

# Termination Process – Know The Laws of Your Province



## ALBERTA

In Alberta, the termination of employment is governed by the **Employment Standards Code**.

### **Calculating length of employment for termination notice purposes**

For the purposes of determining the correct termination notice to be given by an **employer** or **employee** or termination pay to be given by an **employer** when an **employee** has been employed by the same **employer** more than once, the periods of employment with that **employer** are considered to be one period of employment if not more than 90 days has elapsed between the periods of employment. **Section 54**.

#### **(2) Termination notice is not required:**

- (a) If the employment of the **employee** is terminated for just cause.
- (b) When an **employee** has been employed by the **employer** for 90 days or less.
- (c) When the **employee** is employed for a definite term or task for a period not exceeding 12 months on completion of which the employment terminates.
- (d) When the **employee** is laid off after refusing an offer by the **employer** of reasonable alternative work.
- (e) If the **employee** refuses work made available through a seniority system.
- (f) If the **employee** is not provided with work by the **employer** by reason of a strike or lockout occurring at the employee's place of employment.
- (g) When the **employee** is employed under an agreement by which the **employee** may elect either to work or not to work for a temporary period when requested to work by the **employer**.
- (h) If the contract of employment is or has become impossible for the **employer** to perform by reason of unforeseeable or unpreventable causes beyond the control of the

employer.

(i) If the **employee** is employed on a seasonal basis and on the completion of the season the employee's employment is terminated. **Section 55(1)**.

#### **Employer's termination notice**

To terminate employment an **employer** must give an **employee** written termination notice of at least:

(a) One week, if the **employee** has been employed by the **employer** for more than 90 days but less than 2 years.

(b) 2 weeks, if the **employee** has been employed by the **employer** for 2 years or more but less than 4 years.

(c) 4 weeks, if the **employee** has been employed by the **employer** for 4 years or more but less than 6 years.

(d) 5 weeks, if the **employee** has been employed by the **employer** for 6 years or more but less than 8 years.

(e) 6 weeks, if the **employee** has been employed by the **employer** for 8 years or more but less than 10 years.

(f) 8 weeks, if the **employee** has been employed by the **employer** for 10 years or more.

#### **Section 56.**

#### **Termination Pay**

(1) Instead of giving a termination notice, an **employer** may pay an **employee** termination pay of an amount at least equal to the wages the **employee** would have earned if the **employee** had worked the regular hours of work for the applicable termination notice period.

(2) An **employer** may give an **employee** a combination of termination pay and termination notice, in which case the termination pay must be at least equal to the wages the **employee** would have earned for the applicable termination notice period that is not covered by the notice.

(3) If the wages of an **employee** vary from one pay period to another, the **employee's** termination pay must be determined by calculating the average of the **employee's** wages during the previous 13 weeks in which the **employee** worked preceding the date of termination of employment. **Section 57(1)(2)(3)**.

#### **For more information:**

- Termination of employment by **employee**: **Section 58**.
- Expediting termination of employment after an **employee's** termination notice: **Section 59(1)(2)**.
- Continuation of employment after termination: **Section 60**.
- Earnings not to change after termination notice given: **Section 61(1)**.
- Temporary layoff: **Section 62(1)**.
- Termination pay after temporary layoff: **Section 63(1)**.
- Recall: **Section 64(1)**.

Further details on the Employment Standards Code can be found at [Canlii.org](http://Canlii.org).

## **BRITISH COLUMBIA**

In British Columbia (BC), the termination of employment is regulated by the **Employment Standards Act (ESA)**.

### **1. Notice of Termination or Pay in Lieu:**

- **Employers** must provide **written notice** of termination or **compensation (severance)** instead of notice.
- The amount of notice or pay depends on the length of employment:
  - **Less than 3 months:** No notice or compensation is required.
  - **3 months to less than 1 year:** 1 week of notice or pay.
  - **1 year to less than 3 years:** 2 weeks of notice or pay.
  - **More than 3 years:** 3 weeks of notice or pay, plus an additional week for each completed year of service (up to a maximum of 8 weeks).

