## TERMINATIONS

The purpose of this policy is to ensure employee terminations are handled in a fair and consistent manner, according to legislated employment practices.

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.

“Involuntary Termination” means the employee's departure at the hands of the employer.

“Voluntary Termination” or resignation means the decision is made by the employee to leave the job.

POLICY

[Organization Name] will follow the rules set out in *The Labour Standards Code of* Nova Scotia 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.

Voluntary Termination

In the case of Voluntary Termination or resignation, employees must provide notice as follows:

* Those employed for three months to two years must provide one week’s written notice before leaving
* Those employed two years or more must provide two weeks of written notice
	+ The notice must reflect the employee's last day of work.

Notice of Termination

When an employee is laid off or dismissed, they will be provided with written notice.

If no warning is given, employees will be compensated with the amount of notice to which they are entitled (pay in lieu of notice). The amount of notice required is determined by the length of time an employee has been with the company.

| **Employee's Period of Employment\*** | **Minimum Period of Working Notice** |
| --- | --- |
| 3 months or more but less than 2 years | one week |
| 2 years or more but less than 5 years | two weeks |
| 5 years or more but less than 10 years | four weeks |
| more than 10 years | eight weeks |

Notice is not required in the following circumstances:

* when an employee works for the employer for less than three months (90 days)
* when an employee works for the employer for a set term or task no longer than 12 months and the employee’s job ends when the set term or task ends
* when there is a sudden and unexpected lack of work that the employer could not avoid,
e.g., because of an explosion in the workplace when the employer offers the employee other reasonable employment when an employee has reached the age of retirement based on a bona fide occupational requirement (for most jobs, mandatory retirement is not allowed)
* when a person is laid off or suspended for 6 days or less - note employees with 10 or more years of service cannot be suspended without just cause
* when an employee has been guilty of wilful misconduct or disobedience or neglect of duty that has not been condoned by the employer. [(Source: NovaScotia Canada)](https://novascotia.ca/lae/employmentrights/employernowork.asp)

When an employer has given the employee proper notice that the job is ending, the employer:

* may not change the employee’s rate of pay or any other condition of employment, such as benefits
* may not require the employee to use remaining vacation during the notice period unless the employee agrees
* must pay the employee all the wages they are entitled to receive (within 5 working days after the end of the pay period in which the final wages were earned)
* must pay accumulated vacation pay within 10 days after the employment ends

Final Pay and ROE

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

* All wages owed to the employee within 5 working days after the end of the pay period in which the final wages were earned
* All accumulated vacation pay within 10 days after the employment ends.
* 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.