



# Corporate Policy Manual

Sub Topic:	Resignation/Termination of Employment	Policy No.	HR.4-03
Topic:	Employee Relations	Employees Covered:	All Non-Union Regular Full-Time Employees and Regular Part-Time Employees
Section:	Human Resources	Council Adoption Date:	December 12, 2005
Effective Date:	December 12, 2005	Revision No:	Date:

## Policy Statement & Strategic Plan Linkages

The Town of Newmarket as a responsible employer strives to provide all employees with fair and reasonable conditions of employment and the opportunity to become successful. In this regard, the Town is committed to ensuring a consistent and fair approach to resignation/termination of employment.

## Purpose

The Town of Newmarket shall ensure that employees receive fair and reasonable treatment when termination is deemed necessary, inclusive of voluntary termination such as resignation. The purpose of this policy is also to ensure that employee termination processes are in compliance with employment legislation.

## Definitions

### 1. Employment Standards Act and Regulations:

The Employment Standards Act and Regulations mandate the employer's legal obligations with respect to termination of employees. It should be noted that the employer must, at a minimum, meet the standards set out in the Employment Standards Act and Regulations.

### 2. Probation Period:

The probationary period is the first six (6) months of employment, from the date of hire with the Town during which an employee is considered to be on probation. The supervisor may extend the probation period three (3) months and/or may in their absolute discretion, recommend the termination of employment for any reason without cause. During the initial period of employment the immediate supervisor assesses the employee's ability to perform the duties of the position,

suitability/fit for the position and organization. In accordance with the Employment Standards Act and Regulations, a probationary employee who has completed 3 months of service must be provided with one (1) week of notice or pay in lieu of notice, if terminated.

3. Termination for Just Cause:

Refers to the termination of an employee as a result of, but not limited to, wilful misconduct, disobedience, wilful neglect of duty, incompetence, theft, fraud, dishonesty or other serious breaches of the terms of employment, and is implemented in accordance with the Progressive Discipline Policy and the Employment Standards Act and Regulations.

4. Termination Without Cause:

Refers to the termination of an employee, when circumstances such as organizational restructuring, work shortage, or situations beyond the employer's control, may lead to employee termination. In these situations management may consider opportunities available for employee placement elsewhere in the Corporation. In the event of a termination without cause, and the employment agreement does not include a termination clause, the employee will be entitled to a reasonable period of notice, or compensation in lieu of notice, if applicable, and severance pay as defined under the Employment Standards Act and Regulations.

5. Voluntary Termination:

Refers to employee initiated termination such as resignation and retirement. In the case of a voluntary termination, advance notice to the employer would be appreciated.

Employees considering retirement should commence this process approximately 6 months prior to the retirement date for administrative purposes.

## **Procedures**

To ensure the consistent application of this policy, definitions and responsibilities of the employee and the employer have been outlined. Notwithstanding the provisions of this policy, Directors/Commissioner(s) have the authority to terminate employees within their Department, in consultation with the CAO and Human Resources. The Chief Administrative Officer has the authority to terminate the employment of Commissioner(s)/Director(s), with support of Council.

## **Responsibilities**

### Employees are responsible to:

- Ensure he/she is aware of standards including but not limited to federal, provincial and local legislation, Town policies and procedures, departmental policies and procedures and expectations of immediate supervisors, including acceptable behaviour and conduct;

- Seek guidance and clarification of expectations, especially during the probationary period;
- Perform work in accordance with employer expectations, the duties of the job, and the Town's policies, procedures and guidelines;
- Seek guidance of his/her immediate supervisor if he/she encounters problems in carrying out the duties/responsibilities of the job;
- Maintain professional competency, licences, etc;
- Ensure familiarity with the HR Policies & Procedures, Corporate Policy, Health and Safety Policies & Procedures and Administration Bylaw;
- In the case of voluntary resignation, an employee should provide advance notice as soon as possible;
- Return all Town property on the last day of work including, but not limited to, security pass, ID, cell phone, pager, lap top, etc; and
- Contact Human Resources approximately six (6) months before his/her expected retirement date, where possible.

Supervisors/Managers/Directors/Commissioner(s) and Chief Administrative Officer are responsible to:

- Provide adequate guidance, resources and clear expectations for employees supervised;
- Provide the employee with a copy of his/her job description;
- Communicate clearly HR Policies & Procedures, Code of Conduct/other Corporate Policy, Health and Safety Policies & Procedures, Administration Bylaw and changes in policies and/or expectations to employees;
- Advise employees promptly when performance is not meeting expectations, recognize efforts to comply, and implement corrective/instructive or performance counselling techniques/progressive discipline in accordance with Town policy and practice;
- Ensure employees are aware of and have access to the Employee Assistance Program, as applicable;
- Conduct interviews, complete a thorough investigation, document circumstances of behaviour/performance and validate sources of information that may result in employee termination;
- Ensure all Town property is returned on the last day of work including, but not limited to, security pass, ID, cell phone, pager, lap top, etc;
- Contact Human Resources in all cases to discuss circumstances where termination is contemplated with Human Resources, and others as applicable, prior to taking any action to ensure that termination is appropriate given the circumstances;
- Retain all documentation related to circumstances that may result in employee termination and ensure that original notes and/or copies are forwarded to Human Resources;

- Ensure that employees are treated in a fair and respectful manner, provided with support if requested, and that confidentiality rights are protected;
- Prepare the letter of termination in consultation with Human Resources and meet with the employee to deliver the letter;
- Counsel employees to provide a written letter stating their last day of work in cases of resignation/retirement and forward a copy to Human Resources for inclusion in the personnel file; and
- Safeguard individual rights to confidentiality with respect to employee termination including the terms and conditions of the termination agreed to.

Human Resources is responsible to:

- Guide the termination process;
- Support the Manager and suggest alternative solutions, as appropriate under the circumstances in determining the appropriate action;
- Assist with and/or lead investigation and interviews;
- Minimize risk of legal liability resulting from employee termination;
- Ensure that the notice period and/or termination pay and severance pay and all terms and conditions of a termination are appropriately applied, and that legal review is undertaken, as appropriate;
- Ensure documentation is retained;
- Ensure legislative compliance;
- Ensure all Town property is returned on the last day of work including, but not limited to, security pass, ID, cell phone, pager, lap top, etc; and
- Ensure that all documentation is completed.

### **Cross-References**

Progressive Discipline HR Policy #4-01

Recruitment and Selection HR Policy #12-01

Violence Free Workplace HR Policy #13-03

Harassment & Discrimination Free Workplace HR Policy #13-04

Applicable Provincial legislation such as the Ontario Human Rights Code, Employment Standards Act and Regulations and the Municipal Act as amended from time to time