Group Termination Requirements – Know The Laws Of Your Province



Is your company planning to downsize and restructure its workforce? If so, you need to be prepared to navigate the special employment standards notice rules governing group terminations that apply in every jurisdiction (PEI is the lone exception). Group termination notice rules are in addition to and more stringent than the normal employment notice requirements that apply to terminate an individual's employment. The challenge is even more formidable for companies that operate in different provinces. That's because group termination requirements vary regarding:

- How many employees a company has to lay off simultaneously or over a period of time to trigger special group termination notice requirements.
- The exact window or period of time during which non-simultaneous terminations are grouped together for purposes of determining whether a company has reached the group termination threshold.
- How much additional notice you must provide to employees affected by group termination.
- The government agencies, trade unions or other third parties to whom you must furnish notice of group termination.
- The information you must include in that notice.

Québec has the most stringent rules because the threshold for group termination notice is 10 or more employees over a 2-month period, as opposed to the 50 or more employees over 4 weeks rule that applies in most other jurisdictions. By contrast, Alberta has the least stringent rules.

Another key variable is whether you must count employees across the entire business or just at a single location. Thus, Alberta and BC not only set the bar at 50 employees, they also apply it to a single location, which gives employers leeway to avoid group termination notice requirements by spreading them out among locations. By contrast, under Federal, Nova Scotia, Ontario, Québec, and Saskatchewan law, you count all employees terminated within the employer's "establishment," which could include multiple facilities.

Group termination is an especially big hassle in the 4 jurisdictions—Federal, BC, Manitoba and Québec—where employers required to provide group termination notice must also establish a joint committee made up of employer and employee representatives to

explore possible alternatives to termination or, if such alternatives aren't available, ways to support affected employees and make it easier for them to get a new job.

Here's a summary of the group termination rules in each part of Canada. Go to the HR Insider website for a complete Group Termination Compliance Game Plan.

FEDERAL

Notice of Group Termination

1. Employer who terminates, either simultaneously or within a 4-week period, 50 or more employees employed within an industrial establishment (or lower number listed in regulations) must in addition to required termination notice, give written 16-weeks written notice to the Head, and a copy to:
    1. The Minister of Employment and Social Development,
    2. The Employment Insurance Commission,
    3. Any trade union representing a redundant employee, and
    4. If the redundant employee is not represented by a trade union, a to the employee unless the employer immediately posts the notice in a conspicuous place within the industrial establishment where that employee is employed (*Canada Labour Code*, Sec. 212(1)+(2)).
2. The group termination notice must set out:
    1. The date or dates the employer intends to terminate any one or more employees;
    2. The estimated number of employees in each occupational classification whose employment will be terminated (*Canada Labour Code*, Sec. 212(3));
    3. The name of the employer;
    4. The location at which the termination is to take place;
    5. The nature of the employer's industry;
    6. The name of any trade union certified to represent any employee in the group being terminated or recognized by the employer as bargaining agent for any such employees; and
    7. The reason for the termination (*Canada Labour Standards Regs*, Sec. 26).
3. An employer who gives notice to the Head and a trade union must give the Canada Employment Insurance Commission any information it requests it for the purpose of assisting any redundant employee and must cooperate with the Commission to facilitate the employee's re-establishment in employment (*Canada Labour Code*, Sec. 213(1)).
4. An employer who gives notice to the Head must also give each redundant employee, as soon as possible and no later than 2 weeks before the date of termination, a statement in writing setting out, as at the date of the statement, his vacation benefits, wages, severance pay and any other benefits and pay arising from his employment with that employer (*Canada Labour Code*, Sec. 213(2)).

Establishment of Joint Planning Committee (JPC)

5. An employer who gives notice to the Head must, as soon as possible after giving the notice, establish a JPC consisting of at least 4 members, at least half of which are appointed as representatives of the redundant employees and the rest of which are appointed as representatives of the employer (*Canada Labour Code*, Sec. 214).
6. The objective of a JPC is to develop an adjustment program to either eliminate the necessity for the termination of employment, or minimize the impact of the termination of employment on the redundant employees and help those employees

obtain other employment (*Canada Labour Code*, Sec. 221(1)).

