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LAWYERS

**I've been terminated/laid-off and my employer is offering me my entitlement under the Employment Standards Act. Am I entitled to more?**

By: Dennis M. Touesnard



Yes. Virtually every employment agreement requires employers to give reasonable notice of termination or equivalent pay in lieu of that notice period. An employee's notice period is usually significantly longer than the amounts set out under the Employment Standards Act. In addition, employers are required to extend benefits during that notice period and continue to make contributions to RSPs and to compensate employees for other monetary benefits like a car or cell phone allowance. Finally, if an employee is entitled to a pension, there can be a significant loss to the employee that the employer is responsible for at law.

Employer's often only offer to pay base salary and ignore these other important components of the employee's remuneration package. It is in every employee's best interest to immediately contact a lawyer after a termination or lay-off.

The only exception is if your employer has cause to fire you, in which case it does not have to pay you anything at all. At law, your employer must prove that cause and in the vast majority of cases, cause is either not alleged or cannot be proven.