



**TERMINATION OF EMPLOYMENT**  
et to inform you that your employment with our c  
terminated on the \_\_\_\_\_ day of \_\_\_\_\_  
following reason(s):

## ENDING EMPLOYMENT RESOURCES FOR EMPLOYERS

### INTRODUCTION

Ending an employment relationship – whether through termination, layoff, resignation, or retirement – can be a complex process. Employers have the right to manage their workforce and make business decisions, but these decisions must always comply with The Saskatchewan Human Rights Code, 2018. Human rights obligations continue throughout all stages of employment, including the end of it.

This means employers must ensure that decisions are fair, objective, and not influenced by protected characteristics such as age, gender, disability, race, family status, or pregnancy. Even unintentional discrimination can lead to complaints.

*Please note that this document provides general information only. This is NOT legal advice. We hope you find it useful but encourage you to seek legal advice where applicable.*

### NEED HELP? CONTACT US

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## ENDING THE EMPLOYMENT RELATIONSHIP

When ending employment relationships, employers can reduce legal risks, promote fairness, and maintain a respectful workplace culture by keeping the following things in mind.

### Avoid discrimination

Termination, layoff, resignation, or retirement decisions must never be connected to a protected characteristic under the Code.

- For example, do not assume an older worker is “ready to retire” or that a pregnant employee “won’t come back” after leave.
- Ensure decision-makers are aware of unconscious bias and apply consistent criteria to all employees.

### Use exit feedback

Exit interviews or surveys can be useful tools for identifying whether discrimination, harassment, or lack of accommodation played a role in an employee’s decision to leave.

- Follow up on patterns or concerns raised by departing staff.
- Use the information to improve workplace policies and prevent future issues.

### Resignations and constructive dismissal

If an employee resigns because the workplace has become toxic, discriminatory, or intolerable, it may be considered a constructive dismissal.

- Investigate complaints of unfair treatment before assuming the resignation was voluntary.
- Take prompt action to address underlying issues such as harassment, exclusion, or failure to accommodate.

### Mental health and disability

When a performance issue or resignation may be connected to a mental health condition or other disability, the employer has a duty to inquire and consider accommodation before making decisions.

- Avoid assuming that an employee “can’t handle” their duties.
- Engage in an individualized accommodation process up to the point of undue hardship.

### Probationary employees

Human rights protections apply to all employees, including those on probation.

- Probationary status does not allow termination for reasons related to a Code-protected ground.
- Apply fair evaluation criteria and provide feedback opportunities during the probation period.

### Performance or behaviour

Before disciplining or terminating someone for performance or misconduct, consider whether discrimination, bias, or a poisoned work environment may have contributed to the issue.

- Provide reasonable support, training, or accommodation before taking punitive steps.
- Document discussions and actions taken to show fairness in the process.



### **Absenteeism**

Absences related to disability, pregnancy, or family responsibilities must be handled with care.

- Do not discipline or dismiss employees for absences linked to Code-protected grounds unless accommodation has been explored and undue hardship has been reached.
- Request only the information needed to assess accommodation—not medical diagnoses or unnecessary personal details.

### **Leaves**

Employees taking maternity, parental, disability, or other Code-related leaves have the right to be treated fairly.

- They cannot be demoted, terminated, or penalized because of their leave.
- They have the right to return to their position or a comparable one when the leave ends.

### **Restructuring and layoffs**

When restructuring or downsizing:

- Do not single out employees based on Code-protected characteristics.
- Use objective, job-related criteria, such as seniority or skills, rather than subjective factors like “fit” or “potential.”
- Eliminate positions—not people—and avoid refilling eliminated roles with others performing the same duties.
- Apply the process consistently across all affected employees.
- Provide reasonable accommodation for those affected by the change, where required.

### **Recalls after layoffs**

Employees who are on maternity, disability, or other Code-related leave must be considered for recall on the same basis as others.

- Excluding them from recall because of their absence or need for accommodation is discriminatory.

### **BEST PRACTICES FOR EMPLOYERS**

- Plan ahead: Develop written policies for termination and layoffs that align with human rights principles.
- Train managers and HR staff on recognizing and preventing discrimination in employment decisions.
- Document your decision-making process clearly and keep records of accommodation efforts.
- Communicate with employees respectfully and provide clear, honest reasons for employment decisions.
- Where possible, offer support such as references, job search resources, or counselling to ease transitions.

### **BOTTOM LINE**

Make termination, layoff, and restructuring decisions using clear, objective, and fair criteria.

Document your process, accommodate where required, and never allow stereotypes, assumptions, or Code-related factors to influence outcomes. A rights-based approach protects both your organization and your employees—and supports a workplace culture rooted in dignity, respect, and fairness.