7. In attaining its objective, a JPC may, unless the members of the committee agree otherwise, deal only with such matters as are normally the subject-matter of collective agreement in relation to the termination of employment (*Canada Labour Code*, Sec. 221(2)).
8. The members of a JPC must cooperate and make every reasonable effort to develop an adjustment program as expeditiously as possible (*Canada Labour Code*, Sec. 221(3)).
9. The employer and any trade union or redundant employees who appointed the members of a JPC must cooperate with and assist the committee in developing an adjustment program.
10. Where all redundant employees are represented by a trade union(s), each trade union is entitled to appoint at least one member of the JPC as a representative of the redundant employees it represents (*Canada Labour Code*, Sec. 215(1)).
11. Where no redundant employees are represented by a trade union, the employees are entitled to appoint all the members of a JPC who are to be their representatives (*Canada Labour Code*, Sec. 215(2)).
12. Where some but not all redundant employees are represented by a trade union(s):
    1. Each trade union is entitled to appoint at least one member of a JPC as a representative of the redundant employees it represents; and
    2. The employees not represented by a trade union are entitled to appoint at least one member of a JPC as their representative (*Canada Labour Code*, Sec. 215(3)).
13. An employer is entitled to appoint, as its representatives on a JPC, a number of members not exceeding the number of worker members (*Canada Labour Code*, Sec. 215(5)).
14. The JPC members must be appointed and convene for their first sitting within 2 weeks after the date of the notice given to the Head under Item #1 above (*Canada Labour Code*, Sec. 216).
15. The employer must post the names of the JPC members in a conspicuous place within the industrial establishment in which the redundant employees are employed (*Canada Labour Code*, Sec. 218).
16. A JPC may determine its own procedure, subject to the rules below (*Canada Labour Code*, Sec. 219(1)).
17. The members of a JPC must elect from among themselves 2 co-chairpersons, one being a representative of the redundant employees selected by their representatives and the other a representative of the employer selected by its representatives (*Canada Labour Code*, Sec. 219(2)).
18. The JPC co-chairpersons may, after consultation with the other JPC members, fix the time and place of its sittings and must notify the members of the time and place so fixed (*Canada Labour Code*, Sec. 219(3)).
19. A majority of the members of a JPC in office, at least half of which majority are representatives of the redundant employees, constitutes a quorum, but the members must not proceed in the absence of any member of the committee at any sitting unless the absent member has been given reasonable notice of the sitting (*Canada Labour Code*, Sec. 219(4)).
20. A vacancy in the membership of a JPC doesn’t invalidate the constitution of the committee or impair the right of the members of the committee in office to act, if the number of those members is not less than a quorum (*Canada Labour Code*, Sec. 219(7)).
21. A member of a JPC is entitled to such time from work as is necessary to attend sittings of the committee or carry out any other member functions, and the time the member spends in carrying out functions as a member must, for the purpose of calculating wages owing to the member, be deemed to have been spent at work (*Canada Labour Code*, Sec. 220).
22. The employer and any trade union or redundant employees who appointed the

members of a JPC must, on request of any member of the committee, forthwith provide the committee with such personal information relating to any redundant employee as the committee may reasonably require for its work (*Canada Labour Code*, Sec. 222(1)).

23. The Head may monitor and, on request, assist in the establishment and operation of a JPC and attend its sittings as an observer (*Canada Labour Code*, Sec. 222(2)).

Arbitration

24. Where all JPC members representing the redundant employees or all JPC members representing of the employer agree to do so, those members may, after 6 weeks from the date of the notice to the Minister under Item #1 apply jointly to the Minister for the appointment of an arbitrator if:
    1. The committee has not then completed developing an adjustment program; or
    2. The committee has completed developing an adjustment program, but those members are not satisfied with the program or any part of the program (*Canada Labour Code*, Sec. 223(1)).
25. The Minister may also ask an arbitrator to help the JPC (*Canada Labour Code*, Sec. 223(2)).
26. An arbitrator must assist the joint planning committee in the development of an adjustment program. An arbitrator may not:
    1. Review the decision of the employer to terminate the employment of the redundant employees; or
    2. Delay the termination of employment of the redundant employees (*Canada Labour Code*, Sec. 224).

Implementation of Adjustment Program

27. The employer must implement the adjustment program and the JPC and any trade union or redundant employees who appointed the members of the committee must cooperate with and assist the employer in implementing the program (*Canada Labour Code*, Sec. 226).

ALBERTA

1. An employer who intends to terminate 50 or more employees at a single location within a 4-week period must give the Ministerwritten notice at least 4 weeks before the date on which the first termination is to take effect unless the employer is unable to do so, in which case the employer must provide written notice as soon as is reasonable and practicable in the circumstances (*Employment Standards Code*, Sec. 137(1)).
2. Notice must list:
    1. The number of employees whose employment will be terminated, and
    2. The effective dates of the terminations (*Employment Standards Code*, Sec. 137(2)).
3. Group termination notice rules don’t apply to employees who are employed on a seasonal basis or for a definite term or task (*Employment Standards Code*, Sec. 137(3)).

BRITISH COLUMBIA

1. An employer that terminates 50 or more employees at a single location within a 2-month period must give written notice of group termination to:
    1. Each employee who will be affected;

    2. A trade union certified to represent, or recognized by the employer as the bargaining agent of, any affected employees;
    3. The minister (*Employment Standards Act*, Sec. 64(1)).
2. The notice of group termination must specify:
    1. The number of employees who will be affected;
    2. The effective date or dates of termination;
    3. The reasons for the termination (*Employment Standards Act*, Sec. 64(2)).
3. The notice of group termination must be given:
    1. At least 8 weeks before the effective date of the first termination, if 50 to 100 employees will be affected;
    2. At least 12 weeks before the effective date of the first termination, if 101 to 300 employees will be affected;
    3. At least 16 weeks before the effective date of the first termination, if 301 or more employees will be affected (*Employment Standards Act*, Sec. 64(3)).
4. If an employee is not given notice as required by this section, the employer must give the employee termination pay instead of the required notice or a combination of notice and termination pay (*Employment Standards Act*, Sec. 64(4)).
5. The notice and termination pay requirements of this section are in addition to the employer's liability, if any, to the employee in respect of individual termination under section 63of the ESA or under the collective agreement, as the case may be (*Employment Standards Act*, Sec. 64(5)).
6. This section applies whether the employment is terminated by the employer or by operation of law, e.g., via constructive dismissal (*Employment Standards Act*, Sec. 64(6)).

