

Group Termination Requirements Across Canada – Know The Laws Of Your Province



As temporary layoffs approach the maximum duration allowed in your jurisdiction, you may need to face a tough decision: Can we afford to recall the employees we had to place on temporary layoff? Hopefully, your company can answer YES to that question. But if it can't, you may be facing a new legal challenge: complying with the group termination requirements of your jurisdiction. And while employment standards SNAFUs are never a good thing, the potential costs of group termination violations increase exponentially because they impact so many employees, many if not most of whom have union representation. Here's a rundown of the group termination requirements by jurisdiction, including the changes made in response to COVID-19.

Around the Provinces: Group Termination Notice Requirements

Jurisdiction	Termination Period	Required Notice (by number of employees)	Notice Recipients	Notice Information
FEDERAL	4 weeks	50 or more: 16 weeks	<ul style="list-style-type: none"> • Minister of Labour • Minister of Human Resources and Social Development • Canada Employment Insurance Commission • Trade union • Individual employees not represented by union (or posting of notice instead) 	<ul style="list-style-type: none"> • Employer's name • Termination date(s) • Estimated number of terminated employees in each occupational classification • Termination location • Employer's industry • Name of any trade union certified to represent any employee in group of terminated • Reason for termination

ALBERTA	4 weeks	<p>>50-99: 8 weeks</p> <p>>101-299: 12 weeks</p> <p>>300 or more: 16 weeks</p> <p>Note: Bill 32 eliminates above notice</p>	<ul style="list-style-type: none"> • Minister of Employment • Trade union • Affected employees (delivered personally or by mail, email or fax) (not required during COVID-19 pandemic) • Bill 32 eliminates above notice to union + affected employees 	<ul style="list-style-type: none"> • Number of employees terminated • Effective date of termination
BRITISH COLUMBIA	2 months	<p>>50-100: 8 weeks</p> <p>>101-300: 12 weeks</p> <p>>Over 300: 16 weeks⁽¹⁾</p>	<ul style="list-style-type: none"> • Minister of Labour and Citizens' Services • Each terminated employee • Trade union 	<ul style="list-style-type: none"> • Number of affected employees • Effective date(s) • Reasons for termination
MANITOBA	4 weeks	<p>>50-100: 10 weeks</p> <p>>101-300: 14 weeks</p> <p>>Over 300: 18 weeks</p>	<ul style="list-style-type: none"> • Minister of Labour, with copy to: • Trade union • Individual employees not represented by union 	<ul style="list-style-type: none"> • Effective date(s) • Reasons for termination • Name of at least 2 individuals nominated to represent employer on joint planning committee • Estimated number of affected employees in each occupational classification
NEW BRUNSWICK	4 weeks	<p>10 or more, if they represent 25% of employer's workforce: 6 weeks</p>	<ul style="list-style-type: none"> • Minister of Post-Secondary Education, Training and Labour • Bargaining agent • Affected employees • Notice must also be posted so information is available to all employees 	Not specified

NEWFOUNDLAND AND LABRADOR	4 weeks	>50-199: 8 weeks >200-499: 12 weeks >500 or more: 16 weeks	<ul style="list-style-type: none"> • Minister of Environment and Labour • Each terminated employee 	Employer must notify Minister in writing of: <ul style="list-style-type: none"> • Number of persons given notice • Notice period • Reasons for termination
NORTHWEST TERRITORIES NUNAVUT	4 weeks	>25-49: 4 weeks >50-99: 8 weeks >100-299: 12 weeks >300 or more: 16 weeks	<ul style="list-style-type: none"> • Employment Standards Officer • Trade union 	Not specified
NOVA SCOTIA	4 weeks	>10-99: 8 weeks >100-299: 12 weeks >300 or more: 16 weeks	<ul style="list-style-type: none"> • Minister of Labour • Each affected employee • Notice must also be posted 	Not specified
ONTARIO	4 weeks	>50-199: 8 weeks >200-499: 12 weeks >500 or more: 16 weeks ⁽²⁾	<ul style="list-style-type: none"> • Director of Employment Standards • Each terminated employee 	<ul style="list-style-type: none"> • Employer's name + mailing address • Termination location(s) • Number of employees working at each location paid: i. on hourly basis, ii. on salaried basis, and iii. other basis • Number of employees terminated at each location paid: i. on hourly basis, ii. salaried basis, and iii. other basis • Termination date(s) • Name of any trade union local representing any employees terminated • Economic circumstances of terminations • Name, title and phone number of person who completed form on employer's behalf
PRINCE EDWARD ISLAND	No Group Termination Requirements			

QUEBEC	2 months	>10-99: 4 weeks >100-299: 12 weeks >300 or more: 16 weeks	• Minister of Employment and Social Solidarity, with copy to: • Labour Standards Commission • Trade union	• Employer or establishment name and address • Sector of activity • Names and addresses of any associations of employees; • Reason for termination • Date of termination • Number of employees likely affected
SASKATCHEWAN	4 weeks	>10-49: 4 weeks >50-99: 8 weeks >100 or more: 12 weeks	• Minister of Labour • Each terminated employee (not required during "public emergency period") • Trade union (not required during "public emergency period")	• Number of employees terminated • Effective date(s) • Reasons
YUKON	4 weeks	>25-49: 4 weeks >50-99: 8 weeks >100-299: 12 weeks >300 or more: 16 weeks	Director of Employment Standards	Not specified

Notes:

1. In BC, group termination notice is in addition to the amount of notice required for individual termination
2. Ontario's group termination provisions apply only where the employer terminates more than 10% of the number of employees who have worked for at least 3 months, unless the termination is the result of a permanent closure of all of part of the employer's business