

# If You've Lost Your Job

Losing a job can be stressful. Below are five things you should know if this happens to you.

## 1. Know how you lost your job.

Your rights and next steps after a termination depend on **how** you lost your job.

A **temporary layoff** is where your employer lays you off, with written notice, because they don't have any work at the moment. Your work relationship continues, and your employer can recall you to work with a week's notice. If you're off work for more than 90 days in a 120-day period, your employment ends. This is now a termination without cause.

A **termination without cause** is a legal way for your employer to end your employment even though you've done nothing wrong. Unless an exception applies, your employer must give you notice that your employment is ending or pay you **termination pay**, also known as severance pay. The law sets out the minimum amount of termination notice or pay you get depending on how long you've worked for your employer. You can apply for **Employment Insurance benefits** through the Government of Canada until you find a new job. You may also be entitled to **reasonable notice** – more termination pay than the legal minimum based on your age, length of service, type of employment and whether similar work is available.

**Constructive dismissal** is a type of termination **without cause**. This is where your employer majorly changes the terms of your employment without your consent, making it intolerable to continue working. Examples include major changes to your salary, hours of work, position or working conditions. You may choose to leave your job rather than accept these new conditions.

A **termination with cause** is a legal way for your employer to end your employment because of your **severe misconduct**. You do **not** get termination pay, and you **cannot** apply for Employment Insurance. Some examples of severe misconduct are theft, continuous harassment of a coworker, unexcused absences from work, illegal behaviour or constant neglect of your duties. If you and your employer disagree whether your conduct was severe enough for a termination with cause, the court can decide.

Your employer cannot end your employment because you made an employment standards, human rights, or occupational health and safety complaint.

## 2. Apply for Employment Insurance.

You can only apply for Employment Insurance benefits through the Government of Canada if you were terminated **without cause**. Your employer will either give you a **Record of Employment** (ROE) or submit one online directly to the Government of Canada. Apply for benefits as soon as you stop working even if you don't have your ROE yet.



Learn more about **Employment Insurance** on the Government of Canada's website: [www.canada.ca/en/services/benefits/ei.html](http://www.canada.ca/en/services/benefits/ei.html)

## 3. Read your contract.

Carefully read your employment contract or collective agreement. It can limit your rights to the legal minimum or offer you greater rights. For example, your agreement may say how to calculate termination pay.

## 4. Talk to a lawyer before signing a release.

A **release** is a legal document in which your employer agrees to pay you a specific amount of money and you agree to give up your right to make a claim against your employer. Getting legal advice before you sign a release is a good idea. The document is legally binding unless you can prove your employer forced you to sign it before you could talk to a lawyer.

## 5. Know your legal rights.

You have rights about termination pay, what is just cause, human rights at work and more.



Learn more about your rights in our **Worker Rights 101** booklet: [www.cplea.ca/worker-rights-101.pdf](http://www.cplea.ca/worker-rights-101.pdf)

## Help is available.

### Your Rights at Work

Reliable legal information from CPLEA  
[www.cplea.ca/work](http://www.cplea.ca/work)

### Workers' Resource Centre

Helping workers in Alberta  
[www.helpwrc.org](http://www.helpwrc.org)

### Get legal help in Alberta

List of free and for-a-fee legal services  
[www.cplea.ca/legalhelp](http://www.cplea.ca/legalhelp)

