

POLICY 6.15 – End of Employment Relationship

Policy Category:	Personnel
Subject:	End of Employment Relationship
Approving Authority:	Board of Governors
Responsible Officer:	Vice-President, Operations and Finance
Responsible Office:	Human Resources
Related Procedures:	End of Employment Relationship - Procedures
Related University Policies:	
Effective Date:	July 1, 2013
Supersedes:	June 20, 2013 <i>(Incorporated Policy 6.21 – Position Elimination and Policy 6.22 – Termination for Cause)</i>

I. PURPOSE

This policy addresses ending employment of PMA Eligible staff as a result of organizational change, termination without cause and termination with cause. It is in accordance with all applicable federal and provincial legislation including, but not limited to the Ontario *Employment Standards Act, 2000*.

II. DEFINITIONS

Preferential Placement: Means, in cases of position elimination as a result of organizational change, being granted an interview for regular full-time positions posted on [Western's Human Resources website](#), where the staff member is qualified for the position(s) and has notified Human Resources in writing of his/her interest in the position. Preferential Placement is available for up to six months from the date of the staff member's position being eliminated.

POLICY

1. Position Elimination as a Result of Organizational Change

- a) It is Western's intent to maintain a PMA Eligible staff member's employment whenever possible; however, when a position has been identified for elimination as a result of organizational change, including but not limited to reorganization or financial constraints, Western will endeavour to provide to the staff member reasonable advance notice, support through the Employee Assistance Program and/or access to a career consultant to assist him/her with exploring alternate career opportunities. As each situation is

POLICY 6.15 – End of Employment Relationship

different, the options available to individual staff members may vary.

- b) Staff members whose positions have been identified for elimination as a result of organizational change under this policy are eligible for Preferential Placement.
- c) The staff member will be given written notice of termination or pay in lieu thereof plus severance, equal to one month's salary, plus an additional one-half month salary per completed year of service beyond the first completed year of service. In all cases, this payment provided to the staff member would satisfy the termination and severance pay requirements of the *Employment Standards Act, 2000*. In circumstances where staff members are required to work during either a portion of or the entire notice period, they will receive payment at the end of the completion of the working notice period that will satisfy any remaining *Employment Standards Act, 2000* termination and/or severance pay entitlements.
- d) The staff member will receive payment for any accrued but unused vacation entitlement as of the effective date of the position elimination.

2. Termination without Cause

- a) Western may end the employment relationship without cause in circumstances other than position elimination as a result of organizational change. In those circumstances, sections 1 (a), (b), (c) and (d) above do not apply.
- b) The staff member will be given written notice of termination or pay in lieu thereof plus severance, equal to one month's salary, plus an additional one-half month salary per completed year of service beyond the first completed year of service. In all cases, this payment provided to the staff member would satisfy the termination and severance pay requirements of the *Employment Standards Act, 2000*. In circumstances where staff members are required to work during either a portion of or the entire notice period, they will receive payment at the end of the completion of the working notice period that will satisfy any remaining *Employment Standards Act, 2000* termination and/or severance pay entitlements.
- c) The staff member will receive payment for any accrued but unused vacation entitlement as of the effective date of the termination.

3. Termination for Cause

a) Performance

Western strives to ensure PMA Eligible staff perform their best in their roles and this is facilitated through [Policy 6.4 - Performance Plan and Review](#). In situations where performance is unsatisfactory, termination for cause may result and the following steps will apply:

- (i) Except as noted in (b) below, a staff member shall be informed, in a scheduled meeting, by his/her immediate supervisor of any unsatisfactory performance or unacceptable behaviour, of the required performance standards and available supports as appropriate.

POLICY 6.15 – End of Employment Relationship

- (ii) Should the unsatisfactory performance or unacceptable behaviour persist, the staff member, in a scheduled meeting with the supervisor, may be issued a written letter outlining the specific concerns and recommendations for improvement, a timeline outlining the expectations that must be met, and a statement indicating that termination may occur if satisfactory performance is not met according to the timelines. Prior to this written request, the supervisor shall consult with a Human Resources representative.
- (iii) Staff members may request that performance improvement documentation be removed from their personnel file if the documentation is more than two years old and no further disciplinary action of any nature has occurred during this period.
- (iv) If the staff member does not achieve the required performance standards as outlined in (ii) above, as directed by the Dean/Budget Unit Head or designate and in consultation with Human Resources, the staff member's employment may be terminated.

b) Employee Misconduct

- (i) In certain situations involving alleged misconduct, the staff member may be suspended from work with pay pending the outcome of an investigation. The Associate Vice-President, Human Resources must be notified as soon as possible and in any event prior to suspension.
- (ii) The outcome of the investigation may result in reinstatement, suspension without pay or termination of employment.