

Termination Tips to Keep in Mind



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Terminating an employee is not an easy task, but rather a difficult decision to make. As in any tough situation in life, having guidelines or tips on how to handle a termination delicately might make employers more comfortable and help keep them out of court.

In his Globe and Mail article, Daniel Lublin explains which rules to follow and gives a few tips on the right and wrong ways to fire an employee.

Asserting just cause – employers must prove any serious misconduct rather than asserting it.

Reasons for termination –If the termination is due to restructuring, lack of work, a poor fit, etc., then simply saying the termination is “without cause” is perfectly acceptable. If the termination is for misconduct, then it’s important to provide as much detail as is necessary to identify the reasons and why the employer believes they are serious.

Conduct of termination – Dismissing an employee, regardless of the reason, it’s important to be selective with the timing and sensitive to the situation.

Bad faith – Do not make a termination any more difficult than it needs to be for the employee.

References- Employers are not required to provide references or agree to speak favourably of a former employee. Providing a confirmation of employment letter may be more appropriate.

Record of employment – Employers are required to provide a form to dismissed employees called a record of employment, which is used to claim employment insurance.

Timing – Never give a dismissed employee less than a few days to consider a severance offer and do not accept any release or agreement signed on the spot.