

Research St. Joseph's – Hamilton (RSJ-H)		<b>Pages</b> 1 of 4	<b>Number</b> 072-RSJ-H
<b>Policy Title</b> Termination of Employment		<b>Date</b> 23 March 2017	
<b>Supersedes</b> New policy	<b>Cross Reference</b>	<b>Issuing Authority</b> RSJ-H Scientific Director	
<input checked="" type="checkbox"/> Charlton Campus	<input checked="" type="checkbox"/> West 5th Campus	<input checked="" type="checkbox"/> King Campus	

**Position responsible for developing and maintaining the policy:** RSJ-H Scientific Director

## 1. PURPOSE & GOALS DESCRIPTION

This policy is intended to provide guidelines and procedures to be followed in the termination of employment of employees with the Research Institute (RI), whether initiated by RI or an individual employee.

## 2.0 DEFINITIONS

**Probationary Period:** A specific time period wherein a Supervisor/Principal Investigator may evaluate the performance of a newly hired employee before confirming ongoing employment. All staff employed in non-union non-management positions will be considered probationary until they have been continuously and actively employed by RI for at least 90 worked days or 675 hours worked (from 060-RSJ-H Recruitment, Selection and Employment).

**Resignation:** An employee voluntarily resigns from their employment.

**Termination without Cause:** Occurs when an employee is being terminated for reasons that are not related to misconduct. For example, operational restructuring may make a position(s) redundant.

**Termination with Just Cause or Termination with Cause:** Occurs when an action or omission by the employee is a significant breach of the employment contract and has irreparably damaged the employment relationship between the employer and employee. Where termination for cause occurs, employment may be terminated without notice or severance.

**Dishonesty/Fraud/Theft:** Actions by an employee with the intent to deceive or defraud the organization.

**Insolence/Insubordination:** Disobedience to authority, refusing to follow orders or organizational rules/policies.

**Frustration of Contract:** Occurs when there is an event that makes continued performance of the employment contract impossible, or something completely different than what the parties originally agreed to in an employer/employee relationship.

**Culpable Absenteeism/Lateness:** Absenteeism or lateness for work without authorization for reasons that are within control of the employee.

These Research St. Joseph's - Hamilton policies are **CONTROLLED** documents as are all management system files on the intranet. Any documents appearing in paper form are not controlled and should **ALWAYS** be checked against the intranet version (electronic version) prior to use.

**Notice:** The amount of time between informing an employee in writing that they will be terminated and the date upon which the termination will take effect. Minimum notice requirements are provided for in the Employment Standards Act of Ontario legislation. Depending on the situation, notice can be in the form of working notice and/or pay in lieu of notice. Notice does not apply for a termination which occurs during an employee's probationary period.

**Severance:** An employee who is terminated without cause may be entitled to severance pay depending on the length of their service. Employment Standards legislation sets out minimums for employee's severance.

**Progressive Discipline:** When discipline is warranted, it may follow a progression (i.e. verbal warnings, written warnings and/or written warnings with suspension, termination). However, discipline may begin at any stage including termination for just cause.

**Performance Improvement Plan:** An employee with performance deficiencies may be placed on a performance improvement plan in order to provide an opportunity to rectify the deficiencies. A termination for cause may occur without placing the individual on a performance improvement plan.

### 3.0 POLICY

This policy applies to all employees of the Research Institute.

Both the RI and employees have the right to sever an employment relationship.

It is the intent of the management of the Research Institute to ensure that:

- all employees, whose employment relationship with the Research Institute is being terminated, are treated fairly, respectfully and with dignity;
- a consistent approach is taken where employment must be curtailed due to budget constraints, elimination of services or programs, lack of work, or restructuring;
- all relevant legislative or collective agreement requirements are complied with; and
- in all cases of termination initiated by RI, approval for the termination must be obtained from the Executive Director and the SJHH Director Human Resources.

### 4.0 PROCEDURE

#### 4.1 Resignation

It is expected that employees resigning from the employ of the Research Institute will provide as much notice as possible to their Supervisor/Principal Investigator in order for their position to be replaced in a timely fashion. At a minimum, written notice periods are:

- Non-supervisory personnel - 2 weeks
- Supervisors and Managers - 4 weeks
- Directors and above - 8 weeks

(Note: Such notice is to exclude any periods of vacation entitlement.)

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Notice of resignation should be forwarded immediately to Research Administration by the Supervisor/Principal Investigator.

In some cases, an exit interview will be arranged and conducted by Human Resources. Otherwise an exit interview survey may be emailed to the employee.

#### **4.2 Termination of Probationary Employees**

Under limited circumstances, it may be appropriate to extend the probationary period for a specified period of time. In such cases, the Supervisor/Principal Investigator should review this with Human Resources.

Under no circumstances should the probationary period expire without the employment status being confirmed, the probationary period being extended or employment being terminated.

The employment of an individual whose performance is deemed to be unsatisfactory during the probation period will be terminated.

#### **4.3 Staff Reduction**

RI may decide it is necessary to reduce staff in one or more departments for operational reasons. In this case, the implementation will be coordinated with Human Resources.

Employees affected by a staff reduction will be given notice or pay in lieu of notice and severance pay where applicable in accordance with the Employment Standards Act.

#### **4.4 Non-Renewal or Early Termination of Term Employment**

All term employment contracts will include a specific provision clearly indicating that the contract expires automatically, without notice and without payment in lieu of notice, on the specified contract end date unless RI gives written notice to the contrary.

Term employment contracts shall include a specific provision clearly indicating that the contract may be terminated by RI prior to the end of the contract end date of the term appointment with appropriate written notice.

#### **4.5 Termination with Just Cause**

An employee may be discharged, without notice or severance, for willful misconduct or disobedience, willful neglect of duty, or an action that is a significant breach of the employment contract that gives rise to a breakdown in the employment relationship.

Under certain circumstances, it may be appropriate to place the employee on leave with pay pending further investigation.

Examples of just cause (list is illustrative not exhaustive) include dishonesty/fraud/theft, insubordination, frustration of contract, culpable absenteeism/lateness.

**4.6 Mandatory Reporting**

The Regulated Health Professionals Act (RHPA) imposes an obligation on RI to report the incompetence and/or incapacity of regulated health professionals practicing at RI to their appropriate regulatory body. The appropriate PPL should be consulted.

**4.7 Employee Action Notification**

The Employee Action Notification (EAN) must be submitted online by RI without delay to Human Resources to ensure prompt payment to the employee of outstanding earnings. The last day worked must be indicated and must not include any vacation being taken as time off. The Payroll Department will calculate the amount of vacation pay and this will be included in the employee's final pay.

**4.8 St. Joseph's Healthcare Hamilton or Research Institute Property**

St. Joseph's Healthcare Hamilton or Research Institute property, such as keys, parking cards/transponders, personal alarms, and photo identification badges, which have been entrusted to the care of the employee, shall be returned to the Supervisor/Principal Investigator at the time of termination.

**5.0 REFERENCES**

**5.1 Internal References**

060-RSJ-H Recruitment, Selection and Employment

**5.2 External References**

Ontario Employment Standards Act, 2000 <https://www.ontario.ca/laws/statute/00e41>

Ontario Human Rights Code <http://www.ohrc.on.ca/en/ontario-human-rights-code>

018-PAC Mandatory Reporting Obligations under the Regulated Health Professionals Act (RHPA) for Incompetence and Incapacity