

Employee Resignations: When Is A Resignation Valid?



Some employee resignations are clear-cut; the employer is provided with a letter of resignation, with an effective date, a signature etc. However, what about when an employee shouts “I quit!” and storms out of the office, expresses a general dissatisfaction about their job, or that they have received another job offer?

Understanding Employee Resignation

An employee resignation occurs when an employee voluntarily decides to leave their job. For a resignation to be valid, it must meet certain legal and procedural criteria. These criteria ensure that the resignation is clear, intentional, and properly communicated.

Clear And Unequivocal Intent

For a resignation to be valid, the employee must demonstrate a clear and unequivocal intent to resign. This means the resignation should be communicated explicitly, leaving no room for ambiguity. Casual comments or offhand remarks about quitting do not constitute a valid resignation. For instance, if an employee mentions they are considering quitting during a moment of frustration, it doesn't count as a formal resignation.

Proper Communication

In Ontario, a valid resignation should ideally be in writing. This could be through a formal resignation letter or an email. A written notice helps both parties—employer and employee—by providing a clear record of the resignation. While verbal resignations can be valid, they can lead to misunderstandings or disputes, so it's best to request a written confirmation if an employee verbally resigns.

Voluntary Nature Of Resignation

A resignation must be voluntary. Any resignation obtained through coercion, undue pressure, or misrepresentation is invalid- for instance, if an employee is presented with a “quit or be fired” scenario. If an employee resigns under duress or due to workplace harassment, they may have grounds to claim constructive dismissal, which can lead to legal complications for the employer. Ensuring a positive and supportive work environment can mitigate such risks.

Employer's Role In Acknowledging Resignation

Once an employee submits their resignation, the employer should acknowledge it in writing. This acknowledgment serves as an official record that the resignation was received and accepted. It also provides an opportunity to outline the next steps, such as the final working day, transition procedures, and any exit interviews.

Retracting A Resignation

When an employee has provided a valid resignation, and the employer has accepted their resignation, it can no longer be retracted by the employee. Even if the employer has not "accepted" the resignation, if they have relied on the resignation to their detriment, for instance, they have already started the recruitment process to replace the employee, then the resignation can no longer be retracted. In either of these cases, the employee's resignation is final, unless the employer accepts the employee's retraction.

Key Takeaways

For an employee resignation to be valid, it should be:

- Clear and unequivocal
- Communicated properly, ideally in writing
- Voluntary
- Accepted by the employer

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.

Author: [Lexa Cutler](#)

Spring Law