Exceptions

7. Items #1 to #6 above don't apply to an employee:
    1. Employed under an arrangement by which (i)the employer may request the employee to come to work at any time for a temporary period, and (ii)the employee has the option of accepting or rejecting one or more of the temporary periods.
    2. Employed for a definite term.
    3. Employed for specific work to be completed in a period of up to 12 months.
    4. Employed under an employment contract that's impossible to perform due to an unforeseeable event or circumstance (other than receivership under the *Bank Act*(Canada) or a proceeding under an insolvency Act).
    5. Employed at one or more construction sites by an employer whose principal business is construction.
    6. Who has been offered and has refused reasonable alternative employment by the employer (*Employment Standards Act*, Sec. 65(1)).
    7. Is offered and refuses alternative work or employment made available to the employee through a seniority system.
    8. Is laid off or terminated as a result of the normal seasonal reduction, suspension or closure of an operation.
    9. Is laid off and doesn't return to work within a reasonable time after being requested to do so by the employer (*Employment Standards Act*, Sec. 65(3)).

Notice Rules

8. A notice given to an employee has no effect if:
    1. The notice period coincides with a period during which the employee is on annual vacation, leave, temporary layoff, strike or lockout or is unavailable for work due to a strike or lockout or medical reasons, or

    2. The employment continues after the notice period ends (*Employment Standards Act*, Sec. 67(1)).
9. Once notice is given to an employee under this Part, the employee's wage rate, or any other condition of employment, must not be altered without the written consent of the employee or a trade union representing the employee (*Employment Standards Act*, Sec. 67(2)).

Payments Rules

10. A payment for group termination doesn't discharge liability for any other payment the employee is entitled to receive under the ESA (*Employment Standards Act*, Sec. 68(1)).
11. ESA termination pay requirements (under of section 64) apply whether or not the employee has obtained other employment or has in any other way realized or recovered any money for the notice period (*Employment Standards Act*, Sec. 68(2)).

Adjustment Committee

12. If an employer is required to give group termination notice under Item #1 above, the minister may require the employer to establish an adjustment committee consisting of:
    1. An equal number of representatives of the employer and of the affected employees, and
    2. Anyone else the minister considers suitable for appointment to the committee (*Employment Standards Act*, Sec. 71(1)+(2)).
13. The purpose of the adjustment committee is to develop, by cooperation, an adjustment program:
    1. To eliminate the need for terminating the employment of the affected employees, or
    2. To minimize the impact of terminating their employment and help them obtain other employment (*Employment Standards Act*, Sec. 71(3)).
14. The adjustment committee may require the employer, the representatives of the employer, the representatives of the affected employees, or any other member of the committee to provide it with any information necessary for carrying out its purpose (*Employment Standards Act*, Sec. 71(4)).

MANITOBA

Notice of Group Termination

1. An employer that terminates or intends to terminate 50 or more employees who are entitled to termination notice or a wage in lieu of notice, and the terminations will occur within a 4-week period, the employer must give the minister at least the following written notice before the date on which the first termination is to take effect:
    1. 10 weeks, if there are no more than 100 affected employees.
    2. 14 weeks, if there are more than 100 and fewer than 300 affected employees.
    3. 18 weeks, if there are at least 300 affected employees (*Employment Standards Code*, Sec. 67(1)).
2. An employer giving notice must immediately:
    1. Give a copy of the notice to the bargaining agent for the affected employees; and
    2. If any of the affected employees do not have a bargaining agent, give a copy of the notice to each of them or post the notice in conspicuous places

at the workplace (*ESC*, Sec. 67(3)).

3. The notice must list:
    1. The effective dates of the terminations.
    2. The reasons for the terminations.
    3. The nomination of at least 2 individuals to represent the employer on a joint planning committee.
    4. The estimated number of affected employees in each occupational classification (*ESC*, Sec. 67(4)).
4. A notice given or posted by an employer under Item #2 above constitutes valid notice to an employee only if the employee is identified in the notice and the length of notice meets the requirements of Item #1 (*ESC*, Sec. 67(4)).
5. The minister may, on application, by order waive the application of subsection 67(1)(Item #1 above) to affected employees or a class of affected employees (*ESC*, Sec. 69).

Joint Planning Committee (JPC)

6. The minister may, in respect of a notice given by an employer under subsection 67(1) (Item #1) establish and appoint the members of JPC subject to following rules:
    1. No less than 2 individuals nominated by the employer under clause 67(4)(Item #3(c)) to represent the employer.
    2. A number equal to the number appointed under clause (a), to represent the affected employees.
    3. Any other individuals the minister considers suitable to serve on the committee and who don't represent the employer or affected employees (*ESC*, Sec. 71(1)).
7. The minister must appoint the individuals JPC members representing the affected employee:
    1. If the affected employees are represented by a bargaining agent, from among individuals nominated by the bargaining agent; or
    2. If the affected employees aren't represented by a bargaining agent, from among individuals nominated by the employees (*ESC*, Sec. 71(2)).
8. A JPC must have 2 chairpersons, one elected by the employer members and one elected by the affected employee members (*ESC*, Sec. 71(4)).
9. A JPC may determine its own procedure (*ESC*, Sec. 72(2)).
10. The members of a JPC must meet within 7 days after the committee is constituted (*ESC*, Sec. 72(3)).
11. The employer of an affected employee who is a member of a JPC must:
    1. Give the employee any time required during the employee's working hours to attend committee meetings and carry out committee member functions; and
    2. Pay the employee for those hours as if they were regular hours of work for the employee (*ESC*, Sec. 73).
12. The objectives of a joint planning committee are to develop on a co-operative basis an adjustment program to eliminate the need to terminate the employment of the affected employees, to minimize the impact of termination on employees whose employment is terminated and to help the terminated employees obtain other employment (*ESC*, Sec. 74).
13. The employer, affected employees and any bargaining agent representing the employees must cooperate with the JPC and help it attain its objectives, and provide the committee with such information as the committee reasonably requires (*ESC*, Sec. 75).