### **2. Just Cause Termination:**

- If an **employee** is terminated for **just cause** (e.g., serious misconduct, dishonesty, etc.), the **employer** is not required to give notice or compensation. Just cause must be proven and is held to a high standard.

### **3. Group Termination:**

- For **group terminations** (50 or more **employees** within 2 months), **employers** must provide additional notice to both the **employees** and the **Director of Employment Standards**:
  - **50 to 100 employees:** 8 weeks' notice.
  - **101 to 300 employees:** 12 weeks' notice.
  - **More than 300 employees:** 16 weeks' notice.

### **4. Final Pay:**

- An **employee's** final wages, including outstanding regular wages, overtime, and vacation pay, must be paid within **48 hours** if the **employer** initiates the termination. If the **employee** quits, final wages must be paid within **6 calendar days**.

### **5. Termination with a Contract:**

- If the **employee** has a written employment contract, the terms of termination will be outlined in the contract.

### **6. Exemptions:**

- Certain **employees** may be **exempt from these provisions**, see exceptions.

### **7. Severance Pay:**

- If the **employer** fails to provide sufficient notice or pay in lieu, the **employee** may be entitled to **severance pay**.

### **8. Wrongful Dismissal:**

- If an **employee** feels they were wrongfully dismissed (e.g., not given proper notice or terminated without cause), they may file a claim with the **Employment Standards Branch** or pursue a legal claim.

### **9. Constructive Dismissal:**

- If an **employer** makes significant changes to the terms of employment without the **employee's** consent (e.g., reducing salary or changing job duties), the **employee**

may consider this as constructive dismissal and seek legal remedy.

## For More Information

- Part 8 – Termination of Employment – Definition: **Section 62**.
- Liability resulting from length of service: **Section 63**.
- Group terminations: **Section 64**.
- Exceptions: **Section 65**.
- Director may determine employment has been terminated: **Section 66**.
- Rules about notice: **Section 67**.
- Rules about payments: **Section 68**.

Further details on the Employment Standards Act can be found at [BClaws.gov.bc.ca](http://BClaws.gov.bc.ca).

## MANITOBA

In Manitoba, the termination of employment is governed by the **Employment Standards Code**.

### Notice period – termination by employer

For the purpose of subclause (1)(a)(ii), the notice period for terminating the employment of an **employee** is the applicable notice period set out in the following table for the **employee's** period of employment with the **employer**:

- Less than one year – 1 week
- At least one year and less than three years – 2 weeks
- At least three years and less than five years – 4 weeks
- At least five years and less than 10 years – 6 weeks
- At least 10 years – 8 weeks

### Section 61 (2)

#### Exceptions to notice requirements

Section 61 does not apply in any of the following circumstances:

- (a) The **employee's** period of employment with the **employer** is less than:
  - (i) the probationary period specified in a collective agreement that applies to the **employee**, if that period is one year or less, or
  - (ii) in any other case, 30 days.
- (b) The employment is for a fixed term and terminates at the end of the term;
- (c) The **employee** is employed for a specific task and for a period not exceeding 12 months, on completion of which the employment terminates;
- (d) The **employee** is employed in construction;
- (e) The **employee** is employed under an arrangement by which the **employee** may choose to work or not to work for a temporary period when requested to work by the **employer**;
- (f) The **employee** is employed under an agreement or contract of employment that is impossible to perform or has been frustrated by a fortuitous or unforeseeable circumstance;

(g) The **employee** is on strike or has been locked out and the termination meets the requirements prescribed by regulation;

(h) When the employment of the **employee** is terminated for just cause;

(i) The **employee** has given the **employer** written notice of his or her intent to retire or quit on a specific date, and the employment is terminated on that date;

(j) The employer's business or the part of the business in which the **employee** is employed is sold or transferred, and the **employee** is immediately re-employed in the same business on terms and conditions that, as a whole, are equivalent to or better for the **employee** than those that applied to the **employee** before the sale or transfer.

