

Termination of Employment

Human rights laws in Alberta say an employer cannot discriminate against any person about employment (including recruiting, hiring and termination) or any term or condition of employment (including pay, benefits and policies). This info sheet focusses on human rights issues as a factor in your employment terminating (ending).

See the **other info sheets in this series** to learn more about what human rights are and how to resolve disputes about human rights issues.

Types of Terminations

There are different ways your employment may end – by you or your employer.

- **Termination *without* just cause:** doing nothing wrong but your employer letting you go after giving you working notice or pay in lieu of notice
- **Termination *with* just cause:** just cause may be one serious event or a series of events you were reprimanded for without correcting your behaviour
- **Quitting:** choosing to leave your job after giving proper notice to your employer, according to employment laws or your contract
- **Layoff:** a temporary break in employment during which your employer can recall you to work or else your employment is deemed terminated
- **Constructive dismissal:** feeling you have no choice but to quit your job because

your employer changed a fundamental term of your employment (such as pay, location, responsibilities) without you having any say, or your work environment became so hostile because of harassment or bullying

Human Rights and Termination

Has your employer violated your human rights? Is the violation a factor in your employment ending?

Maybe you are:

- being terminated because you are pregnant
- being terminated because of a physical disability, an illness or an addiction
- quitting your job because you are being harassed or bullied and can no longer stand it
- being forced to quit because your boss will not agree to changing your schedule to meet your family obligations

These are just some examples of where a human rights issue **may** be a factor in a person's employment ending. There are other things to consider, such as evidence, the legal test for discrimination and duty to accommodate.

If your employment ended and you think your employer violated your human rights, help is available.

Human rights issues may be only one piece of the termination puzzle.

Employment standards are laws your employer must follow, including about pay, hours of work, overtime, vacations and holidays, notice of termination and more. Contact Alberta's Employment Standards office: bit.ly/3n4kyli

Wrongful dismissal is a civil lawsuit started by an employee against their employer. You may allege your employer did not have just cause to terminate you, that the termination notice you received was not enough, or that you were constructively dismissed. Contact a lawyer for help.

Unjust dismissal is a complaint available to federally regulated workers under the *Canada Labour Code* who were terminated without just cause. Contact the Canada Industrial Relations Board: bit.ly/3jc55oc

SPOTLIGHT: Sexual Harassment at Work

Are you experiencing sexual harassment at work?

Do you not want to report the sexual harassment (such as to your boss, human resources, or the Alberta Human Rights Commission) out of fear of losing your job? Or the harassment getting worse? Or facing some other negative consequence?

Have you lost your job because you reported sexual harassment to someone? Were you fired? Did the harassment get so bad you felt you had no choice but to quit? Were you threatened and forced to quit?

The bottom line is losing or quitting your job because you are experiencing or have reported sexual harassment is not okay.

You must file a complaint with the Human Rights Commission within one year of your human rights being violated.

HELP IS AVAILABLE.

Workers' Resource Centre
Helping workers in Alberta
www.helpwrc.org

Your Rights at Work
Reliable legal information
www.cplea.ca/rightsatwork/

Alberta Human Rights Commission
Resolving complaints of discrimination
www.albertahumanrights.ab.ca

www.cplea.ca



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