NEW BRUNSWICK

1. No employer may terminate or lay off in a 4-week period more than 10 employees if they represent at least 25% of the employees of the employer in a 4-week period without first having given to the Minister, the employees affected by the termination or layoff and, where the employees are covered by a collective agreement, to the employees' bargaining agent, at least 6 weeks' notice of the termination or layoff (or such longer notice as required by a collective bargaining agreement covering the employees who are terminated or laid off (*Employment Standards Act*, Sec. 32(1)).
2. A copy of the required group termination notice must be posted so as to be available for the information of all employees (*ESA*, Sec. 32(2)).
3. Exception: A group termination notice is not required if:
    1. The termination is due to the completion by the employee of a definite assignment that the employee was hired to perform over a period not exceeding 12 months, whether or not the exact period was stated in the employment contract.
    2. An employee retires under a *bona fide*retirement plan.
    3. The employee is doing construction work in the construction industry.
    4. The termination or layoff results from the normal seasonal reduction, closure or suspension of an operation.
    5. The termination arises under such other circumstances as prescribed by regulation (*ESA*, Sec. 32(3)).
4. An employer may lay off an employee without notice being given:
    1. Where there is a lack of work, due to any reason unforeseen by the employer at the time the notice would otherwise have been given, for such period as the lack of work continues due to that reason.
    2. For any reason, for a period of up to 6 days (*ESA*, Sec. 33).

NEWFOUNDLAND & LABRADOR

1. If an employer intends to terminate 50 or more employees within a 4 week period, the employer must give each employee in writing:
    1. 8 weeks' notice of the intention when the employer intends to terminate 50 or more but fewer than 200 employees.
    2. 12 weeks' notice of the intention when the employer intends to terminate t 200 or more employees but fewer than 500 employees.
    3. 16 weeks' notice of the intention when the employer intends to terminate 500 or more employees (*Labour Standards Act*, Sec. 57(1)+(3)).
2. The employer must:
    1. For the duration of the notice period set out above, continue to employ the employees on whom notice of intention to terminate has been served; or
    2. Pay the employee wages equal to the normal wages covering the period of notice that the employer would otherwise be required to give under the LSA (*LSA*, Sec. 57(2)).
3. Where notices of intention to terminate contracts of service are given by an employer under this section, the employer must, immediately after the notices are given, notify the minister in writing of the number of persons to whom the notice is given and the period of notice, and must provide the minister with the reasons for the giving of the notices (*LSA*, Sec. 57(4)).
4. Where an employer fails to give the notices of intention to terminate the required by this section, or fails to notify the minister in accordance with Item #3 above, notice of termination of employment of 50 or more employees of the employer within a 4 week period must not be given to those employees by the employer and no action by the employer must be taken to terminate the services of those employees (*LSA*, Sec. 57(6)).
5. The above requirements don't apply to employees whose contracts of service have

existed for less than 1 month (*LSA*, Sec. 57(7)) nor do they apply to a contract of service:

1. That is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance.
2. Of a person who is laid off after refusing an offer by the person's employer of reasonable alternate work.
3. Of a person who's laid off after refusing alternate work made available to the person through a seniority system.
4. Of a person who is on lay-off and doesn't return to work within a reasonable time after being requested to do so by the person's employer.
5. Of a person who is laid off or terminated during or as a result of a strike or lock-out at the person's place of employment.
6. Of a person who is employed in the construction industry.
7. Of a person who is employed in logging or fishing.
8. Of a person employed for seasonal production work in a fish plant to supplement the regular work force in peak production periods.
9. Of a person who is employed under an arrangement whereby the person may elect to work or not for a temporary period when requested to do so.
10. Of a person who, having reached the age of retirement according to the established practice of the employer, has their employment terminated.
11. Of a person who is employed on an offshore oil well drilling rig.
12. Where there is continued or uninterrupted employment of an employee as referred to in section 6of the LSA (*Labour Standards Regs*, Sec. 13).

