



## TERMINATION OF EMPLOYMENT

[Organization Name] is committed to ensuring that all employee terminations are handled fairly and consistently, in accordance with statutory employment regulations, specifically the *Saskatchewan Employment Act* (the Act).

### DEFINITIONS

“Layoff” means the temporary interruption by an employer of the services of an employee for a period exceeding six consecutive work days.

“Period of employment” is any period of employment that is not interrupted by more than 14 consecutive days of employment. Note that an employee laid off for more than 14 days and who then returns to work for the same company will have their time to start over.

Source: The [Saskatchewan Employment Act](#).

### POLICY

[Organization Name] will only terminate an employee's employment relationship in accordance with the Act and the terms specified in the employee's contract.

[Organization Name] and employees are both permitted to terminate employment for any reason but are required to provide the proper notice of the termination as per the Act. If [Organization Name] has sufficient reason (“just cause”) to terminate an employee without notice, it must provide sufficient evidence.

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

[Organization Name] will never terminate an employee or penalize them in any way for inquiring about or exercising their employment rights as per the Act.

#### Notice Period

When an employee is laid off or dismissed, [Organization Name] will provide written notice.

If no warning is given, [Organization Name] will compensate employees concerned with compensation equal to the amount of notice to which they are entitled. The amount of notice required is determined by how long an employee has been employed.

Employee's Period of Employment*	Minimum Period of Working Notice
more than 13 consecutive weeks but one year or less	one week



more than one year but three years or less	two weeks
more than three years but five years or less	four weeks
more than five years but 10 years or less	six weeks
more than 10 years	eight weeks

Notice will no longer be given for the following:

- the employee has not worked for [Organization Name] for at least 13 weeks;
- the employee quits;
- [Organization Name] has just cause to terminate the employee; or
- [Organization Name] pays in lieu of giving notice.

When an employee is terminated, [Organization Name], within 14 days, will pay:

- all wages owed to the employee;
- all vacation and public holiday pay owed; and
- any pay instead of notice (if required).

If the payday falls within the 14-day period, [Organization Name] will provide an employee's pay on that day.

#### Just Cause

Employee misconduct is usually the just cause for termination. When an employee commits wrongdoing, [Organization Name], as per the Act, has the right to terminate the working arrangement for just cause.

[Organization Name] will:

- assess employee performance;
- impose proportional disciplinary responses; and
- keep records of employee misconduct and performance reviews for future reference.

An employee will be immediately dismissed if [Organization Name] is able to gather, through objective standards, sufficient proof that the misconduct was serious.

[Organization Name] may seek to consult with a lawyer for advice for alleged serious misconduct.

#### Pay in Lieu of Notice

In any case of pay in lieu of working notice, [Organization Name] will provide the pay instead of the notice equaling the amount of notice the employee is entitled to.



[Organization Name] will calculate pay in lieu of notice using the employee's normal weekly wage multiplied by the working notice requirement.

If the employee's wages vary from week to week, [Organization Name] will calculate the weekly wage averaged over the employee's last 13 weeks of work. This weekly average would be multiplied by the amount of working notice required. Overtime, tips, and gratuities will not be included in these calculations.

[Organization Name] will provide pay in lieu of notice within 14 days of the date of termination. Should the terminated employee's payday fall within the 14-day period, [Organization Name] will provide the employee's pay on that day.

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

- the employee has not completed 13 consecutive weeks of employment;
- the employee quits or retires; or
- the employee is dismissed due to just cause.

Entitlements cannot be a part of the notice. [Organization Name] will not substitute paid vacation time or vacation pay for written notice or for pay instead of notice.

[Organization Name] will also not schedule the employee to take paid regular time off from an overtime bank as part of the notice period.

#### Employee Responsibilities When Leaving a Job

Employees must provide notice when leaving their job.

- Those employed for 13 consecutive weeks or longer must provide two weeks' written notice before leaving.
  - The notice must reflect the employee's last day of work.

[Organization Name] will also require notice for the following:

- An employee quits for health and safety reasons;
- An employee quits due to a wage reduction; and
- An employee's contract terminates through no fault of either the employer or employee (i.e., fire destroys business).

[Organization Name] may waive an employee's requirement to provide written notice of resignation.

If [Organization Name] waives the employee's notice requirement and the employee leaves the job immediately, no pay instead of notice would be required of the employee.

If [Organization Name] decides to terminate the employee after waiving the employee's two-week notice requirement, pay instead of notice would be required to be paid to the employee.

#### Group Termination



[Organization Name] will follow the appropriate employment standards regulations in the event that group terminations are required.

#### Public Emergency Layoffs

In response to a public emergency, [Organization Name] may issue layoffs upon order of the chief medical health officer or based on an emergency declaration by the Government of Saskatchewan. Note that layoffs without notice or pay instead of notice of such duration can only be issued during a public emergency period.

[Organization Name] will not provide notice or pay instead of notice for layoffs that will take place during and up to two weeks after a public emergency period.

Employees will be scheduled back to work on or before the end of the two weeks; otherwise, their employment will be considered terminated, and pay instead of notice will be due. [Organization Name] will calculate pay instead of notice from the date the employee was originally laid off.

During the layoff, [Organization Name] will still consider the employees as employed, but employees may immediately access support provided through provincial and federal programs.