**Section 62(1).**

**For more information:**

- Period of Employment: **Section 60.**
- Termination by **employee**: **Section 62.1 (1).**
- Termination without notice by **employee**: **Section 62 (1.2).**
- Temporary help **employees**: **Section 62 (1.1).**
- Termination by receiver-manager: **Section 62(2).**
- Termination of the employment of a group of **employees**: **Section 61/**
- Working Conditions After Notice, Payment In Lieu Of Notice, Lay-Offs And Complaints: **Section 76, 77.**
- Joint Planning Committee: **Section 71, 72, 73, 74. 75.**

Further details on The Employment Standards Code can be found at [Canlii.org](https://canlii.org).

**NEW BRUNSWICK**

In New Brunswick (NB), the termination of employment is regulated by the **Employment Standards Act**.

**Unjust dismissal and related unfair employer action**

Despite anything in this Act, an **employer shall** not suspend, lay off, penalize, dismiss, or otherwise terminate the employment of an **employee** or impose disciplinary measures or discriminate against an **employee** if the reason for the suspension, layoff, penalty, dismissal, termination of employment, disciplinary measures, or discrimination is related in any way to:

- (a) The application by an **employee** for any leave to which the **employee** is entitled under this Act;
- (b) The making of a complaint or the giving of information or evidence by the **employee** against the **employer** with respect to any matter covered by this Act; or
- (c) The giving of information or evidence by the **employee** against the **employer** with respect to the alleged violation of any Provincial or federal Act or regulation by the **employer** while carrying on the **employer's** business;

If the suspension, layoff, penalty, dismissal, including termination of employment, disciplinary measures, or discrimination constitutes in any way an attempt by the **employer** to evade any responsibility imposed on the **employer** under this Act or any other Provincial or federal Act or regulation or to prevent or inhibit an **employee** from taking advantage of any right or benefit granted to the **employee** under this Act.

## Section 28.

### Application of sections 30 and 31

Sections 30 and 31 apply only where **employees** are not covered by a collective agreement.

#### Notice of termination or lay off

(1) Except where cause for dismissal exists, and subject to subsection (3) and to sections 31 and 32, an **employer shall** not terminate or lay off an **employee** without having given at least:

(a) two weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of employment of six months or more but less than five years; and

(b) four weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of employment of five years or more. **Section 30(1)**.

Where an **employer** dismisses an **employee** for cause the **employer shall** do so in writing, setting out the reasons for such action, and, subject to section 31, unless this section is complied with no dismissal without notice is valid notwithstanding that cause for such action exists. **Section 30(2)**.

Where an **employee** is given notice of termination or layoff by the **employer** but continues to work for the **employer** for a period of one month or more beyond the end of the notice period, the notice is extinguished and the **employer shall** only terminate or lay off the **employee** after giving a new notice in accordance with subsection (1). **Section 30(3)**.

#### Termination or layoff without notice

(1) Notwithstanding section 30, an **employer** may lay off an **employee** without notice:

(a) where there is a lack of work, due to any reason unforeseen by the **employer** at the time notice would otherwise have been given, for such period as the lack of work continues due to that reason; or

(b) for any reason, for a period of up to six days. **Section 31(1)(a)(b)**.

(2) Notwithstanding section 30, an **employer** may terminate or lay off without notice an **employee** who has refused reasonable alternate employment offered by the **employer** as an alternative to being terminated or laid off. **Section 31(1)(2)**.

Section 30 does **not** apply where:

(a) The termination of the employment relationship is due to the completion by the **employee** of a definite assignment that the **employee** was hired to perform over a period not exceeding twelve months, whether or not the exact period was stated in the employment contract;

(b) An **employee** has completed a term of employment that was fixed in the employment contract, unless the **employee** is employed for a period of three months beyond that period;

(c) An **employee** retires under a *bona fide* retirement plan;

(d) The **employee** is doing construction work in the construction industry;

(e) The termination or layoff results from the normal seasonal reduction, closure or suspension of an operation. **Section 31(3)**.

**For more information:**

- Notice of termination or lay off of more than ten
- Lay off without notice.
- Termination or lay off without notice or payment in lieu of notice.
- Termination or lay off without notice or payment in lieu of notice.

Further details on the Employment Standards Act can be found at [Canlii.org](http://Canlii.org).

**NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador (NL), the termination of employment is regulated by the **Labour Standards Act**.

