

Best Practices For Employers During Termination Meetings: Insights From *Teljeur V. Aurora Hotel Group*



The Ontario Court of Appeal recently upheld the Trial Court's decision in [*Teljeur v. Aurora Hotel Group*, 2023 ONSC 1324](#), affirming the importance of employers exercising caution during termination meetings. Specifically, employers should take note of what the court will accept as evidence in dismissal disputes, as well as the need to adhere to legal obligations and what can be considered breaches of good faith and fair dealing in the manner of dismissal. Failure to do so, as *Teljeur* suggests, can amount to awards for moral damages. Below is a summary of the key takeaways for employers in the wake of *Teljeur*.

1. Strictly Adhere to Statutory Obligations

At a minimum, Ontario employers must strictly follow the *Employment Standards Act, 2000* ("ESA"). This includes providing written notice of termination and ensuring all due payments, such as unpaid wages and reimbursements, termination pay, and severance pay, are made within the statutorily stipulated timeframes. In *Teljeur*, the employer failed to meet these legal obligations and was found to be in breach of its duty to act in good faith. This informed the Court's decision to award the plaintiff \$15,000 in moral damages.

2. Conduct Truthful Discussions

Employers should maintain honesty in their communications when terminating employees and avoid making promises that they cannot or will not fulfill. During the termination meeting, the employer made several promises to Mr. Teljeur, including assurances of additional severance pay, but failed to fulfill them when they only paid the statutory entitlement. This, the court deemed, was "untruthful, misleading, or unduly insensitive." To avoid claims of bad faith dealing, employers should ensure their termination terms are clear and that they are executed.

3. Be Mindful of Recording Laws

In Canada, the "one-party consent" rule allows individuals to legally record

conversations they are part of, even without the other party's knowledge. Employers should assume that any meeting, especially terminations, might be recorded and conduct themselves accordingly. With the prevalence of remote work, it is important to be cognizant of how easily employees can record meetings. In *Teljeur*, the plaintiff surreptitiously recorded his termination meeting and later submitted the representations made during the recording as evidence of bad faith dealings when the employer failed to deliver on them. *Teljeur* should serve as a reminder to employers that the court may accept recorded meetings as evidence.

4.Ensure Managers, HR Professionals, and Payroll Staff are Trained

Proper training is crucial for those terminating employees and for those responsible for ensuring that ESA requirements are fulfilled. Managers, HR professionals, and payroll staff should be well-versed in best practices for handling dismissals. They should understand the importance of adhering to company policies and the potential legal implications if strict adherence to statutory obligations and timelines are not met.

Overall *Teljeur* should serve as a critical reminder that courts consider employees to be vulnerable during termination, requiring employers to avoid missteps that can add unnecessary burden to a terminated employee. By adhering to these best practices, employers can navigate the complexities of employee terminations more effectively, reducing the risk of legal disputes and potential damage awards.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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