NOVA SCOTIA

1. An employer that discharges or lays off 10 or more persons in an establishment within any period of 4 weeks or less, the employer must give notice of no less than:
    1. 8 weeks if the employment of 10 or more persons and fewer than 100 persons is to be terminated.
    2. 12 weeks if the employment of 100 or more persons and fewer than 300 is to be terminated.
    3. 16 weeks if the employment of 300 or more persons is to be terminated (*Labour Standards Code*, Sec. 72(2)).
2. The above notice requirements don't apply to:
    1. A person whose period of employment is less than 3 months.
    2. A person employed for a definite term or task for a period not exceeding 12 months.
    3. A person who's laid off or suspended for a period not exceeding 6 consecutive days.
    4. A person who is discharged or laid off for any reason beyond the control of the employer including complete or partial destruction of plant, destruction or breakdown of machinery or equipment, unavailability of supplies and materials, cancellation, suspension or inability to obtain orders for the products of the employer, fire, explosion, accident, labour disputes, weather conditions, and actions of any governmental authority, if the employer has exercised due diligence to foresee and avoid the cause of discharge or lay-off.
    5. A person who's been offered reasonable other employment by their employer.
    6. A person who, having reached the age of retirement established by the employer on the basis of a bona fide occupational requirement for the position in which that person is employed, has their employment terminated.
    7. A person who is laid off in circumstances established by regulation as an exception.

    8. A person employed in the construction industry.
    9. A person employed in an activity, business, work, trade, occupational profession, or any part thereof, that's exempted by regulation (*LSC*, Sec. 72(3)).
3. The employment of a person may be terminated "forthwith" if the employer gives the person written notice to that effect and pays the person an amount equal to all pay to which the person would have been entitled for work that would have been performed by the person at the regular rate in a normal, non-overtime work week for the period of notice prescribed under Item 1 above (*LSC*, Sec. 72(4)).
4. The length of notice of termination required by subsections (1) or (2) of Section 72 of the Code (Item #1 above) doesn't include any week of vacation unless the employee, after receiving the notice, agrees to take the vacation during the period of the notice (*General Labour Standards Code Regs*, Sec. 8).

NORTHWEST TERRITORIES

1. An employer who wants to terminate 25 or more employees at one time, or within a period not exceeding 4 weeks, must, in addition to any other termination notice required, give a copy of the notice of termination to the Employment Standards Officer and any trade union of which the employees may be members (*Employment Standards Act*, Sec. 41(1)).
2. The copies of the above notice of termination must be given in advance of the proposed date of termination by a period of at least:
    1. 4 weeks, if fewer than 50 employees are to be terminated.
    2. 8 weeks, if more than 49 and fewer than 100 employees are to be terminated.
    3. 12 weeks, if more than 99 and fewer than 300 employees are to be terminated.
    4. 16 weeks, if 300 or more employees are to be terminated (*ESA*, Sec. 41(2)).
3. Employer may not terminate the employee until the above required notice period expires (*ESA*, Sec. 41(3)).
4. The Employment Standards Officer may issue an order waiving the notice requirement in certain circumstances, subject to trade union's right to appeal (*ESA*, Sec. 41(6)).
5. The Employment Standards Officer is required to publish a public notice after issuing an order waiving group termination rights and the employer who's the subject of the order must where possible and without delay, post a copy of the Officer's notice in a conspicuous place on the premises where work is performed by the employees to be terminated and keep the notice posted for as long as the Officer specifies (*ESA*, Sec. 41(15)).
6. The employer must, without delay, make reasonable efforts to give a copy of the notice to any of the employees to be terminated who are not likely to see the notice when or shortly after it's posted—or where it's not possible to post the notice, to give a copy of the notice to each of the employees to be terminated (*ESA*, Sec. 41(16)).

NUNAVUT

1. An employer who wants to terminate 25 or more employees at one time, or within a period not exceeding 4 weeks, must, in addition to any other termination notice required by subsection 14.03(2) of the LSA, give the Labour Standards Officer written notice of not less than:
    1. 4 weeks, if fewer than 50 employees are to be terminated.
    2. 8 weeks, if more than 49 and fewer than 100 employees are to be terminated.
    3. 12 weeks, if more than 99 and fewer than 300 employees are to be

terminated.
    4. 16 weeks, if 300 or more employees are to be terminated (*Labour Standards Act*, Sec. 14.07(2)).
2. Employer may not terminate the employee until the above required notice period expires (*LSA*, Sec. 14.07(3)).
3. Where notice of termination is given, the employer:
    1. May not reduce the wages or rate of wages or alter any term or condition of employment of the employee to whom notice is given.
    2. Must, between the date that the notice of termination is given and the date of termination, pay wages and benefits to the employee to whom the notice is given in an amount not less than the wages and benefits to which the employee would have been entitled if the employee had worked his or her usual hours of work in that period, whether or not work is required or performed (*LSA*, Sec. 14.08(1)).

ONTARIO

1. An employer that terminates 50 or more employees at the employer's establishment in the same 4-week period must provide prescribed group termination notice information by:
    1. Giving the Director the prescribed group termination notice information in a form approved by the Director.
    2. Posting the prescribed information in a form approved by the Director in the employer's establishment on the first day of the notice period.
    3. Giving in a form approved by the Director to each of the affected employees on the first day of the notice period information about provincial employment services that are available to the affected employees (*Employment Standards Act*, Sec. 58(1)+(2), (*Termination and Severance of Employment Reg,* 3(2.1))).
2. The required group termination notice period is at least:
    200. 8 weeks before termination if the number of employees being terminated is 50 or more but fewer than 200.
    201. 12 weeks before termination if the number of employees being terminated is 200 or more but fewer than 500.
    202. 16 weeks before termination, if the number of employees being terminated is 500 or more (*Termination and Severance of Employment Reg,* 3(1)).
3. The group termination notice must list:
    1. The employer's name and mailing address.
    2. The location(s) where the terminated employees work.
    3. The number of employees working at each location who are paid:
        1. On an hourly basis,
        2. On a salaried basis, and

- On some other basis.