**1. Notice of Termination or Pay in Lieu:**

**Employers** must provide **written notice** of termination or **pay in lieu of notice** when terminating an **employee**. The amount of notice or pay depends on the length of employment:

- **Less than 3 months:** No notice is required.
- **3 months to less than 2 years:** 1 week of notice or pay in lieu.
- **2 years to less than 5 years:** 2 weeks of notice or pay in lieu.
- **5 years to less than 10 years:** 3 weeks of notice or pay in lieu.
- **10 years or more:** 4 weeks of notice or pay in lieu.

**2. Just Cause Termination:**

- **Employers** can terminate an **employee** without notice or pay in lieu if there is **just cause**. Just cause typically includes serious misconduct such as theft, fraud, insubordination, or willful neglect of duty.
- **Just cause** must be clearly proven by the **employer**, and it must meet a high legal standard to avoid wrongful dismissal claims.

**3. Termination Without Cause:**

- For terminations without cause (e.g., due to downsizing or restructuring), **employers** are required to provide the appropriate **notice** or **pay in lieu**, based on the **employee's** length of service.
- If an **employee** is terminated without just cause, the **employer** cannot bypass the notice or pay requirement.

**4. Group Termination (Mass Layoffs):**

- When an **employer** plans to terminate **50 or more employees** at a single location within a 4-week period, they must give at least **6 weeks' notice** to the affected **employees**, as well as notify the **Labour Standards Division**.
- This is in addition to the required individual notice periods or pay in lieu.

**5. Final Pay:**

- Upon termination, **employers** must provide all unpaid wages, including regular pay, vacation pay, and overtime pay within **1 week** of the **employee's** last day of work.
- Any **severance pay** or **pay in lieu of notice** must be included in the final

payment.

## 6. Termination During Probation:

- **Employees** who have worked for less than **3 months** (the typical probationary period) are not entitled to notice or pay in lieu if terminated during this period.

## 7. Severance Pay:

- Severance pay is not specifically required under the **Labour Standards Act**, except in the form of **pay in lieu of notice** if the **employer** opts not to provide working notice.

## 8. Wrongful Dismissal:

- **Employees** who believe they were wrongfully dismissed (e.g., without just cause or without proper notice) may file a complaint with the **Labour Standards Division** or pursue legal action through the courts for damages.

## 9. Exceptions to Notice Requirements – Termination notice not required if:

- The **employee** has worked for less than **3 months**.
- The **employee** is dismissed for **just cause**.
- The **employee** works on a **fixed-term contract** or **specific project**, and the termination occurs at the end of the contract or project.
- The **employee** is involved in a **strike or lockout**.
- The **employee** refuses reasonable alternative work offered by the **employer**.

## 10. Termination Due to Long-Term Absence:

- An **employee** who is absent from work for an extended period (such as due to illness or injury) can be terminated after a reasonable period, provided they are not on a protected leave (e.g., maternity or parental leave), and reasonable accommodations have been attempted.

### For more information:

- Temporary lay-off becomes termination. **Section 50**.
- Collective agreements and written contracts of service. **Section 51**.
- No termination without notice. **Section 52**.
- Notice unnecessary. **Sections 53 and 54**.

Further details on the Labour Standards Act can be found at [canlii.org](http://canlii.org).

## NOVA SCOTIA

In Nova Scotia (NS), the termination of employment is regulated by the **Labour Standards Code**.

### 1. Notice of Termination or Pay in Lieu:

**Employers** must provide **written notice or pay in lieu of notice** when terminating an **employee** without cause. The amount of notice required depends on the length of the employee's service:

- **Less than 3 months:** No notice is required.
- **3 months to less than 2 years:** 1 week of notice or pay.
- **2 years to less than 5 years:** 2 weeks of notice or pay.

- **5 years to less than 10 years:** 4 weeks of notice or pay.
- **10 years or more:** 8 weeks of notice or pay.

## 2. Just Cause Termination:

- **Employers** can terminate an employee without notice or pay in lieu if there is **just cause**. Just cause includes serious employee misconduct, such as theft, fraud, insubordination, or willful neglect of duty.
- **Just cause** terminations must be supported by clear evidence, proving just cause is high.

