

# Before you Sign

## Rights of Employees Upon Termination

Welcome to the Before You Sign podcast. This podcast was made to help you better know your legal rights in the province of Ontario. If you know your rights and responsibilities, you will be able to make choices that impact your life in Canada. It is important to know these podcasts are not legal advice for your situation, they give information about general legal topics that apply to your situation.

If you still have questions about this topic please consider going back to the service or agency who told you about these podcasts. If you have access to a computer, you can also go to [stepstojustice.ca](http://stepstojustice.ca) or [settlement.org](http://settlement.org) for more information. If you already know you need legal advice, support or representation please call Legal Aid Ontario at [1-800-668-8258](tel:1-800-668-8258) Monday to Friday from 8:00 a.m. to 5:00 p.m. (EST) for help in over 300 languages. This podcast is financially supported by The Law Foundation of Ontario, the YWCA St. Thomas-Elgin is solely responsible for the content.

Today we will be talking about the rights of employees after they have been terminated or fired from their job in Ontario. Being terminated or fired from a job can be very stressful. Sometimes the person who was fired doesn't understand why this happened and wants to know if their employer must give a reason for firing them. The answer is usually no, your employer does not have to tell you why you have been fired. In most cases, if you're fired your employer must give you a written notice of termination. This means they must provide you a letter telling you that you no longer have a job with them. They can do this by either telling you before your last day of work or letting you go right away. If they terminate without any notice, they are responsible to provide you pay in lieu of reasonable notice. When we say they must "give notice" it means telling you in advance that you are going to lose your job. The rules and the amount of money to be paid depends on many factors, such as your age, length of service the difficulty securing comparable employment following the termination. An employer can also fire you without giving notice for certain reasons, such as wilful misconduct. If this happens, try to seek legal advice. Sometimes employers are wrong about what is a good reason under the law to fire someone without notice. If you have not worked for your employer for at least 3 months, the Employment Safety Act rules say your employer does not have to give you notice. The Employment Standards Act has many rules about minimum notice periods and paying money instead of giving notice. However, not all jobs are covered by the Employment Standards Act and for some jobs, only parts of the Employment Standards Act apply. For this reason, legal advice is important for your situation and its details. Know that you do not need to be a Canadian citizen, permanent resident, or holder of a work permit to be covered by the rules in the Employment Standards Act.

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Your employer must also prepare a Record of Employment, also called a ROE, when you leave their employment for any reason. This is a form that shows information about your time working with the employer. For example, how long you worked for your employer, how many hours you worked, and how much money you made. The form includes a question about your employer's reason for completing the ROE. There are codes your employer must use to answer the question. If you were fired, they will likely choose "M" for "dismissal". If you apply for Employment Insurance benefits, also called EI, you'll be asked to explain why you were fired. You will be asked because this can affect whether you're eligible for Employment Insurance benefits. It's easier to apply for EI benefits if your employer has already prepared the Record of Employment. This is because Service Canada uses your ROE to figure out whether you can receive EI benefits, the amount of benefits you'll get, and how long you're eligible to receive benefits. Your employer can give you a paper copy of your ROE or send it to the government electronically. If they send it to the government electronically, they don't have to give you a copy and you don't need a copy to apply for EI. If you want a copy, you can get one from Service Canada by contacting them at 1-800-206-7218.

We hope you have found this podcast a good source of some basic legal information as it relates to your rights upon being terminated or fired from a job. If you have questions about Employment Insurance, please take the time to listen to our podcast on this topic.