



ARCHDIOCESE OF REGINA

Policy Name:	Termination of Employment	Number:	S6-8
Policy Type:	Management of Staff	Date Approved:	February 2017
Legislation:	<i>The Saskatchewan Employment Act</i> , 2013. c.S-15.1, s.2-60; s.2-61;	Date Revised:	

Policy Statement:

The Archdiocese of Regina may need to make changes to positions that require an employee to have a change in responsibilities or, if there are no other options, have their employment with the Archdiocese terminated without cause. A termination agreement will be negotiated with the administrator responsible for Human Resources and will take into consideration, the employee's work record, length of service and legislation.

Terminations:

With Cause: Termination of Employment will occur in the cases *with cause* only after a period of progressive, formative and summative evaluation. If measures to assist the employee in meeting the requirements of the job descriptions are not successful, the Termination of Employment process will commence.

Gross Misconduct: In extreme cases *Gross Misconduct* may result in immediate **Termination of Employment**. Gross misconduct may include dishonesty, insubordination, incompetence or any other behaviour that results in doing harm to the Archdiocese of Regina. Such cases will result in a termination agreement to be determined by the Administrator responsible for Human Resources.

Refer to Appendix Y—Recommendation to Terminate Employment.

Definitions:

“Termination of Employment”

Termination of employment means a dismissal (firing) or a forced resignation.

“Termination without cause”

Termination without cause means that the employee is being terminated for reasons that are not related to misconduct and notice of the termination and possible severance pay is required as outlined in *The Saskatchewan Employment Act*.

“Termination with cause”

Termination with cause means a material breach by the employee of their duties which would entitle the employer to terminate the employee for just cause at common law.

“Gross Misconduct”

Gross misconduct is behaviour, on the part of an employee, which is so bad that it destroys the employer/employee relationship, and merits instant dismissal without notice or pay in lieu of notice.

Gross misconduct may include but is not exclusive to:

- workplace discrimination based on age, race, gender, sexual orientation or nationality
- wanton disregard for the safety of others
- deliberate acts of violence or hostility
- attempts to financially defraud the Archdiocese
- significant levels of insubordination
- dishonesty through falsification of documents or other forms of misrepresentation
- criminal offenses that happen in the workplace

“Notice”

Notice is the amount of time between informing an employee in writing that he/she will be terminated and the date upon which the termination will take effect (i.e. the last day that the employee will be paid). An agreement, including an employment agreement, cannot be made with an employee for less than the minimum notice requirement as provided for in *The Saskatchewan Employment Act*.

“Payment in Lieu of Notice”

Payment in lieu of notice means that an employer may choose to have the termination take effect immediately, and pay the employee for the weeks of notice required by the legislation or, if greater than that required by legislation, as agreed to in the employment contract.

Procedure:**A. Termination of Employment**

The procedures to be followed are determined by the reason(s) for termination. (Appendix Y: Recommendation to Terminate Employment)

a) Termination without Cause

- i. A personal meeting between the employee and administrator responsible for Human Resources.
- ii. A written explanation of the reason for termination will be provided to the employee including a Notice of the date of termination.
- iii. The employee will be given appropriate notice or pay in lieu of notice.

b) **Termination with Cause**

After a period of summative and formative evaluation as per Policy S6-4 Staff Performance Appraisal Process: Formative and Summative, a Termination of Employment may be enacted. The process will include:

- i. A personal meeting between the employee and the administrator responsible for Human Resources.
- ii. A written explanation of the reason for termination will be provided to the employee including a summary of the actions that were taken to assist the employee meet the expectations of employment.
- iii. The conditions of termination will be outlined including the termination date.

c) **Termination with Cause – Gross Misconduct**

- i. Immediate meeting between the employee, administrator responsible for the department, and administrator responsible for Human Resources.
- ii. A written explanation of the reason for immediate termination.
- iii. An opportunity to appeal the decision within 14 days of the termination.

B. Exit procedure (Appendix Z—Termination Checklist)

The administrator responsible for Human Resources shall:

- i. Confirm the employee's address and telephone number and provide the exiting employee with information regarding final pay, continuation of benefits (if any), the Archdiocese policies on confidentiality.
- ii. Reclaim any Archdiocese of Regina property in the employee's possession, such as keys, or plan for the return of said property prior to the employee's last day at the Archdiocesan office.
- iii. Each person leaving the employment of the Archdiocese of Regina will sign an exit agreement outlining the expectations of the confidentiality of information accessed while employed by the Archdiocese.

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