

Employment Policy Sample

This **Termination/Separation of Employment Policy** template is ready to be tailored to your company's needs and should be considered a starting point for setting up your employment policies. A termination/separation of employment policy may also be referred to as an **employee termination policy** or **termination of employment policy**.

Policy brief & purpose

Our **Termination/Separation of Employment policy** refers to the event that an employee ceases to be part of the company's workforce. It is beneficial for all parties that the employment separation

process is as clear as possible so misunderstandings and distrust between the employee and the company can be avoided. The company is bound to handle any cases of termination of employment as dictated by law with discretion, professionalism and official documentation.

Scope

This termination/separation of employment policy applies to all prospective or current employees of the company in regards to possible separation of employment.

Policy elements

The company will observe all legal dictations referring to termination/separation of employment and will avoid “implied contracts” and unnecessary terminations.

What is termination of employment?

Termination of employment happens when the contract of an employee is discontinued due to their or the company’s actions.

The dismissal of an employee from their job duties may be categorized as voluntary or involuntary.

Voluntary dismissal may include the following:

- [Resignation](#)
- Retirement
- Failure to show for a specified number of days without notice
- Expiration or completion of contract

Involuntary dismissal may include the following:

- Discharge for cause
- Discharge without cause

Discharge for cause refers to immediate termination of employment due to an employee's misconduct. Any kind of disciplinary action or [progressive discipline](#) that results in termination may be considered "for cause". Other wrongful behaviors or actions that result in immediate dismissal are also considered "for cause". Examples of such termination of employees include circumstances where an employee:

- Breaches their contract of employment
- Is discovered guilty of fraud, embezzlement or other kinds of illegal actions against the company
- Is guilty of discriminatory behavior or harassment

- Is guilty of unlawful or immoral behavior on the job
- Is guilty of willful neglect of job responsibilities
- Is discovered to have caused intentional damage to company's assets
- Continuously disregards company policy

The list is not exhaustive therefore, discharge for cause remains at our company's discretion. It must however always reflect an unacceptable behavior or action that violates legal or company guidelines and may result in financial and non-financial damages for the company, other employees or society.

Discharge without cause can occur when the company decides that the services of an employee are no longer needed. In general, this does not refer to an employee's conduct. Reasons for discharge without cause may be [layoffs](#), rearrangement of a department or redefining of a position. In cases an employee must be terminated without cause, the company is obliged to give notice a specified amount of time prior to the date of termination depending on time of service, age of employee or position. If the employee has to stop working before the date of termination, the company will still provide compensation for the time remaining, specified as "pay in lieu of notice".

The company may compensate the terminated employee for accrued vacation time when appropriate. Severance pay may apply to cases of discharge without cause but not discharge for cause.

The company is bound by the law to refrain from wrongful dismissals of employees. Wrongful dismissal may occur in cases when:

- An employee is terminated unfairly for cause
- An employee is terminated without cause and is not given prior notice
- An employee is forced into constructive dismissal

The company expects all employees with the right of terminating subordinates to strictly refrain from discharging someone without adequate reason or without giving notice. Such an occurrence may be damaging for the company's respectability and may result in disciplinary action. Discharge on grounds of discrimination or filed health and safety complaints is unlawful termination prohibited by legislation.

Constructive dismissal refers to an employee that has been forced to resign due to an employer's intentional or unintentional unlawful or hostile behavior (e.g. breach of contract). It will not be practiced by any means by the

company which is committed to maintain a relationship of honesty and fairness between itself and employees.

Procedure

In cases of resignation, the employee must submit an official written resignation letter to the immediate supervisor. A notice is expected by the employee consistent with the minimum notice requirement, so the company can arrange alternatives for handling the remaining workload of the position. The resignation letter must be copied and submitted to the Human Resources department.

In cases of involuntary dismissal, the supervisor must submit an employee termination document to the human resources department at the date of separation or before that. Discharge for cause justifies immediate suspension until the necessary documentation for termination has been gathered. In some instances, a termination meeting with the employee, supervisor and a human resources officer may be scheduled.

In cases of discharge without cause, the employer must officially notify the [employee of the termination](#) a specified amount of time in advance. When severance pay is appropriate it will be officially stated in writing.

At all times, proper employee records will be kept containing all relevant documentation. A lawyer will be consulted prior to termination so the company can ensure the legality of its actions.