## 3. Termination Without Cause:

- When an **employer** terminates an employee without cause (e.g., for restructuring, downsizing, or other reasons unrelated to misconduct), they are required to provide the appropriate **notice or pay in lieu** based on the employee's length of service.
- Without proper notice or pay, the termination could be considered wrongful, and the employee may be entitled to compensation.

## 4. Group Termination (Mass Layoffs):

- For **group terminations** involving 10 or more employees within a 4-week period, **employers** must provide written notice to both the affected **employees** and the **Labour Standards Division**.

## 5. Final Pay:

- **Employers** must provide the employee's **final wages**, including unpaid regular wages, overtime, vacation pay, and any other entitlements, within **5 business days** following the end of employment.

## 6. Termination During Probation:

- **Employers** are not required to provide notice or pay in lieu for **employees** who have worked for less than **3 months**.

## 7. Severance Pay:

- Nova Scotia law does not require **severance pay**, except in the form of **pay in lieu of notice** when the **employer** opts to provide financial compensation instead of allowing the **employee** to work through the notice period.

## 8. Wrongful Dismissal:

- If an **employee** believes they were wrongfully dismissed (e.g., terminated without just cause or without proper notice), they can file a complaint with the **Labour Standards Division** or pursue legal action for compensation.

## 9. Where Notice Requirements are not required:

- The **employee** has been employed for less than **3 months**.
- The **employee** is terminated for **just cause**.
- The **employee** is working on a **fixed-term contract**, and the termination occurs at the end of the term.
- The **employee** is involved in a **strike or lockout**.
- The **employee** refuses reasonable alternate work offered by the **employer**.

## 10. Termination Due to Long-Term Absence:

- An **employer** may terminate an **employee** after a prolonged absence from work (e.g., due to illness or injury), provided the **employee** is not on a protected leave and sufficient time has passed.

**For more information:**

- Dismissal or suspension without just cause. **Section 71.**
- Termination of employment by employer. **Section 72.**
- Termination of employment by employee. **Section 73.**
- Duty of employer if notice is given. **Section 24.**
- Notice of termination by the employer. **Section 75.**
- Conditional notice of termination and where lay-off and no notice. **Section 76.**
- If employment continues. **Section 77.**

Further details on the Labour Standards Code can be found at [NSlegislature.ca](http://NSlegislature.ca).

**NORTHWEST TERRITORIES AND NUNAVUT**

In the Northwest Territories, the termination process is regulated by the **Employment Standards Act**.

**Termination of Employment**

**No employer shall terminate the employment of an employee who has been employed by that employer for a period of 90 days or more, unless the employer:**

- (1) Gives the **employee** a written notice of termination indicating the date the notice is given and the date on which the employment is terminated; or
- (2) Pays the **employee** termination pay.

Subsection (1,2) does not apply to an **employee**:

- (a) Who is temporarily laid off;
- (b) Who is employed in an activity, business, work, trade, occupation, or profession that is exempted by regulation;
- (c) Whose employment is terminated for just cause;
- (d) Whose employment is terminated because the **employee** has refused an offer by the **employer** of reasonable alternative work with the **employer**; or
- (e) Who is on temporary layoff and does not return to work within seven days after being requested to do so in writing by the **employer**. **Section 37(1).**

**This section applies when a notice of termination is given to one employee or a group of employees.**

- (3) A notice of termination must be given to an **employee** in advance of the date of termination by a period of at least two weeks plus one additional week for each year of employment over two years, to a maximum of eight weeks.
- (4) The period of notice required by subsection (2) **shall** not coincide with the annual vacation of an **employee** whose employment is being terminated.
- (5) If an **employee** has been employed by the same **employer** more than once, the separate periods of employment **shall** be deemed to be one period of employment for the purposes of subsection (2), if not more than 90 days have elapsed between each period of employment.

(6) An **employer shall** not, between the date that the notice of termination is given and the date of termination of employment,

- (a) Reduce an **employee's** wages or rate of wages; or
- (b) Alter any term or condition of an **employee's** employment.

