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## TERMINATIONS

The purpose of this policy is to ensure employee terminations are handled in a fair and consistent manner, according to legislated employment practices. [Organization Name] is committed to conducting all employee terminations fairly and consistently, in compliance with Newfoundland and Labrador’s *Labour Standards Act* (The Act).

DEFINITIONS

“Termination” means a situation in which the employment relationship comes to an end due to a variety of reasons such as resignation or the employer ending the employment relationship.

The following definitions are given in Part 10 of the Act:

* "temporary lay-off" means a lay-off of not more than 13 weeks in a period of 20 consecutive weeks; and
* "termination of employment" means a lay-off of a person for a period longer than a temporary lay-off and "terminate" and "notice of termination" have corresponding meanings.

POLICY

[Organization Name] will follow the rules set out in the *Labour Standards Act* of Newfoundland and Labrador, 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.

Notice of Termination

Notice of termination must be provided in writing when employees have been employed for three (3) months or more.

The period of notice to be given by either the employer or employee is based on continuous years of service:

| **Employee's Period of Employment** | **Minimum Period of Written Notice Required** |
| --- | --- |
| Less than three (3) months | none |
| 3 months up to 2 years | one (1) week |
| 2 years but less than 5 years | two (2) weeks |
| 5 years but less than 10 years | three (3) weeks |
| 10 years but less than 15 years | four (4) weeks |
| 15 years or more | six (6) weeks |

The same periods of advance written notice must be provided for any temporary layoff exceeding 1 week.

Unless both parties agree, the employer shall not require, nor shall the employee take vacation as the notice period.

Temporary Layoff

The same periods of advance written notice are required for termination of employment and must be provided for any temporary layoff exceeding 1 week.

For Cause

Notice from the employer to the employee is not required when the employee has:

* has willfully refused to obey a lawful instruction of the employer
* committed misconduct
* has been so neglectful of duty that the interest of the employer is adversely affected
* has breached a material condition of the contract of service that in the opinion of the Director or the Labour Relations Board hearing a complaint, warrants summary dismissal
* is employed for a firm non-renewable term or for a specific task where the term or task does not exceed 12 months and termination doesn't occur before the term or task is completed
* has been employed for less than 3 months
* Is to be laid-off for a period of 1 week or less
* If the employer pays the equivalent normal wages, including overtime earnings, in lieu of notice (1 to 6 weeks pay, depending on the employee’s length of employment)
* If the employer has to terminate an employee’s employment as a result of an unforeseen economic or climatic conditions beyond the foreseeable control of the employer, or as a result of a major breakdown or destruction of plant machinery or equipment

Final Pay and ROE

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

* Provide any monies owing within one week of employment being terminated:
  + all wages owed to the employee
  + all vacation pay owed to the employee
  + any pay in lieu notice (if required)
* 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 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.

References

[Organization Name] may provide references upon request. Please speak to [Insert Title] regarding the specifics of 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 via an exit interview.The information gathered from the exit interview will be used to improve processes within the organization.