

Legally speaking...

Did you know?

June 2009

This fact sheet contains legal information, not advice and is accurate as at the above date. For legal advice, please contact a lawyer.

Subject: Employment

BEING FIRED – JUST CAUSE

The Employment Standards Act in BC is the law that outlines the rights of employees, and the responsibilities of employers. The Act sets the minimum standards for workers. Your employer can terminate your employment with or without just cause but must follow some legal requirements under the Act. Depending on how long you have worked, your employer must give you either Notice of Termination or advance notice, or payment instead of Notice. The payment is also called compensation or severance pay.

Can an employer terminate my job without notice or compensation?

Yes. There are a number of reasons why an employer does not have to give you any notice or compensation when your job has been terminated. Some of these reasons have nothing to do with your job performance. These are:

- 1) You were hired for specific work to be completed in 12 months or less or for a definite term
- 2) Your job has ended and the employer offers you a similar job and you do not take it
- 3) The workplace is destroyed by something the employer cannot control
- 4) You quit your job or retire from work

What is just cause for being fired?

An employer can terminate your job without notice or compensation when he or she

has a really good reason or just cause for letting you go. If you do something seriously wrong, for example:

- stealing from the employer or
- physically assaulting a co-worker,

then the employer may not have to give you any warning, notice or compensation. This is called just cause for being fired or let go of your job.

Where can I complain about my employer?

The Employment Standards Branch (ESB) is the government office that deals with complaints related to the Employment Standards Act. Before you contact them, it is a good idea to try and resolve the issue with your employer. If you are not able to do this, then you can contact the ESB for assistance.

For More Information

Employment Standards Branch

Information Line: 1-800-663-3316 (toll-free in BC)

Website: www.labour.gov.bc.ca/esb

Prince George area: 250-612-4100

Victoria: 200 – 880 Douglas Street
Phone: 250-952-0469

Burnaby: Deer Lake Centre
210 - 4946 Canada Way
Phone: 604-660-4946

Surrey: 101 - 10475 138 Street
Phone: 604-586-4251



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