(7) An **employer shall**, between the date that the notice of termination is given and the date of termination of employment, pay wages and provide benefits to an **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.

(8) A notice of termination is void and of no effect if an **employee** continues to be employed by his or her **employer** after the date for termination of employment specified in the notice of termination. **Section 38(1)to(7).**

If termination pay is given to an **employee**, the amount of termination pay must be equal to the wages and benefits to which the **employee** would have been entitled, if the **employee** had worked his or her usual hours of work for each week of the period for which notice would otherwise be required by subsection 38(2). **Section 39.**

The Employment Standards Officer may declare that an **employer** has terminated the employment of an **employee**, if the Employment Standards Officer is satisfied that:

- (a) the **employer** has substantially altered a condition of the **employee's** employment; and
- (b) the purpose of the alteration is to discourage the **employee** from continuing in the employment of the **employer**. **Section 40.**

**For more information:**

- Termination of Employment of 50 or more employees at one time, or, within a period of four weeks. **Section 41(1) to (16).**

**Further details on the Employment Standards Act and Labour Standards Act can be found at [Justice.gov.NT.ca](http://Justice.gov.NT.ca) and [Nunavutlegislation.ca](http://Nunavutlegislation.ca).**

**ONTARIO**

In Ontario (ON), the termination of employment is governed by the **Employment Standards Act, 2000 (ESA)**.

**Termination of Employment – No termination without notice**

No **employer shall** terminate the employment of an **employee** who has been continuously employed for three months or more unless the **employer**:

- (a) Has given to the **employee** written notice of termination in accordance with section 57 or 58 and the notice has expired. **Section 54.**

**What constitutes termination?**

- (1) An **employer** terminates the employment of an **employee** for purposes of section 54 if:

- (a) The **employer** dismisses the **employee** or otherwise refuses or is unable to continue employing him or her;
- (b) The **employer** constructively dismisses the **employee** and the **employee** resigns from his or her employment in response to that within a reasonable period; or
- (c) The **employer** lays the **employee** off for a period longer than the period of a temporary lay-off. **Section 56(1)**.

#### **Employer notice period**

The notice of termination under section 54 **shall** be given:

- (a) At least one week before the termination, if the **employee's** period of employment is less than one year;
- (b) At least two weeks before the termination, if the **employee's** period of employment is one year or more and fewer than three years;
- (c) At least three weeks before the termination, if the **employee's** period of employment is three years or more and fewer than four years;
- (d) At least four weeks before the termination, if the **employee's** period of employment is four years or more and fewer than five years;
- (e) At least five weeks before the termination, if the **employee's** period of employment is five years or more and fewer than six years;
- (f) At least six weeks before the termination, if the **employee's** period of employment is six years or more and fewer than seven years;
- (g) At least seven weeks before the termination, if the **employee's** period of employment is seven years or more and fewer than eight years; or
- (h) At least eight weeks before the termination, if the **employee's** period of employment is eight years or more. **Section 57**.

#### **For more information:**

- Notice of Termination of 50 or more employees: **Section 58(1) to (7)**.
- Period of employment: **Section 59(1)**.
- Lay off without notice: **Section 33**.
- Termination or layoff without notice or payment in lieu of notice: **Section 34(1)**.
- Requirements during notice period: **Section 60**.
- Pay instead of notice: **Section 61(1)**.
- Deemed active contributions: **Section 62(1)**.

Further details on the Employment Standards Act can be found at [Ontario.ca](http://Ontario.ca).

#### **PRINCE EDWARD ISLAND**

In Prince Edward Island (PEI), the termination of employment is regulated by the **Employment Standards Act**.

#### **NOTICE OF TERMINATION**

Termination of employment by **employer**, notice period:

(1) Except where an **employer** has just cause to terminate an **employee**, and subject to subsection (2), an **employer shall** not terminate or lay off an **employee** who has been employed by the **employer** for a continuous period of six months or more without having given the **employee** at least:

- (a) two weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of six months or more but less than five years;
- (b) four weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of five years or more but less than ten years;
- (c) six weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of 10 years or more but less than 15 years; or
- (d) eight weeks notice in writing, where the **employee** has been employed by the **employer** for a continuous period of 15 years or more.

