



## TERMINATION PROCESS & LETTER OF EXPECTATION EXAMPLE

Regardless of the circumstances, terminating an employee is one of the most difficult aspects of managing a business. As an employer, you are undoubtedly aware that dismissing an employee is not something to be taken lightly. Every effort should be made to work out your concerns before making the decision to terminate employment, as the time and costs involved in having to rehire and retrain can add up.

Effective employers realize the importance of preserving the self-respect and dignity of departing employees, while also ensuring that termination and dismissal must comply with legal obligations and be in the best interests of the business.

An employee who feels they have not been treated fairly could take legal action against the employer for wrongful dismissal or file a complaint with Saskatchewan Employment Standards. In these circumstances, you may be compelled to respond in your own defense. However, it is generally a good idea to consult with an employment lawyer in these cases. The law in this area is constantly evolving, and your legal counsel can provide you with the most current advice on how to best respond and deal with your specific situation.

In any Termination an organization should have a process (Progressive Discipline) in place to record/document all interactions with the employee leading up to the termination. This should be done for legal reasons as well as so an employer can keep track of any incidents. Most employees correct their behaviour once they have been notified of the issue, but records still need to be kept. A separate file should be kept for each employee in your organization. **NOTE:** It is also important that the employer maintains an up-to-date Employee Manual with their recorded policies and procedures, so an employee knows the employer's expectations.

Termination for cause is a termination without notice or pay in lieu of notice. The burden of proving just causes rests with the employer. Just cause includes basic violations of the employment relationship, including criminal acts (such as theft from the employer), gross incompetence, willful misconduct or a significant breach of a workplace policy. An employer may also have just cause to dismiss an employee for repeated minor infractions of workplace rules, or unsatisfactory performance that does not improve despite clear warnings – which should be outlined in a progressive discipline policy.

✚ The following is a list of possible records you should keep

- **30/60/90 day Employee Evaluation Forms** – Remember you have 90 days to evaluate an employee and can dismiss an employee within those 90 days without notice or pay in lieu of. A separate entry should be recorded for each specific point in the timeline. This is the best time to discharge an employee if they are not working out. **REMEMBER:** After the 90 day mark you are required to provide reasonable notice of termination or “pay in lieu of notice” or “termination pay”. Additionally, the employer can choose to provide a combination of both written notice and pay.
- **Verbal Warnings** – You should record the date/time and information of all verbal warnings you have given an employee.
- **Documentation of all Written Warnings** – if you have specifically sat down and discussed issues of poor performance with an employee it must be documented and the employee should also sign the document indicating they have received the written warning. Specific consequences and timelines for improvement should be written so the employee knows the outcomes i.e. if specific improvements don’t happen in a certain timeline the employee will be terminated.
- **Letter of Expectations** – An employee could receive a letter with written expectations of required/specific performance improvements, along with specific timelines and consequences if they don’t improve.
- **Documentation of All Suspensions** – If you have suspended an employee due to specific reasons, it must be documented and kept on file
- **Culminating Incident Leading to Discharge** – The final reason for discharging an employee must be recorded.

**LETTER OF EXPECTATION**

Employee: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

**Re: Inappropriate Performance/Behavior**

Incident(s):

On the date of April 12<sup>th</sup>, 2024, you had a discussion with Food & Beverage Director Sally Jones. In the discussion with Ms. Jones, you stated “You are being such being a bitch”. You went further to say to Ms. Jones that as a 30-year employee, “there is nothing you can do about it”.

Your choice of words and the manner in which you communicated to Ms. Jones is considered to be highly inappropriate, inflammatory and insubordinate in nature.

In addition to these behavioral issues, over the last month there have been serious performance challenges. Numerous tasks have been assigned to you, with specific and achievable deadlines that have been, for the most part, ignored and not met.

This letter will serve as formal notification that these behaviors are to be corrected immediately. Any and all feedback, comments or suggestions regarding the business of your department are to be directed, exclusively, to Food and Beverage Director Sally Jones. All tasks are to be completed on time. In the event that a deadline will pass without completion, an explanation will be communicated immediately to Ms. Jones.

From this moment forward all interactions with fellow associates, representatives and customers are to be respectful, positive and courteous at **all** times. You will refrain from using inappropriate language or exhibiting a negative attitude. Any and all comments of a constructive or negative nature will be directed solely to manager Sally Jones, General Manager Steve Smith or HR Director Wendy Hill exclusively and not to any other fellow associate. Any further inappropriate behavior or performance issues may warrant further corrective action up to and including a Just and Fair Dismissal.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer Signature

\_\_\_\_\_  
Date

Cc: Human Resources, Employee file and General Manager.