13 out of 20 consecutive weeks or for a time set by the director of employment standards.

POLICY

[Organization Name] will follow the rules set out in *The Employment Standards Act* (ESA) and the terms set out in an employee’s contract when it comes to ending the employment relationship.

All terminations, no matter the cause, will be handled respectfully and in a confidential manner.

Voluntary Termination

In the case of Voluntary Termination or resignation, [Organization Name] requests that employees provide a minimum of two weeks’ notice to the employer, in writing.

Involuntary Termination

In the case of involuntary termination not for cause, the employee will be provided with written notice of termination which meets the criteria set out within the *Employment Standards Act*:

| **Period of Employment** | **Notice Required** | **Pay in Lieu** |
| --- | --- | --- |
| 6 months to less than 1 year | 1 Week | 1 Week’s pay |
| 1 year but less than 3 years | 2 Weeks | 2 Weeks’ pay |
| 3 years but less than 4 years | 3 Weeks | 3 Weeks’ pay |
| 4 years but less than 5 years | 4 Weeks | 4 Weeks’ pay |
| 5 years but less than 6 years | 5 Weeks | 5 Weeks’ pay |
| 6 years but less than 7 years | 6 Weeks | 6 Weeks’ pay |
| 7 years but less than 8 years | 7 Weeks | 7 Weeks’ pay |
| 8 years or more | 8 Weeks | 8 Weeks’ pay |

The employee will either work for the remainder of the time provided by the notice period (working notice) or be provided with termination pay (pay in lieu of notice) for the duration of the notice period.

Employees will be entitled to their full regular pay and, if applicable, benefits may remain in place for the duration of the notice period. They are also to accrue vacation pay during this time.

Employees who are terminated for just cause are not entitled to notice or pay in lieu of notice.

Temporary Lay-off

[Organization Name] will refer to and adhere to the *Employment Standards Act* in the event a temporary layoff is required for any reason. The organization is not required to provide written notice of the layoff.

If an employee is laid off for a period longer than a temporary layoff as set out in the ESA (generally 13 weeks in any period of 20 consecutive weeks), the organization understands the employee may be considered terminated according to the ESA.

If a temporary lay off becomes a termination, then the employer must pay the employee pay in lieu of notice that would have been owing if the employer had terminated the employee at the beginning of the temporary lay off.

Final Pay and ROE

Upon termination, whether voluntary or involuntary, for cause or not-for-cause, the organization will:

* Provide any monies owing including any outstanding vacation pay, within seven days of the termination of employment
* Issue a Record of Employment (ROE) so that eligible employees may apply for Employment Insurance (EI) within 5 days of an interruption in earnings

Return of Employer Property

Whether the termination is voluntary or involuntary, the employee must return all company property including such items as keys or computer devices. All intellectual property, or information, products or content created for the employer will remain the property of the employer.

Rehiring

Employees who are terminated for cause may not be eligible for rehire.