1. The number of employees whose employment is being terminated at each location who are paid:
    1. On an hourly basis,
    2. On a salaried basis, and

- On some other basis.

1. The number of employees who perform work at a location that is the private residence of the employee if the employee doesn't perform work at any other location where the employer carries on business, and who are paid:
    1. On an hourly basis,

    2. On a salaried basis, and

- On some other basis.

1. The number of employees who perform work at a location that is the private residence of the employee if the employee doesn't perform work at any other location where the employer carries on business, whose employment is being terminated and who are paid:
    1. On an hourly basis,
    2. On a salaried basis, and

- On some other basis.

1. The date or dates on which it's anticipated that the employment of the employees referred to in paragraphs (d) and (f) will be terminated.
2. The name of any trade union local representing any of the employees whose employment is being terminated.
3. The economic circumstances surrounding the terminations.
4. The name, title and telephone number of the individual who completed the form on behalf of the employer (*Termination and Severance of Employment Reg,* 3(2)).

4. The employer must provide the information referred to in Item #3 above to the Director by setting it out in the form approved by the Director and:
    1. Delivering it to the Director's office on a day and at a time when it's open;
    2. Mailing it to the Director's office using a method of mail delivery that allows delivery to be verified; or
    3. Sending it to the Director's office by fax or email (*Termination and Severance of Employment Reg,* 3(3.1)).
5. The employer must post the information required under Item 1(b) in at least one conspicuous place in the employer's establishment where it's likely to come to the attention of the affected employees and keep that information posted throughout the notice period required (*ESA*, Sec. 58(5)).
6. An employee to whom notice has been given under this section may not terminate their employment without first giving the employer written notice at least:
    1. 1 week before doing so, if their period of employment is less than 2 years; or
    2. 2 weeks before doing so, if their period of employment is 2 years or more. (*ESA*, Sec. 58(6)).
7. Employee notice under Item #6 is not required if the employer constructively dismisses the employee or breaches a term of the employment contract, whether or not such a breach would constitute a constructive dismissal (*ESA*, Sec. 58(7)).
8. During a notice period, the employer:
    1. Must not reduce the employee's wage rate or alter any other term or condition of employment.
    2. Must in each week pay the employee the wages the employee is entitled to receive, which in no case shall be less than their regular wages for a regular work week.
    3. Must continue to make whatever benefit plan contributions would be required to be made to maintain the employee's benefits under the plan until the end of the notice period (*ESA*, Sec. 60(1)).
9. For the purposes of clause (b) of Item 7 above, if the employee doesn't have a regular work week or is paid on a basis other than time, the employer must pay the employee an amount equal to the average amount of regular wages earned by the employee per week for the weeks in which the employee worked in the period of 12 weeks immediately preceding the day on which notice was given (*ESA*, Sec. 60(2)).
10. An employer may terminate the employment of an employee without notice or with

less notice than required by the ESA, if the employer:
    1. Pays to the employee termination pay in a lump sum equal to the amount the employee would have been entitled to receive under section 60of the ESA had notice been given in accordance with that section; and
    2. Continues to make whatever benefit plan contributions would be required to be made in order to maintain the benefits to which the employee would have been entitled had they continued to be employed during the period of notice that they would otherwise have been entitled to receive (*ESA*, Sec. 61(1)).
11. For the purposes of clause (a) of Item 9, if the employee doesn't have a regular work week or is paid on a basis other than time, the amount the employee would have been entitled to receive under section 60(Item 7) will be calculated as if the period of 12 weeks referred to in subsection 60 (2) (clause (b) of Item 7) were the 12-week period immediately preceding the day of termination (*ESA*, Sec. 61(2)).
12. Exemptions: The following employees aren't entitled to notice of termination or termination pay under Part XV of the ESA:
    1. An employee hired on the basis that the employment is to terminate on the expiry of a definite term or the completion of a specific task.
    2. An employee on a temporary lay-off.
    3. An employee who's been guilty of willful misconduct, disobedience or willful neglect of duty that's not trivial and hasn't been condoned by the employer.
    4. An employee whose contract of employment has become impossible to performor has been frustrated by a fortuitous or unforeseeable event or circumstance.
    5. An employee whose employment is terminated after refusing an offer of reasonable alternative employment with the employer.
    6. An employee whose employment is terminated after refusing alternative employment made available through a seniority system.
    7. An employee on a temporary lay-off and doesn't return to work within a reasonable time after having been requested by the employer to do so.
    8. An employee whose employment is terminated during or as a result of a strike or lock-out at the place of employment.
    9. A construction employee.
    10. An employee whose employment is terminated upon reaching the age of retirement in accordance with the employer's established practice, but only if the termination doesn't violate the *Human Rights Code* (*Termination and Severance of Employment Reg,* 2(1)).

