

HR RESOURCE

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September 2016 Issue

Feature: **Dismissal**

Things to Consider when Dismissing an Employee:

Employees may leave the workplace for a variety of reasons. Some will decide to return to school, retire, or will find new employment opportunities. Others may be terminated due to work slow downs, improper conduct, or poor performance. Regardless of the reason, it is important that you take appropriate steps to ensure a smooth exit when terminating someone's employment. Below are some considerations:

- * Handle every aspect of the exit process in a professional manner.
- * Think about how the employee may handle the termination and prepare.
- * Consider 3rd party support. Knowing there may be conflict is a great indicator of when to ask for help.
- * Ensure you offer assistance in arranging transportation home.
- * Prepare a checklist to help you through the process. Information on the checklists should include details on:
 - Final pay owing.
 - Outstanding vacation.
 - Record of employment (ROE).
 - Termination letter.
 - Release (if applicable).
 - Termination of benefits.
 - Removing IT access.
 - Collect company property.
 - office/building keys
 - swipe cards
 - credit cards
 - computers
 - company documents
 - Reminders on confidentiality agreements and non competes.
 - Gathering personal belongings.
 - Communication process to staff / customers

You will also need to determine how the work will be distributed short term and long term. Always remember, how you manage the process will go a long way in respecting the employee and protecting your brand.

STATISTICS

Employment and Canada's Economy:

Lost 71,400 full time jobs in July 2016.

Gained 40,200 part time jobs.

Net loss of 31,200 jobs.

Highest single month decline since October, 2011.

Alberta's Unemployment rate was 8.6% - highest in 22 years.

Manitoba's Unemployment rate was 6.2% - .7% lower (better) than the National average

The Termination Meeting - Things to Consider

Choose the Location Carefully. Ensure it is in a location which is neutral, confidential, & free of disturbances.

Choose the Date and Time Carefully.

- Avoid Fridays to allow the employee to seek legal advice & so they can begin their job search immediately.

- Terminate near the end of the day, when there will be minimal or no contact with other employees.

- Avoid holidays and vacations.

Ensure you have a witness. Preferably another Manager.

Prepare all documents in Advance. Termination letter with effective date and include all payment information. Severance calculated and a release prepared (if required).

Be brief & to the Point.

- Deliver the message. Avoid any debate or discussion on your decision.

- Review the termination letter with the employee & answer any questions related to the contents.

- Explain how their leaving will be communicated to other employees.

- Ensure there is a plan to get them home safely.

- Allow them to make a personal call, if they request.



FOR EVERYONE'S CONVENIENCE, WE LIKE TO GO OVER THE EMPLOYEE WELCOME KIT AND TERMINATION PACKAGE AT THE SAME TIME.

New Website!

[HR @ Your Service](#)

2016 Upcoming Events @ People First

Leadership Fundamentals:

Focus on the skills needed to manage people and results:

September 19, 26, October 3, 17, 24 & 31

Creating a Conflict Productive Workplace:

Focus on creating a workplace that uses conflict productively and effectively for positive relationships to achieve results.

The Accountable Leader

Learn the skills needed to effectively manage activities and decisions.

Respectful Workplace Policies & Training

In Canada, employers are required to have a Respectful Workplace Policy in place. Depending on what province you operate in, there will be specific guidelines required in your policy. Guidelines may differ from province to province.

In the provinces of Manitoba & Ontario it is also legislated that all employers must provide training to Managers, Supervisors and Employees.

For information regarding On-line & In-House training options, please contact:

Lisa Bircham 204-940-3919 or lbircham@peoplefirstthr.com

[HTTP://WWW.PEOPLEFIRSTTHR.COM/UPCOMING-EVENTS](http://www.peoplefirstthr.com/upcoming-events)

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Reducing the Risks when Dismissing Employees

There are many reasons why businesses dismiss employees. If not handled properly, the business may suffer consequences as a result.

Lawsuit: The business may be sued by the employee.

Companies reputation may be damaged: Employees are often hurt and angry about losing their jobs and may retaliate and speak negatively about the company.

Damage to Property: Disgruntled employees may damage or steal company property.

Confidentiality Breaches: Company business secrets may be disclosed.

To help **reduce the risks** of damage from a disgruntled employee, keep these things in mind:

- ◆ **Be Kind, Respectful & Fair.** You do not want a wrongful dismissal claim simply based on how the business handled the process.
- ◆ **Do not prevent the employee from getting future work.** At a minimum, provide a basic reference.
- ◆ **Allow the employee to have input, but not control, in the communication that you send out.** Well scripted messages help eliminate the rumor mill and control what people hear.
- ◆ **Depending on the reason and circumstances, consider providing a notice period.** Employees are more employable if they already have a job.

“Ask the Expert” Common Termination Mistakes

While terminating an employee is one of the unpleasant tasks Managers have to carry out, it is a necessary part of doing business. If you're not careful, errors during the termination process can come back to haunt you. Even if you do terminate an employee correctly there is no guarantee you will avoid a lawsuit. However, by doing everything properly, your chances of winning are much greater.

The most common errors made by employers are:

1. Not Applying Human Resource Policies & Procedures

Termination procedures should provide good directions for terminating an employee in accordance with applicable provincial laws. Similarly, a well-written employee handbook, which spells out issues of misconduct and poor job performance, adds to an employer's credibility while negating claims to the contrary from a terminated employee.

2. Not Providing Accurate Performance Evaluations

The lack of documented performance evaluations is commonly used as the basis behind many wrongful dismissal actions. Often, managers seek to avoid confrontations with employees by indicating they met performance expectations. Don't be afraid to be honest with your employees.

3. Lack of Documentation

You should always take the time to document any performance related discussions or actions. These provide a solid foundation for the termination.

4. For cause or not for cause?

It is important that the manager decides whether the termination is “for cause” (no notice or pay in lieu of notice required) or “without cause” (notice or pay in lieu required).

Dealing with employee issues can be difficult, but not dealing with them can be worse.

...Paul Foster



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Don't forget to consult the employment contract, or collective bargaining agreement (in a unionized environment) to determine any contractual provisions that may apply to the termination.

5. Not providing notice or payment in lieu of notice and severance.

If terminating “not for cause” the employer may be required to provide the employee with notice or payment in lieu of notice based on the Employment Standards Act. Based on common law, it is also important to consider the need for a severance payment and release.

6. Failing to prepare for termination.

Preparation for the termination meeting is vital. Know what you're going to say and have all the paperwork prepared ahead of time. Generally the manager should deliver the message but it is important to always consider 3rd party support. Important information could be skipped or avoided and a 3rd party will ensure these details are addressed.

7. Not keeping confidentiality

The loss of employment is often extremely personal and impactful. Therefore confidentiality and respect is essential. A “need to know” practice should be in place with all termination plans.

Conducting an employment termination is an expected function of any manager's role. Based primarily on a natural fear of conflict and the anticipation of emotions, many managers are understandably uncomfortable with the process. Being prepared, avoiding mistakes, and acting professionally will not only help everyone get through this difficult task as smoothly as possible, but at the same time enable you to protect and even promote your brand.

PEOPLE FIRST
HR SERVICES

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People First is a division of People Corporation, a leading employee benefits, group retirement and human resource consulting firm in Canada. Headquartered in Winnipeg, with a growing national footprint and fourteen offices across seven provinces, the Company is bringing together the leading consultants in the industry, offering innovative and customized human resource, benefit and pension solutions to its clients.

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