

TERMINATION OF EMPLOYMENT

**PRE-LISTENING:** Brainstorm with your partner. What common words are used when an employee decides to leave the employer, or when the employer decides that the employee has to leave? Use the pictures below as clues to give you some ideas of the expressions or idioms related to termination of employment. (For example, the picture of "Arnold Schwarzenegger" in "Terminator" might remind you of the word "to terminate")



## TERMINATION OF EMPLOYMENT

It is often difficult to leave a job. Jobs can end for four main reasons. It can be the employee's decision, an employer's decision, a decision that they make together, or a decision that the company needs to make.

Employees can decide to leave a job. An employee usually tells the employer. They tell the employer that they want to leave. They need to \_\_\_\_\_ at least one week's \_\_\_\_\_. One week after they tell the employer, they can leave the job. When they \_\_\_\_\_ or \_\_\_\_\_, they don't work for the employer anymore.

Sometimes an employee doesn't tell the employer. They \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_. They might get angry at the employer and \_\_\_\_\_ \_\_\_\_\_. This means they walk out of the building and never work for the employer again. Or, they might be a new employee. When they are a new employee they have 30 days to decide if the job is a good job for them. When they have worked less than 31 days they can tell the employer that they will not come to work the next day. They do not have to \_\_\_\_\_ \_\_\_\_\_.

The employer can decide that the employee is not a good worker for the company. When the employee has worked less than 31 days, the employer can tell the employee to go home and not come back. They might be angry. They can tell the employee "\_\_\_\_\_ \_\_\_\_\_!", and the employee has to leave. The employer does not have to \_\_\_\_\_ the employee \_\_\_\_\_. There are other words which have the same meaning as "\_\_\_\_\_ \_\_\_\_\_." The employee could be \_\_\_\_\_, \_\_\_\_\_, **given the** \_\_\_\_\_, or **given the** \_\_\_\_\_. The employer could also say "**There's the** \_\_\_\_\_." All of these mean the same thing. The job is over, and the employer is not happy with the employee.



When an employee says "I \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_", the listener doesn't know if the employee and employer left each other happily or not. The listener only knows that the employee is not working there anymore.

Sometimes the employee doesn't want to leave, and the employer doesn't want the employee to leave. But, there might not be enough money. The employee could be \_\_\_\_\_ \_\_\_\_\_ because there is not enough work. This means that the employer might want to hire the employee again when the company has more money. But, if the employer doesn't think the employee will be hired again, the employee is \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_, or \_\_\_\_\_.

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**READING A:** Employers or employees can decide to end an employment relationship at any time. In most cases, the legislation requires that the person ending the employment give notice.

A layoff is a temporary break in employment, where employees are likely to return to work. Employees who are permanently laid off have been terminated. Employers do not need to provide notice to employees that they are being laid off. However, if the layoff is longer than eight weeks in a 16-week period, the layoff becomes a termination and notice is required.



Employees who have worked for an employer more than 30 days but less than one year, must give at least one week's notice before the last day they plan to work. After employees have completed one full year with the same employer, at least two weeks notice is required. When employers wish to terminate employees they must give notice of termination or pay wages equal to what would normally be earned during the notice period. This is often called wages in lieu of notice. The notice period varies depending how long employees have worked. The amount of notice employers must provide employees depends on the length of time that employee has worked for them.

Period of employment	Notice period
less than one year	one week
at least one year and less than three years	two weeks
at least three years and less than five years	four weeks
at least five years and less than 10 years	six weeks
at least 10 years	eight weeks



Employers can still either allow the employee to work out this notice period, or pay wages in lieu of notice, for the same number of weeks. Employers can either allow employees to work out the notice period, or pay wages in lieu of notice. Employers can also allow employees to work part of the notice and pay wages in lieu of notice for the remainder. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

### COMPREHENSION QUESTIONS:

1. Is a layoff the same as termination?
2. Do employees need to give notice of termination?
3. Do employers need to give notice of termination?
4. How much notice of termination must employers give to their employees?
5. Can employers pay wages instead of providing notice of termination?
6. Can employers keep employees' wages if employees terminate without notice?

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### READING B

In the first 30 days of employment the legislation states that employers and employees have the right to end the working relationship without notice. There are some cases where employers or employees, do not need to give notice of termination:

- when employment is for a specific length of time or a specific task or job
- when it is only casual employment and the employees have substantial control over whether they accept shifts or not and are not penalized by employers for choosing not to work
- employees act in a manner that constitutes willful misconduct, disobedience or willful neglect of duty and the behaviour is not condoned by the employer
- if employees act in a manner that is violent in the workplace or is dishonest in the course of employment
- when employees are placed on a temporary layoff



Employers who want to terminate employees without notice must note that the exemptions can be complex and each case needs to be examined individually to determine if notice is required.

Human rights, workplace safety and health and collective bargaining legislation all have provisions that prevent discrimination and offer some job protection. More information can be found on the Other government agencies page. There is also civil law covering employment and a lawyer should be consulted about civil law affecting employment.

Employment is considered continuous during statutory leaves like parental, maternity or compassionate care leave. It is also considered continuous during non-statutory leaves, like an educational leave, if the leave was approved by the employer.

Can employers keep employees' wages if employees terminate without notice?

No. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

Effective April 30, 2007, employers cannot have alternate notice policies. A notice policy set under the previous legislation is not valid. The only exclusion is a unionized workplace, where a collective agreement has a probationary period that is one year or less.

### COMPREHENSION QUESTIONS:

1. Is there a no-notice period?
2. Are there times employers and employees do not need to give notice of termination?
3. Do other laws affect termination?
4. Do parental leaves or other leaves of absence affect notice?
5. Can employers have notice policies for their businesses that are different from the legislation?