Completed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Termination Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ # of Employees to be Terminated:\_\_\_\_\_\_\_\_\_\_

 **Mass Termination Checklist (ON)**

This checklist has been designed to act as a general guideline for terminations of multiple employees or mass terminations for the employer. Please be advised that while this document provides an outline of the actions required to effectively terminate multiple employees, some terminations may have unique circumstances and may require additional steps. *Advice should be sought for any such situations from an HR professional or an employment lawyer.* The following checklist does not constitute legal advice and may be referenced here: [*https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment#section-11*](https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment#section-11)

Note:

* The mass-termination rules do not apply if:
* The number of employees whose employment is being terminated represents not more than 10 percent of the employees who have been employed for at least three months at the establishment, and
* None of the terminations are caused by the permanent discontinuance of all or part of the employer's business at the establishment.

**Notice:**

* Communicate the upcoming, official termination date to employees via group meeting, phone calls, etc.
* **If terminating 50+ employees in a four week period:** Submit  [Form 1](https://forms.mgcs.gov.on.ca/en/dataset/016-1552): Notice of Termination of Employment to the Director of Employment Standards as prescribed by the ESA. The notice of termination period can begin once Form 1 is received.
* **If terminating 50+ employees in a four week period:** Post a copy of Form 1 in the workplace where it will be noticed by the employees it affects on the first day of the notice period.
* Provide written Notice of Termination to individual employees. Please note:
* Employers must provide **eight (8)** weeks of notice (or payment in lieu of notice) if terminating **50**+ employees in a period of four weeks.
* Employers must provide **XX** week(s) of notice (or payment in lieu of notice) if terminating **less than 50 employees** in a 4 week period. Notice is determined by the individual employee's length of service.
* The amount of notice employees must receive in a mass termination is not based on the employees' length of employment, but on the number of employees who have been terminated. An employer must give:
* Eight weeks' notice if the employment of 50 to 199 employees is to be terminated
* 12 weeks' notice if the employment of 200 to 499 employees is to be terminated
* 16 weeks' notice if the employment of 500 or more employees is to be terminated

Please refer to the chart provided below to determine notice requirements:

| Period of Employment | Notice Required  |
| --- | --- |
| Less than one year | One week |
| One year but less than three years | Two weeks |
| Three years but less than four years | Three weeks |

* Written Notice of Termination(s) must be addressed to each individual employee and must be delivered in a format that can be traced and verified. For example: mail, fax, email.

**Termination Pay and Final Wages:**

* **If employees do not receive the written notice of termination as required by the ESA:** Termination pay in lieu of notice must be paid to each individual employee in the form of a lump sum payment that is equal to the regular wages that the employee would have earned during the notice period.

Please note: Vacation pay is earned on termination pay. Termination pay must be paid to all employees **either** seven days after the termination date or on the employee's next regular pay date, whichever is later.
* Calculate and pay out all final payments for all employees to be terminated.
Including: final wages, any remaining vacation pay, and overtime bank (if any).

**Benefits Coverage:**
* Determine how long insurance/benefits coverage will continue for affected employees. It must be until the end of the notice period, at minimum.
* Inform benefits/insurance provider.

**Retrieval of Company Property/Access to Confidential Information:**

* Retrieve all company property (Ex. cell phones, laptops, access keycards, credit cards/expense cards, parking passes, ect.)
* Restrict access to all company specific platforms, confidential information, and file storage drives. Disable all emails belonging to terminated employees.

**General:**

* Track and document all correspondence and communications from affected employees.
* Remind the employees of any applicable confidentiality or non-compete agreements, and the expectations of the organization in pursuit of these agreements.
* Generate and issue the employees Record of Employment (ROE) within five days of the termination date.
* Contact HR if any employees provide their resignation during the notice period.
* Be available for any questions or concerns that affected employees may have about the terminations.
* Offer employment verification requests (if needed and with written authorization from the affected employee).