New Job Seeking Leave Provisions Under Bill 30 (Working for Workers Act Seven)

13. An employee to whom notice has been given under section 58 of the ESA (Item 1 above) is entitled to an unpaid leave of 3 days during the notice period to engage in activities related to obtaining employment, including job searches, interviews and training (*ESA*, Sec. 50.3(1)).
14. An employee who wishes to take a leave under this section must advise the employer at least 3 days before beginning the leave, if possible (*ESA*, Sec. 50.3(4)).
15. If an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day (*ESA*, Sec. 50.3(5)).
16. An employer may require an employee who takes leave to provide evidence reasonable in the circumstances that the employee is entitled to the leave (*ESA*, Sec. 50.3(6)).
17. If an employee takes a paid or unpaid leave of absence under an employment contract in circumstances for which the employee would also be entitled to take leave under this section, the employee is deemed to have taken the leave under

this section (*ESA*, Sec. 50.3(7)).

18. If an employer, in accordance with section 61 (Item 9 above), terminates an employee with a period of notice that's 25% of the notice required under section 58, or less, the employee is not entitled to leave under this section (*ESA*, Sec. 50.3(10)).

PRINCE EDWARD ISLAND

No special ESA requirements for group termination.

QUÉBEC

1. The termination of employment by the employer, including a layoff of 6 months or more, involving 10 or more employees of the same establishment in the course of 2 consecutive months constitutes a collective dismissal subject to special requirements under Division VI.0.1 (Secs. 84.0.1 thru 84.0.15) of the *Labour Standards Code* (*LSC*, Sec. 84.0.1).
2. Exemptions: The following employees are not considered employees affected by a collective dismissal:
    1. An employee with less than 3 months of uninterrupted service.
    2. An employee whose contract for a fixed term or a specific undertaking expires.
    3. An employee to whom section 83of the *Public Service Act*
    4. An employee who has committed a serious fault.
    5. An employee referred to in Item 3 below (*LSC*, Sec. 84.0.2).
3. The collective dismissal requirements don't apply:
    1. To the layoff of employees for an indeterminate period, but in fact less than 6 months.
    2. In respect of an establishment whose activities are seasonal or intermittent.
    3. In respect of an establishment affected by a legal strike or lock-out (*LSC*, Sec. 84.0.3).
4. Every employer must, before making a collective dismissal for technological or economic reasons, give notice to the Minister of Employment and Social Solidarity within the following minimum periods:
    100. 8 weeks, where the number of employees affected by the dismissal is at least equal to 10 and less than 100.
    101. 12 weeks, where the number of employees affected by the dismissal is at least equal to 100 and less than 300.
    102. 16 weeks, where the number of employees affected by the dismissal is at least equal to 300 (*LSC*, Sec. 84.0.4).
5. Providing collective dismissal notice doesn't exempt an employer from giving regular termination notice under LSC section 82 (*LSC*, Sec. 84.0.4).
6. In the case of a superior force or unforeseeable event that prevents an employer from respecting the time periods for giving notice set out in section 84.0.4, the employer must give the Minister a notice of collective dismissal as soon as the employer is in a position to do so (*LSC*, Sec. 84.0.5).
7. An employer must transmit a copy of the notice of collective dismissal to the Commission and the certified association representing the employees affected by the dismissal (*LSC*, Sec. 84.0.5).
8. The employer must also post the notice in a conspicuous and readily accessible place in the establishment concerned (*LSC*, Sec. 84.0.5).
9. The employer must send the Minister the notice of collective dismissal at the contact information published on the department's website concerning collective

dismissal, by any means providing evidence of the date of receipt, date on which the notice takes effect (*Labour Standards Reg*, Sec. 35.0.1).

10. The notice of collective dismissal must contain:
    1. The name and address of the employer or establishment concerned and, if applicable, the Québec business number.
    2. The sector of activity.
    3. The names and addresses of the associations of employees, where applicable.
    4. The reason for the collective dismissal.
    5. The date anticipated for the collective dismissal.
    6. The number of employees likely to be affected by the collective dismissal.
    7. The name of a representative of the employer, the representative's position, and a telephone number and email address to contact the representative (*Labour Standards Reg*, Sec. 35.0.2).
11. During the time period set out in section 84.0.4, an employer may not change the wages of an employee affected by the collective dismissal or, where applicable, the group insurance and pension plans recognized in the employee's place of employment without the written consent of that employee or the certified association representing the employee (*LSC*, Sec. 84.0.8).

Reclassification Assistance Committee

12. At the request of the Minister, the employer and the certified association or the representatives chosen by the employees affected by the collective dismissal, must, without delay, participate in the establishment of a reclassification assistance committee, and collaborate in carrying out the committee's mission (*LSC*, Sec. 84.0.9).
13. The committee must consist of an equal number of representatives of each party or of the number of representatives agreed on by the parties with each party to have one vote only (*LSC*, Sec. 84.0.9).
14. The mission of the reclassification assistance committee is to provide the employees affected by the collective dismissal with any form of assistance agreed on by the parties to minimize the impact of the dismissal and facilitate the maintenance or re-entry on the labour market of those employees (*LSC*, Sec. 84.0.10).
15. The committee is responsible for evaluating the situation and needs of the employees affected by the dismissal, developing a reclassification plan to facilitate the maintenance or re-entry on the labour market of those employees, and seeing to the implementation of the plan (*LSC*, Sec. 84.0.10).
16. The financial contribution of the employer to the operating costs of the reclassification assistance committee and its reclassification activities must be agreed on by the employer and the Minister (*LSC*, Sec. 84.0.11).
17. Absent an agreement, the financial contribution of the employer will be an amount determined by regulation of the Government, per employee affected by the collective dismissal (*LSC*, Sec. 84.0.11).
18. On request, the Minister may, after giving the interested parties an opportunity to present observations, exempt an employer from the application of all or part of these reclassification assistance committee requirements if the employer, in the establishment concerned by the collective dismissal, offers reclassification assistance measures to the employees affected by the dismissal that are equivalent or surpass the measures provided for in the LSC (*LSC*, Sec. 84.0.12).
19. A reclassification assistance committee isn't required if the collective dismissal affects fewer than 50 employees (*LSC*, Sec. 84.0.15).
20. An employer who fails to give the notice prescribed by section 84.0.4 (Item 4 above) or who gives insufficient notice must pay to each dismissed employee an indemnity equal to the employee's regular wages, excluding overtime, for a period equal to the time period or remainder of the time period within which the

