

Employers: There's No Need to Record Employee Termination Meetings



An employer recently asked whether it would be helpful for them to record a sensitive employee termination meeting and, more broadly, whether this is a recommended practice for routine terminations. In this particular case, the logistics of having a second person attend as a witness were tricky, and the employer was also looking to be more efficient by having only one person conduct the meeting.

In remote work environments, it's easy to secretly record meetings. In most cases, however, there is more to lose than gain by recording a meeting without the other person's consent. Obtaining consent is of course always an option, but that usually changes the tone and content of any meeting, making the recording a less useful exercise.

Employers may wish to record a termination meeting to have a record of what was or wasn't said in case things go off the rails. However, termination meetings rarely go awry when run by experienced HR professionals – it's usually the untrained managers who muddy the waters inadvertently. Disputes with departed employees arise because of other reasons, but not typically because of something that was said or not said at a termination meeting by an experienced HR professional.

Tips for running the dreaded termination meeting

A well-planned and effective termination meeting (in-person or remote) can be done solo. Sticking to tight talking points set out in advance is key. So is a plain language termination letter clearly setting out the employee's entitlements on termination, along with any offer above and beyond the statutory minimums (i.e. clearly set out the 'package'). HR's scripted talking points then become part of the employee's file, tweaked as necessary to reflect any deviations from the script, and then you have an accurate record of the termination meeting. Minor deviations from the script are fine and inevitable because we are not robots and most employers care about how a departing employee feels.

Still looking to record?

If you're not convinced and are still considering recording a meeting, here's the law on employer recordings in the workplace: it is legal for an employer to record an employee conversation at work, so long as there is an employer representative present. The content collected will be governed by applicable privacy legislation.

There may be unique situations where an employer recording or transcript of a meeting is reasonable and necessary. Having employees confirm in writing (by way of contract or policy) that they understand that they have no expectation of privacy at work will assist in these cases if the information recorded actually needs to be relied upon.

The recent exercise of reviewing electronic monitoring practices and rolling them out prompted many Ontario employers to i) review where this 'no expectation of privacy' language exists in their documents and, if it does not, ii) include it in their Electronic Monitoring Policy or elsewhere.

Source: [Spring Law](#)

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