

# TERMINATION

## *Checklist*

AFOA.CA






## INTRODUCTION

When terminating employees ensure to either follow your provincial/territorial or the federal employment laws, which will apply based on the jurisdiction of your organization or business. Ensure to review severance and notice entitlements. Some employees may have rights under common law that are greater than the rights to notice of termination (or termination pay) and severance pay to avoid accusations of “wrongful termination”

- ☐ **Determine the Reason for Termination:** what is the reason for considering termination of employment (e.g., performance, misconduct, reorganization etc.) and gather evidence to support the decision.
- ☐ **Determine Length of Employment:** if the employee has been with the employer for under 3 months, probationary period in most jurisdictions, then they may not be eligible for providing notice or severance pay.
- ☐ **Calculate the Notice Period:** Determine the appropriate notice period or pay in lieu notice as per the appropriate jurisdiction (i.e., provincial or federal employment laws).
- ☐ **Review Employee Employment Agreement:** Review the employee’s contract to understand any termination clauses, notice periods, or severance entitlements.
- ☐ **Document Performance Issues:** Ensure there is a documented history of any performance issues, warnings given, and opportunities provided for improvement.
- ☐ **Consider Alternatives:** Be sure that all alternatives to terminations have been thoroughly explored such as:
  - o Performance Improvement Plans
  - o Coaching
  - o Demotions
  - o Temporary lay off
  - o Transfers, if appropriate.
- ☐ **Consult Human Resources:** Ensure to consult the expertise either internally or by hiring a consultant to discuss the risks.
- ☐ **Consult Legal Counsel:** If still unsure about legal obligations, seek advice from legal counsel specializing in employment law.
- ☐ **Prepare Support Services:** Offer access to Employment Assistance Programs, other counselling services, and job search and employment counselling firms to assist the terminated employee with their transition.
- ☐ **Prepare Termination Letter:** Draft a termination letter outlining the reason for termination, effective date, notice period/pay, any severance entitlements, and information about benefit continuation and any community supports that may be offered for outplacement services.

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- ☐ **Schedule Termination Meeting:** Arrange a private meeting with the employee to communicate the decision and ensure it is respectful and professional. If the meeting becomes too emotional it may be best to pause or stop the meeting. Ensure the meeting is at the first half of the day and try to keep employee dignity. Timing earlier in the day allows the employee to seek out counselling services, legal services, or other supports, and provides them time to process the termination before having to face traffic and family at the end of the workday. This is also your opportunity to create a list of employer property items that need to be returned, and identify whether they should be gathered the day of the termination meeting, or at another more appropriate time. Keep in mind that the employee should be escorted off the premises discreetly at the end of the termination meeting.
  - ☐ **Return Employer Property:** Collect all employer property such as keys, access cards, laptops, or any other equipment issued to the employee.
  - ☐ **Address Final Wages and Benefits:** Provide information on the final paycheck, any accrued vacation pay, and benefit continuation.
  - ☐ **Ensure Confidentiality:** Remind the employee of their obligation to maintain confidentiality regarding employer intellectual property and information.
  - ☐ **Arrange for Exit Interview:** Sometimes it may be appropriate or necessary to offer an exit interview to gather feedback and insights that could be valuable for improving the workplace. Use your best judgment if this is appropriate to the situation.
  - ☐ **Communicate with Staff:** Notify relevant staff members about the employee's departure, ensuring confidentiality and professionalism.
  - ☐ **Update Records:** Update internal records, payroll, benefits, and any access to software that requires the reflection of the termination.
  - ☐ **Comply with Legal Obligations:** Make sure that all the steps are in place to comply with jurisdictional employment and common laws, including providing appropriate notice or pay in lieu, severance entitlements, and coordination of benefits and pensions.
  - ☐ **Review with the Team:** It is always important to review the process and learn from any areas that could be improved with all who were involved with the termination.

## REFERENCES

<https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards/termination.html>  
<https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment>