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LAWYERS

I have just lost my job. What are my rights?

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In Ontario, any employer can terminate any employee for any reason, including no reason at all. If your employer does this, however, it must either provide you notice of termination or pay in lieu.

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.

Your employer may tell you that at law they only have to pay you 1 week per year up to 8 weeks, i.e. termination pay according to the Employment Standards Act. Unless you have signed an express contract that says so, this is wrong.

At law, your notice period is calculated based on your age, how long you have worked for your employer and your responsibilities at work – typically referred to as the character of your employment. Most employees are eligible for pay in lieu of notice of close to one month per year. Depending on the above factors, you may be eligible for even more.

In addition to your lost wages, you are entitled to your benefits or their monetary value. This is obviously a very important issue if you have people at home who are dependent on the benefits you earn at work.

Other issues to consider are whether you have lost out on payment under a bonus plan or profit sharing and if you have a pension. Each of the items may be worth significant amounts of money to you.

In short, losing your job is a very stressful time in your life but the law allows for certain protections. If you lose your job, you should contact a lawyer with experience in employment law to help you through this time.