

**CHARTERED**   
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

# CANADA LAW ON EMPLOYMENT TERMINATION, DISMISSAL AND LAYOFF

**Fully Accredited  
By:**

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# PROGRAM OVERVIEW



Canada's employment termination, dismissal, and layoff laws are complex as they **vary significantly between provinces and territories, and federal jurisdiction**, complicating compliance for businesses operating in multiple regions. Termination provisions vary by province; for example, a five-year employee in **Ontario receives approximately 9.6 weeks of severance, while in Alberta, only five weeks**. Navigating these laws meticulously is crucial to avoid costly litigation and ensure compliance.

This certified program is designed to provide you with comprehensive insights into the complex and evolving landscape of Canada's laws on employment termination, dismissal, and layoff. You will gain in-depth knowledge of the legal framework governing these areas, including **statutory considerations, common law principles, and contractual obligations**. You will delve into various critical topics including **different types of dismissal, with a focus on the pros and cons of each option, dismissal without cause, and contract implications to dispel common myths and misconceptions**. You will gain an in-depth understanding of assessing notice and severance entitlements, highlighting the intersection of legislation, common law, and contractual obligations.

Furthermore, you will learn **how to quantify post-termination entitlements, with an emphasis on understanding and controlling severance costs** in light of recent court trends. The program will cover dismissal for cause, providing insights on how to position your organization legally compliant and strengthen the company's stance. **You will explore constructive dismissal to clarify what constitutes it and how to avoid related claims**. Human rights considerations will be discussed to understand the limits on dismissing employees without cause and the duty to accommodate in performance-related dismissals. **You will be equipped with robust strategies to reduce labour and severance costs by leverage the law and the use of contracts and policies to protect your organization effectively**. By the end, you will gain a comprehensive understanding of Canada's employment termination laws, equipped with the knowledge to ensure compliance, manage risks, and foster fair employment practices within your organization.

Upon successful completion of the program, you will earn a **Certification in Canada HR Employment Law**. This certification holds lifelong validity and not only enhances your professional credentials but also demonstrates your expertise in navigating the intricacies of Canada's employment termination law ensuring compliance.

## ACCREDITATIONS



4.8



4.6



# KEY SKILLS YOU WILL GAIN

## From This Program



**CANADA EMPLOYMENT LAW  
CANADA LABOUR CODE  
WRONGFUL DISMISSAL MANAGEMENT  
TERMINATION MANAGEMENT**

**LAYOFF LEGISLATIONS  
PROVINCIAL EMPLOYMENT LEGISLATION  
CONSTRUCTIVE DISMISSAL  
DISMISSAL GROUNDS IDENTIFICATION**

**NON-DISCRIMINATION DISMISSAL  
TERMINATION NOTICE REQUIREMENTS  
EMPLOYMENT CONTRACTS  
CONTRACT NEGOTIATION**

**LEGAL RISK MITIGATION  
EMPLOYMENT DISPUTE RESOLUTION  
TERMINATION POLICY DEVELOPMENT  
SEVERANCE PAY EMPLOYMENT LITIGATION  
HUMAN RIGHTS ADVOCACY**

**COMMON LAW AND STATUTORY RIGHTS  
NON-SOLICITATION CLAUSES**

# YOUR FACULTY DIRECTOR



## Stuart Rudner

### Most Sought-After Award Winning Employment Law Expert

Stuart Rudner is a distinguished lawyer known for his balanced representation of both employers and employees. With extensive expertise in alternative dispute resolution and employment mediation, Stuart offers strategic, impartial legal advice to navigate workplace law complexities. His accolades include being named in **"The Best Lawyers in Canada" for Employment Law for nine consecutive years and recognized as one of Canada's top Legal Social Media Influencers**. Under Stuart's leadership, Rudner Law has earned significant awards, including the **Gold Winner for Best Labour & Employment Boutique Law Firm in the 2023 Canadian HR Awards and consistent recognition in the Canadian HR Reporter's Readers' Choice Awards**.

Early in his career, Stuart represented the Human Resources Professionals Association in the landmark Supreme Court case, *Keays v. Honda Canada*, showcasing his advocacy skills. Stuart also pioneered educational initiatives as the **founding Program Director of Osgoode Professional Development's HR Law courses and authored "You're Fired! Just Cause for Dismissal in Canada."** He holds influential positions in the Canadian and Ontario Bar Associations. Stuart's commitment to excellence and fairness establishes him as a trusted advisor and prominent figure in employment law.