employer was required to give notice to be paid at the time of the dismissal or at the end of a period of 6 months after a layoff of indeterminate length or a layoff expected to last less than 6 months but which exceeds that period (*LSC*, Sec. 84.0.13).

SASKATCHEWAN

1. In addition to regular termination notice, an employer who intends to terminate 10 or more employees in a workplace within any 4-week period must give written notice of that intention:
    1. The minister;
    2. Each terminated employee; and
    3. Any union that's the bargaining agent of any employees being terminated (*Sask Employment Act*, Sec. 2-62(1)).
2. The written notice must specify:
    1. The number of employees being terminated.
    2. The effective termination date or dates; and
    3. The reasons for the terminations (*Sask Employment Act*, Sec. 2-62(2)(a)).
3. The written notice of group termination, which may be given concurrently with required termination notice for individual termination, must be at least:
    50. 4 weeks, if the number of employees being terminated is 10 or more but less than 50.
    51. 8 weeks, if the number of employees being terminated is 50 or more but less than 100.
    52. 12 weeks, if the number of employees being terminated is 100 or more (*Sask Employment Act*, Sec. 2-62(2)(b), *Employment Standards Regs*, Sec. 31(1)).
4. Total Exemption: An employer is exempted from the above written notice requirements if the employees:
    1. Are employed under an arrangement by which: (i) the employer may request the employee to come to work at any time for a temporary period; and (ii) the employee has the option to accept or reject one or more of the requests.
    2. Are employed for a definite term.
    3. Are employed for a specific project with a completion date that's reasonably foreseeable in any industry, other than the construction industry, or occupation.
    4. Are employed in the construction industry for a specific project with a completion date that is reasonably foreseeable.
    5. Are offered and have refused reasonable alternative work or employment by the employer.
    6. Are terminated because of a seasonal reduction of the employer's operations, suspension of those operations, or closure of those operations if that reduction, suspension, or closure is normal for that employer.
    7. Are laid off for a period not exceeding 26 weeks.
    8. Have reached the age of retirement that is the established age of retirement for that employer and their employment has been terminated for that reason.
    9. Are employed under a contract of employment that is impossible to perform due to an unforeseeable event or circumstance (*Employment Standards Regs*, Sec. 31(2)).
5. Approved Partial Exemption: An employer is exempted from providing written group termination notice to employees (but not the minister or unions) if:
    1. The employer has applied in writing to the director of employment standards; and
    2. The director of employment standards is satisfied that giving written

notice would be prejudicial to the employer and the employees (*Employment Standards Regs*, Sec. 31(3)).

6. Exemption: The Government of Saskatchewan is exempted from giving written group termination notice with respect to employees who are not within the scope of a collective bargaining agreement and whose employment is terminated within 30 days after polling day for a general election within the meaning of *The Election Act, 1996* (*Employment Standards Regs*, Sec. 31(4)).

YUKON TERRITORY

1. Any employer who terminates, either simultaneously or within any period not exceeding 4 weeks, a group of 25 or more employees must, in addition to any notice required to be given by the employer under section 50 of the ESA, give notice to the director of the employer's intention to do so at least:
    1. 4 weeks before the date of the termination if not more than 49 and not less than 25 employees are terminated.
    2. 8 weeks before the date of the termination if not more than 99 and not less than 50 employees are terminated.
    3. 12 weeks before the date of the termination if not more than 299 and not less than l00 employees are terminated.
    4. 16 weeks before the date of the termination if 300 or more employees are terminated (*Employment Standards Act*, Sec. 58(1)).
2. Any employer who, either simultaneously or within any period not exceeding 4 weeks, places a group of 50 or more employees on temporary layoff must give notice to the director of the employer's intention to do so at least 4 weeks before the date of the temporary layoff (ESA, Sec. 58(2)).
3. The above rules don't apply to:
    1. The construction industry.
    2. A seasonal or intermittent undertaking that operates for less than 6 months in a year.
    3. An employee discharged for just cause.
    4. An employee whose employer has failed to abide by the terms of the employment contract.
    5. An employee on temporary layoff.
    6. An employee employed under a contract of employment that is impossible to perform due to an unforeseeable event or circumstance.
    7. An employee who has been offered and who has refused reasonable alternative employment by their employer.
    8. The termination of an employment relationship due to the completion by the employee of a project or assignment that the employee was hired to perform over a period not exceeding 12 months, whether or not the exact period was stated in the employment contract.
    9. An employee who is still employed after completing the term of employment that was set in the employment contract, unless the employee is employed for a period of more than one month after the completion of that term (*ESA*, Sec. 49(1)).