#### **Exceptions, termination without notice**

(2) Subsection (1) does not apply to

- (a) a person who is employed to perform a definite task for a period not exceeding twelve months;
- (b) a person who is laid off for a period not exceeding six consecutive days;
- (c) a person who has been offered reasonable other employment by his or her **employer**;
- (d) a person who is terminated or laid off for any reason beyond the control of the **employer**, including
  - (i) the complete or partial destruction of a plant,
  - (ii) the destruction or breakdown of machinery or equipment,
  - (iii) the inability to obtain supplies and materials, or
  - (iv) the cancellation or suspension of, or inability to obtain, orders for the products of the **employer**, if the **employer** has exercised due diligence to foresee and avoid the cause of termination or layoff; or
- (e) a person who is terminated or laid off because of labour disputes, weather conditions or actions of any governmental authority that affect directly the operations of the **employer**.

#### **Additional notice required where employee continues to work**

(2.1) Where an **employee** is given a written notice of termination or layoff by the **employer** but continues to work for the **employer** for a period of one month or more beyond the end of the notice period, the notice is extinguished and the **employer shall** only terminate or lay off the **employee** after giving a new notice in accordance with subsection (1). **Section 29.**

**Further details on the Employment Standards Act can be found at**  
[PrinceEdwardIsland.ca](http://PrinceEdwardIsland.ca)

## **QUÉBEC**

In Quebec, **employee** termination processes are governed by the **Labour Standards Act (Loi sur les normes du travail)**.

### **DIVISION VI – NOTICE OF TERMINATION OF EMPLOYMENT OR LAYOFF**

The **employer** must give written notice to an **employee** before terminating the **employee's** contract of employment or laying the **employee** off for six months or more.

The notice **shall** be of one week if the **employee** is credited with less than one year of uninterrupted service, two weeks if the **employee** is credited with one year to five years of uninterrupted service, four weeks if the **employee** is credited with five years to ten years of uninterrupted service, and eight weeks if the **employee** is credited with ten years or more of uninterrupted service.

A notice of termination of employment given to an **employee** during the period when the **employee** is laid off is absolutely null, except in the case of employment that usually lasts for not more than six months each year due to the influence of the seasons. **Section 82.**

Section 82 does not apply to an **employee**:

- (1) Who has less than three months of uninterrupted service;
- (2) Whose contract for a fixed term or for a specific undertaking expires;
- (3) Who has committed a serious fault;
- (4) For whom the end of the contract of employment or the layoff is a result of superior force. **Section 82.1.**

An **employer** who does not give the notice prescribed by section 82, or who gives insufficient notice, must pay the **employee** a compensatory indemnity equal to the **employee's** regular wage excluding overtime for a period equal to the period or remaining period of notice to which the **employee** was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the **employee** is laid off for a period expected to last more than six months, or at the end of a period of six months after a layoff of indeterminate length, or a layoff expected to last less than six months but which exceeds that period.

The indemnity to be paid to an **employee** remunerated in whole or in part by commission is established from the average of the **employee's** weekly wage, calculated from the complete periods of pay in the three months preceding the termination of the employment or the layoff. **Section 83.**

**For more information:**

- Employees governed by collective agreements: **Section 83.1.**
- Government Regulations that vary from **Sections 82 to 83.1.**
- Employee work Certificates: **Section 84.**

**Further details on the Act Respecting Labour Standards can be found at [Legisquebec.gouv.qc.ca](http://Legisquebec.gouv.qc.ca).**

## **SASKATCHEWAN**

In Saskatchewan, **employee** terminations are governed by the **Saskatchewan Employment Act** and the regulations set by the **Saskatchewan Labour Standards**.

