



Terminations Without Tears

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Presented by:
Lisa Stam &
Deidre
Khayamian



Presentation Roadmap

- 1) Who?
- 2) Why?
- 3) Where?
- 4) What?
- 5) When?
- 6) How?
- 7) Takeaways

1) Who?

- This webinar is for small and medium business owners and startups who want to get better at exiting employees in a cost-effective, fair way and without all the drama



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2) Why? Practical Logistics

- Today's workplaces have regular turnover every 2-3 years
- Your employees are informed and experienced when negotiating terminations
- Vast majority of employment litigation is about termination provisions
- Employers need systems that facilitate regular turnover without pain and chaos

2) Why? Emotional Logistics




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- **Work is people's identity, so expect emotion:**

Work is one of the most fundamental aspects in a person's life, providing the individual with a means of financial support and, as importantly, a contributory role in society. A person's employment is an essential component of his or her sense of identity, self-worth and emotional well-being [(1987) 1 SCR 313]
- **Not just X weeks per year of service - employees want to be paid for their *value* so there is a strategy in getting it right**

3) Where?

- There is always a contract (no at-will )
- So look to the contract for mutual exit expectations
- If only able to do one thing - invest in a good contract termination provision

4) What?

Termination Peas & Carrots:


- Is the termination “Just Cause”? Probably not!
- So how much termination notice?!
 - ESA vs contract vs common law/court award
- So how many weeks of *what*?

4) What?

Termination Peas & Carrots *Strategy*:

- Give just ESA?
- Importance of a signed release
- What is “consideration”?

5) When?

- The “when” of terminating someone can have a big strategic impact
 -  See our intro video on this: <https://www.youtube.com/watch?v=C8Bg-9PsQzM>
- Risky personal moments (birthday, holiday, etc.)
- Risky human rights moments (after a sick leave)
- Risky money moments (just before a bonus, vesting cliff, etc.)

6) How?

Our Current Adversarial System:

- Our system assumes conflict and polarizing positions
- BUT, employers who offer reasonable (but not crazy!) termination packages that meet mutual expectations tend to avoid litigation
- Is not about being soft and caving - rather, be strategic, cost-effective, progressive and fair

6) How?

The Future System:

- Artificial Intelligence (AI) tools predict what a court would award in a similar case
- So what are we fighting about anymore?!
- We know the ceiling - this is math
- Even without a contract in place, it is about rolling out mutual expectations with lots of transparency



7) Takeaways

- Let's all rethink the approach to terminations
- There's no need to battle with the employee
- Terminations are just another step in the company and a person's career and often a better place for both parties

- Using tech, contracts and a bit of preparation, terminations without tears is possible

Questions?

To learn more about our team: <https://springlaw.ca/team/>

To connect with our team:

- Marnie Baizley - mbaizley@springlaw.ca
- Danielle Murray - dmurray@springlaw.ca
- Hilary Page - hpage@springlaw.ca
- Lisa Stam - lstam@springlaw.ca
- Deidre Tyrell - dtyrell@springlaw.ca

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