

Ontario Law and Termination of Employment

PReP Course 11 - Lesson 5

An employer is required to provide you with feedback about your work, especially if it's something that needs to be improved, and a phrase that we use in employment law is progressive discipline, which means that you may be given a verbal warning; you may then be given a written warning. You don't have to sign the piece of paper that you're given; it's enough that they can say they've given you a written warning. And then finally, if you're going to be terminated, if your employment is going to be terminated because of something that you've done, you need to be told, preferably in writing so they'll have evidence to say that they've told you that if this happens again, if you don't change this behaviour, if you don't improve this behaviour, your employment will be terminated.

That process - pay attention, because if someone is telling you that you need to change in the way you're doing your work, you need to make that effort, and by making that effort you're going to hopefully avoid termination of your employment. Don't ignore verbal warnings; don't assume that it has to be in writing; it doesn't. Often it starts with a verbal warning. Pay attention, and talk to your supervisor or manager or employer about what needs to be done; ask for training. That will be your best evidence to show that you are willing and committed to the job.

An employer can terminate your employment either because of some misconduct on your part - they'll have to have evidence of that misconduct; they'll have to have documents or witnesses to show that you have done something which is not consistent with a good employee in that relationship. If you are terminated for just cause it means that the employer has evidence of your wrongdoing, and you will not receive any additional funds from your employer while you're looking for other work.

In most cases, however, an employer will terminate with reasonable notice. Now that means they simply don't need you anymore; business is bad; the economy is not going well; the employer cannot afford to keep you. All of those are reasons why you may be terminated. The employer's obligation at that point then is to give you what's called reasonable notice. That means pay, or time while you're being paid to know that you will not have a job in a certain amount of time. It allows you to start looking for other work because you know that that job will end. Now the difficulty is you won't know how much termination notice you're going to be given, because it varies. It

depends on your age, how long you've worked there, what level of responsibility you had, level of your annual salary, and what the market conditions are like today for you to find a similar and equivalent job.

If you're faced with the situation where an employer says "We're going to have to let you go" they will usually give you a letter that sets out how much they're going to give you as reasonable notice, the amount of money or the pay in lieu of notice, and in most cases they're going to ask you to get legal advice to make sure that it's an appropriate amount. Do that. Get legal advice to make sure that the offer of reasonable notice from the employer is appropriate and consistent with all of the laws. That way you will know that you're getting a proper package.