### **Notice required for Layoff and Termination**

Except for just cause, no **employer shall** lay off or terminate the employment of an **employee** who has been in the **employer's** service for more than 13 consecutive weeks without giving that **employee** written notice for a period that is not less than the period set out in the following Table:

- more than 13 consecutive weeks but one year or less – one week
- more than one year but three years or less – two weeks
- more than three years but five years or less – four weeks
- more than five years but 10 years or less – six weeks
- more than 10 years – eight weeks **Section 2-60(1)**

### **Payments in case of layoffs or terminations**

If an **employer** lays off or terminates the employment of an **employee**, the **employer shall** pay to the **employee**, with respect to the period of the notice required pursuant to section 2-60:

- (a) If the **employer** is not bound by a collective agreement that applies to the **employee**, the greater of:
  - (i) the sum earned by the **employee** during that period of notice; and
  - (ii) a sum equivalent to the **employee's** normal wages for that period; or
- (b) If the **employer** is bound by a collective agreement that applies to the **employee**, the entitlements provided for in the collective agreement.

(2) For the purposes of subsection (1), if the wages of an employee, not including overtime pay, vary from week to week, the **employee's** normal wages for one week are deemed to be the equivalent of the **employee's** average weekly wage, not including overtime pay, for the 13 weeks the **employee** worked preceding:

- (a) the date on which the notice of layoff or termination was given; or
- (b) if no notice of the layoff or termination was given:
  - (i) the date on which the **employee** was laid off or terminated. **Section 2-61(1)**.

### **For more information:**

- Notice of group termination: **Section 2-62(1)**.
- **Employee** notice of termination: **Section 2-63(1)**.

Further details on the Saskatchewan Employment Act can be found at [worksafesask.ca](http://worksafesask.ca).

## **YUKON TERRITORY**

In Yukon, the termination process is regulated by the **Yukon Employment Standards Act**.

## **Notice required for Termination**

(1) No **employer** shall terminate the employment of an **employee** who has been employed for six consecutive months or more unless the **employer** gives:

- (a) one week's notice in writing to the **employee** whose period of employment is less than one year;
- (b) two weeks' notice in writing to the **employee** whose period of employment is one year or more but less than three years;
- (c) three weeks' notice in writing to the **employee** whose period of employment is three years or more but less than four years;
- (d) four weeks' notice in writing to the **employee** whose period of employment is four years or more but less than five years;
- (e) five weeks' notice in writing to the **employee** whose period of employment is five years or more but less than six years;
- (f) six weeks' notice in writing to the **employee** whose period of employment is six years or more but less than seven years;
- (g) seven weeks' notice in writing to the **employee** whose period of employment is seven years or more but less than eight years;
- (h) eight weeks' notice in writing to the **employee** whose period of employment is eight years or more, and the notice has expired.

(3) The period of notice prescribed in subsection (1) **shall** not coincide with the **employee's** annual vacation. **Section 50.**

## **Pay in lieu of notice**

If an **employer** terminates the employment of an **employee** without having given the **employee** the notice required by subsection 50(1), the **employer** **shall** pay to the **employee** termination pay in an amount equal to the amount that the **employee** would have been entitled to receive as their regular wages for their normal hours of work for the period prescribed by subsection 50(1). **Section 51.**

## **Deduction instead of notice**

(1) If an **employee** terminates their employment with an **employer** without having given the notice required by section 50, the **employer** may, with the consent of the **employee**, deduct from the wages due to the **employee** an amount equal to one week's wages of the **employee** at the **employee's** regular rate of pay for the **employee's** normal hours of work.

(2) If an **employee** to whom subsection (1) applies does not consent to the deduction from their wages of the amount referred to in subsection (1), the **employer** **shall** pay that amount to the director.

(3) If the director receives the payment of an amount pursuant to subsection (2), the director **shall** investigate the matter and may make one or more of the following orders:

- (a) determining whether the **employee** was required by this Part to give notice pursuant to section 50;

(b) to repay the amount to the **employer**;

(c) to pay the amount to the **employee** if section 50 does not apply or if it would be inequitable in the circumstances to deprive the **employee** of their wages. **Section 52.**

**For more information:**

- Interpretation of Termination of Employment: **Section 48.**
- Application: **Section 49.**
- Temporary lay-off becoming permanent: **Section 53.**
- Changes to employment after notice: **Section 54.**
- Continuation of employment after expiration of notice: **Section 55.**
- Termination by change of employment conditions: **Section 56.**

Further details on the Employment Standards Act can be found at [Yukon.ca](http://Yukon.ca).