

Termination Notice Increase And Changes For Federally Governed Employees



Important changes have been made to the laws that apply to federally governed employers. Some of the changes are already in force. Others will apply in the near future.

A summary of the key changes are as follows.

1. Greater Notice of Termination Obligations

As of February 1, 2024, the length of termination notice (or amount of pay in lieu of termination notice) owed to federally regulated employees on termination without cause will increase as follows:

1. Two weeks after three consecutive months of continuous employment;
2. Three weeks after three consecutive years of continuous employment; and
3. One additional week per consecutive year of continuous employment, up to a maximum of eight weeks.

Also as of February 1, 2024, employers must provide a written statement to terminated employees that sets out their vacation benefits, wages, severance pay, and other benefits and pay arising from their employment as of the date of termination. This statement must be given on the date of termination if the terminated employee is receiving pay in lieu of notice, or two weeks before termination if the terminated employee is receiving working notice or a combination of working notice and pay in lieu of notice.

2. Requirement to Provide Menstrual Products

As of December 15, 2023, employers will be required to provide menstrual products, including clean and hygienic tampons and menstrual pads, in each washroom. The regulations also require employers to provide a covered container for the disposal of menstrual products in each toilet compartment. In workplaces where it may not be feasible to provide sanitary products in a washroom, the employer must provide them in another location within the same workplace. The sanitary products must be placed in a location that allows for privacy and is accessible to employees at all times.

3. Reasonable Work-Related Expenses Must Be Reimbursed

Dating back to July 9, 2023, employers must reimburse employees for their "reasonable work-related expenses". Reimbursement must be completed within 30 days of an employee submitting a claim. Terms in an employment or collective

agreement may eliminate or limit this obligation on employers. The regulations set out considerations for employers when determining whether an employee expense is “work-related” and “reasonable”. These considerations include:

1. whether the expense enables an employee to perform work;□
2. whether the employer requires the employee to incur the expense as a □condition of employment or continued employment;□
3. whether the expense is incurred for a legitimate business purpose and □not for the employee’s personal use or enjoyment;
4. whether the employer requests the employee to incur the expense;□
5. whether any amount of expense is incurred beyond the amount □necessary to enable the performance of the work;□
6. whether the employer authorized the expense in advance;□ and
7. whether the claim includes documentation, such as a receipt or invoice.□□

4. □**Requirement to Provide Materials and Written Employment Statement**

Dating back to July 9, 2023, employers must, within 30 days of the employee’s first day of work, or within 30 days of the materials being made available by the Ministry of Labour, provide employees with materials regarding employer and employee rights. Employers must also provide terminated employees with materials relating to termination of employment. Also as of July 9, 2023, employers must, within 30 days of the employee’s first day of work, provide employees with a written statement that contains information about the employee’s employment. For existing employees, the written statement must be provided on or before **October 7, 2023**. The written statement must include:

1. the names of the parties to the employment relationship;
2. the job title and a brief description of the duties and responsibilities;
3. the place of work and address;
4. the date employment begins;
5. the term of employment;
6. the probationary period, if any;
7. a description of the necessary qualifications for the position;
8. a description of any required training for the position;
9. the hours of work for the employee—including how it is calculated and overtime rules;
10. the rate of wages or salary—including overtime rates;
11. the frequency of payments;
12. any mandatory deductions from wages; and
13. information on the reimbursement process for reasonable work-related expenses.

If there is any change in the information in the written statement, an updated written statement must be provided within 30 days of the change.□

Conclusion

In consideration of these changes, federally regulated employers are advised to review and possibly revise their employment agreements.

Originally published 15 April 2024

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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