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# PROGRAM AGENDA

## MODULE 1 - FUNDAMENTALS OF TERMINATION LAW

- Lesson 1 - Jurisdiction: Provincial vs Federal, Unionized vs Non-Unionized
- Lesson 2 - Intersection between employment standards legislation, common law and contract
- Lesson 3 - Independent and dependent contractors

## MODULE 2 - DISMISSAL WITHOUT CAUSE

- Lesson 1 - Statutory considerations under federal and provincial laws
- Lesson 2 - Common law principles, including the duty to mitigate
- Lesson 3 - Options available: Working notice, lump sum payments, salary and benefit continuance

## MODULE 3 - ASSESSING NOTICE AND SEVERANCE ENTITLEMENTS

- Lesson 1 - Legislative requirements notice / termination pay (and statutory severance)
- Lesson 2 - Common law principles on severance
- Lesson 3 - Contractual obligations

## MODULE 4 - QUANTIFYING POST-TERMINATION ENTITLEMENTS

- Lesson 1 - Calculating statutory entitlements
- Lesson 2 - Calculating common law entitlements
- Lesson 3 - How to account for variable pay such as bonuses and commissions

## MODULE 5 - DISMISSAL FOR CAUSE

- Lesson 1 - What is just cause?
- Lesson 2 - The contextual approach
- Lesson 3 - Distinction between just cause and wilful misconduct

## MODULE 6 - INVESTIGATING MISCONDUCT

- Lesson 1 - The need to investigate before dismissal
- Lesson 2 - Planning and executing investigations
- Lesson 3 - What to do after the investigation



# PROGRAM AGENDA

## MODULE 7 - CONSTRUCTIVE DISMISSAL

- Lesson 1 - What is constructive dismissal
- Lesson 2 - How to respond to allegations of constructive dismissal
- Lesson 3 - Legal recourse and defences

## MODULE 8 - HUMAN RIGHTS CONSIDERATIONS

- Lesson 1 - Limits on dismissal without cause under human rights legislation
- Lesson 2 - The duty to accommodate
- Lesson 3 - Balancing performance management and the duty to accommodate

## MODULE 9 - MANAGING TERMINATION AND COSTS

- Lesson 1 - How to plan and implement terminations to limit risk
- Lesson 2 - Using contracts to control severance costs
- Lesson 3 - Risks of misclassified workers

## MODULE 10 - LEGAL ACTION POST- TERMINATION

- Lesson 1 - Wrongful dismissal actions
- Lesson 2 - Ministry of Labour claims
- Lesson 3 - Human rights claims

# YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certification's programs are unique as they provide you with professional charter designation and mark that can be used across your lifetime once you have completed our programs.

Upon successful completion of this program, you will be awarded the prestigious **Certification in Canada HR Employment Law** which can be used in your resume, CV, and other professional credentials. With lifelong validity and global recognition, this designation will set you apart from your peers, demonstrating your expertise in managing employee dismissal & termination and appropriate layoff process. This program is developed by **Chartered Institute of Professional Certifications** and the content of this program has been certified by **CPD Certification Service** as conforming to continuing professional principles.



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390

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# CONTACT US TODAY

We Thank You for Your Ongoing Support  
of Our Programs

## **Singapore and Asia Pacific Enquiries**

Email: [advisor@charteredcertifications.com](mailto:advisor@charteredcertifications.com)  
Phone: +65 6716 9980  
Address: Chartered Institute of Professional Certifications  
1 Gateway Drive  
#20-04 Westgate Tower  
Singapore 608531

## **Australia and New Zealand Enquiries**

Email: [advisor@charteredcertifications.com](mailto:advisor@charteredcertifications.com)  
Phone: +61 3 9909 7310  
Address: Chartered Institute of Professional Certifications  
530 Little Collins Street, Level 1  
Melbourne VIC 3000, Australia

## **UK, Europe and Middle East Enquiries**

Email: [advisor@charteredcertifications.com](mailto:advisor@charteredcertifications.com)  
Phone: +44 (020) 335 57898  
Address: Chartered Institute of Professional Certifications  
86-90 Paul Street  
London, EC2A 4NE

## **USA Enquiries**

Email: [advisor@charteredcertifications.com](mailto:advisor@charteredcertifications.com)  
Phone: +1 888 745 8875  
Address: Chartered Institute of Professional Certifications  
99 Wall Street #3936  
New York, NY 10005