

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 LAID OFF – MINIMUM NOTICE

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.

What is minimum notice/pay for job termination?

If your job is terminated without notice, you have a minimum right to:

- One week's pay after three months of continuous employment
- Two weeks' pay after 12 months of continuous employment
- Three weeks' pay after three continuous years of employment plus one week's pay for each additional year of employment to a maximum of 8 weeks.

Do I get the minimum pay if I get written notice of job termination?

The important thing to remember is that your employer does not have to pay you compensation if s/he gives you enough written notice of termination. The notice must be in writing and must be equal in weeks to the

number of week's pay for which you are eligible. For example, if you have worked for your employer for 14 months, you are entitled to two weeks' notice of termination. If you did not get any notice of termination, then you might be entitled to two weeks' pay instead of the notice. You can also get a combination of written notice and compensation equal to the number of weeks' pay for which you are eligible.

Where can I get more assistance?

The Employment Standards Branch (ESB) is the government office that enforces the law and deals with complaints related to the Employment Standards Act. Before you contact them, it is a good idea to ask your employer in writing for your compensation. Hopefully you are able to resolve the issue with your employer at this stage. If you are not able to do so, 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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