



TERMINATION POLICY & PROCEDURE

POLICY STATEMENT

Lenbeth Weeping Tile (EDM) is committed to ensuring that all terminations are handled fairly, legally, and in accordance with the Alberta Employment Standards Code and the Canadian Human Rights Act. This policy outlines the procedures and guidelines for terminating employees, ensuring compliance with employment law, and protecting the rights of all employees.

Purpose

The purpose of this policy is to:

- Ensure that all terminations are conducted in a fair, transparent, and consistent manner.
- Protect the rights of employees during the termination process.
- Outline the company's responsibilities regarding notice, severance pay, and termination for just cause.
- Comply with all relevant laws, including Alberta's Employment Standards Code and the Canadian Human Rights Act.

SCOPE

This policy applies to all employees of Lenbeth Weeping Tile (EDM) and is intended to govern both voluntary and involuntary terminations, including termination for just cause and without cause.

1. Termination with Cause

Termination for just cause occurs when an employee's actions or behavior are deemed to be a serious violation of company policies, employment agreements, or when the employee's conduct is so egregious that it undermines the employer-employee relationship.

Examples of Just Cause Include:

- Theft or fraud.
- Job Abandonment.
- Substance abuse or impairment while on duty.
- Gross insubordination or failure to follow reasonable instructions from supervisors.
- Harassment or discriminatory behavior.
- Violations of company safety protocols resulting in significant risk to health or safety.
- Significant, repeated performance issues that remain unaddressed after progressive discipline steps have been followed.



Procedure for Termination with Cause:

- The employee will receive formal notice of termination in writing, outlining the reasons for the termination and the effective date.
- In cases of harassment or discrimination, a separate investigation will be conducted before any decision is made to terminate, in accordance with company policies and human rights legislation.
- The employee may be suspended with or without pay, pending investigation into incidents, if necessary.
- The company will provide the employee with details regarding the return of company property, outstanding payments, and any other necessary termination procedures.

Employees terminated for just cause are not entitled to notice or severance pay in accordance with the Alberta Employment Standards Code.

2. Termination Without Cause

Termination without cause occurs when an employer decides to end the employment relationship for reasons other than the employee's actions or behavior. In such cases, the employer must provide notice or pay in lieu of notice, as stipulated by the Alberta Employment Standards Code.

Notice and Pay in Lieu of Notice:

Employees who have successfully completed their probationary period are entitled to notice of termination or pay in lieu of notice based on the length of their employment, as outlined in the Alberta Employment Standards Code.

- Less than 3 months of service: No notice required.
- 1 week - More than 90 days but less than 2 years
- 2 weeks - 2 years but less than 4 years
- 4 weeks - 4 years but less than 6 years
- 5 weeks - 6 years but less than 8 years
- 6 weeks - 8 years but less than 10 years
- 8 weeks - 10 years or more

When the employee's wages vary from one pay period to another, an average needs to be calculated. The average is taken over the last 13 weeks in which the employee worked before the termination date. This may not be consecutive calendar weeks – it is only the weeks that the employee worked.

Process for Termination Without Cause:

- The employee will receive formal notice of termination in writing, outlining the reasons for the termination and the effective date.



- The employee will be provided with the appropriate notice or pay in lieu of notice.
- The company will provide the employee with details regarding the return of company property, outstanding payments, and any other necessary termination procedures.

Employee Rights:

Employees terminated without cause are entitled to notice or pay in lieu of notice based on their length of service with the company.

The employee is also entitled to receive final pay including all earned wages, unused vacation pay, and any other benefits or compensation owed at the time of termination.

3. Protected Leaves and Termination

Under the Alberta Employment Standards Code, certain leaves of absence are protected. Employees cannot be terminated for taking or intending to take protected leaves such as:

- Maternity or Parental Leave
- Sick Leave (when covered by applicable medical certifications)
- Family Responsibility Leave
- Compassionate Care Leave
- Emergency Leave

If an employee is on protected leave, the company is prohibited from terminating the employee's employment while they are on such leave. If an employee is terminated while on protected leave, they may have grounds for a wrongful dismissal claim.

4. Final Pay and Benefits Upon Termination

Upon termination, whether for cause or without cause, the employee will be entitled to their final pay, including any outstanding wages, vacation pay, and other benefits or compensation owed.

Final Pay: The company will provide final pay by the next regularly scheduled payday or within three days of termination, whichever comes first.

Benefits: The employee will be informed of any benefits status (e.g., health benefits, pension, etc.) and any applicable continuation options available after termination such as EFAP.

CONCLUSION

This Termination Policy is designed to align with both Alberta Employment Standards and Human Rights legislation in Canada. The policy ensures compliance with the legal requirements regarding notice, pay, protected leaves, and the accommodation of employees with disabilities while providing a clear and fair process for both the employee and employer.