## TERMINATION OF EMPLOYMENT

[Organization Name] is committed to ensuring that all employee terminations are handled fairly and consistently, in accordance with statutory employment practices, specifically the [Employment Standards Code](https://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php) (the Code) of Manitoba.

DEFINITION

Layoffs: “When layoffs are longer than 8 weeks in a 16-week period, they become terminations and wages in lieu of notice is required. The employment is deemed to have been terminated without notice on the first day of the layoff.”

POLICY

As necessary, [Organization Name] may terminate an employee's employment relationship. Any terminations of employment will be conducted in accordance with the Code and the terms specified in the employee's contract of employment.

Both [Organization Name] and its employees are permitted to terminate employment but are required to provide proper notice of the termination as per the Code (for terminations without cause). [Organization Name] will only terminate employment for just cause where there is clear and incontrovertible evidence. Employees who are terminated for just cause are not entitled to notice or pay in lieu of notice.

All terminations, regardless of the reason, will be handled with dignity and confidentiality.

[Organization Name] will never terminate an employee's employment or penalize them in any way for inquiring about or exercising their employment rights under the Code, including the right to leaves of absence.

Voluntary Termination

Employees who have been with [Organization Name] at least 30 days but less than one year are required to provide one week's written notice in the event of their resignation.

Employees who have been with [Organization Name] at least one year are required to provide a minimum of two weeks' written notice in the event of their resignation.

Involuntary Termination

In the event of an involuntary termination, the employee will receive a written notice of termination that meets the following criteria:

| ***Period of employment*** | ***Notice period*** |
| --- | --- |
| At least 30 days but 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 ten years | Six weeks |
| At least ten years | Eight weeks |

[Organization Name] will not give notice of termination for the following:

* When an employee has been employed for less than 30 days, neither the employer nor the employee is required to provide notice of termination.
* When employees are placed on a temporary layoff for a maximum of eight weeks during a sixteen-week period.
* When [Organization Name] can establish just cause as per the Code.
* When employment is for a specified period of time or for the performance of a specific task or job
* When an employee has significant control over whether or not to accept work and is not penalized by [Organization Name] for declining to work, except for temporary help employees are entitled to notice if they work more than 12 hours per week on a consistent basis.

[Organization Name] will carefully consider each situation when deciding whether or not to provide a notice period to an employee.

Employees may receive compensation for wages they would have received had they worked out the notice period (often called pay in lieu of notice).

Employees may work for a portion of the notice period and receive compensation with wages in lieu of notice for the remaining time.

[Organization Name] will pay all wages earned by an employee up to the last day worked.

Final Pay and ROE

Upon termination of employment for any reason, [Organization Name] will pay any outstanding balances on the final payment following the notice period, including:

* Any accrued vacation pay, and
* Any hours that have been banked in the employee's time bank for a time in lieu but not used.

Please note that unused sick time will not be reimbursed upon employment termination.

[Organization Name] will pay all earned wages to employees within ten business days of their last day of work.

Additionally, [Organization Name] will issue a Record of Employment (ROE) within five calendar days of the end of the pay period during which an employee's earnings are interrupted, allowing eligible employees to apply for Employment Insurance (EI).

Employer Property Return

Regardless of whether the termination is voluntary or involuntary, the employee is required to return all company property, including keys and computer devices; all intellectual property, or information, products, or content created for the employer, will remain the employer's property.

Rehiring

Employees who have been terminated for cause may not be rehired.

References (Remove if not applicable)

[Organization Name] can provide references upon request; please contact (Insert Title) for specific information about this program.

Interviews with Exiting Employees

[Organization Name] invites all employees who have retired or resigned from the organization to share their thoughts and reasons for leaving, and the employee has the option of who will conduct the exit interview (Insert positions, e.g., direct supervisor/manager, HR Manager, Executive Director, etc.).