## TERMINATION

[Organization Name] is committed to ensuring that all employee terminations of employment are handled in a fair and consistent manner, according to legislated employment practices, specifically British Columbia’s *Employment Standards Act*.

DEFINITIONS

“Termination” means a situation in which the employment relationship comes to an end due to a variety of reasons such as the employer ending the employment relationship. The BC *Employment Standards Act* states it includes a layoff other than a temporary layoff.

“Temporary layoff” means:

1. in the case of an employee who has a right of recall, a layoff that exceeds the specified period within which the employee is entitled to be recalled to employment, and
2. in any other case, a layoff of up to 13 weeks in any period of 20 consecutive weeks. (Source: BC *Employment Standards Act*).

The Government of British Columbia further clarifies: “An employee is laid off when they're given less work or no work – with the plan that the employee will return to a regular work schedule. If an employee’s hours are reduced, they are considered laid off when they earn less than 50% of their weekly wages at the regular rate (averaged over the previous eight weeks that they worked).”

"Termination pay" means, for each week of notice an employee is entitled to, the amount obtained by totalling the employee's weekly wages, at the regular wage, during the last 8 weeks in which the employee worked normal or average hours of work and dividing the total by 8 (Source: BC *Employment Standards Act*).

POLICY

[Organization Name] will follow the rules set out in British Columbia’s *Employment Standards Act* 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.

[Organization Name] will never end someone’s employment or penalize them in any way for asking questions about or exercising their rights under the *Employment Standards Act*.

Resignation

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

Termination (Not for Cause)

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*, at minimum:

| **Period of Employment** | **Notice Required** |
| --- | --- |
| 3 months but less than 1 year | 1 Week |
| 1 year but less than 3 years | 2 Weeks |
| 3 years but less than 4 years | 3 Weeks |
| 4 years but less than 5 years | 4 Weeks |
| 5 years but less than 6 years | 5 Weeks |
| 6 years but less than 7 years | 6 Weeks |
| 7 years but less than 8 years | 7 Weeks |
| 8 years or more | 8 Weeks |

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* if a temporary layoff is required for any reason.

The organization understands the employee may be considered terminated according to the *Employment Standards Act* in the following circumstances: 

* If the employee does not agree to the temporary layoff in advance
* If an employee is laid off for a period longer than a temporary layoff as set out in the *Employment Standards Act* (generally 13 weeks in any period of 20 consecutive weeks\*)

The organization will provide any termination pay to the employee, as required.

Final Wages and ROE

Upon termination of employment for any reason, [Organization Name] will provide final wages, meaning regular wages, overtime, statutory holiday pay, compensation for length of service and vacation pay. These wages must be paid:

* Within 48 hours after the last day an employee works when an employer ends employment
* Within six days after the employee’s last day of work when an employee quits

If an employee cannot be located, the employer must pay the wages to the Director of Employment Standards within 60 days of the wages being payable. The Director holds the wages in trust for the employee (Source: Government of British Columbia).

Please note that unused sick time will not be paid out upon termination of employment.

[Organization Name] will also issue a Record of Employment (ROE) within 5 calendar days after the end of the pay period in which an employee’s interruption of earnings occurs so that eligible employees may apply for Employment Insurance (EI).

Return of Employer Property

Whether the termination is voluntary or involuntary, the employee must return all company property including things such 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.

References

[Organization Name] can provide references upon request; employees may contact their supervisor for specific information about this program.

Exit Interviews

[Organization Name] invites all employees who have retired or resigned from the organization to share their thoughts and reasons behind their decision to leave. The employee has the choice of selecting who will conduct their exit interview. The information gathered from the exit interview will be used to improve processes at [Organization Name].