Owl Insight HR Inc. Tools for Indigenous Business (TIB):

Navigating an Employee Termination:

A Practical Guide

1. Introduction

Owl Insight HR Inc. ("Owl Insight") offers a full suite of human resources ("HR") products, services, and training programs rooted in corporate expertise and Indigenous knowledge gained over two decades of experience in the many communities we are proud to serve.

As a Certified Indigenous Business (CIB), we integrate Inclusion, Diversity, Equity, and Accessibility (IDEA) and Reconciliation frameworks into culturally responsive, modern HR solutions tailored for both businesses and communities.

Confident, caring, and precise, our team helps you streamline operations, build clear policies, and stay compliant - so your people and organization can thrive.

Workplace terminations[1] are complex and sensitive, with potential legal and emotional challenges for employers. At Owl Insight HR, we provide compassionate, compliant, and professional support to guide employers through the process with confidence. This guide outlines some of the steps to take before, during, and after a termination meeting. You can also read more in our blog here.

[1] *Owl Insight HR Inc. Tools for Indigenous Business ("TIB") are meant to inform and provide a guideline; these are not legal documents; we are not lawyers; contact a lawyer if legal advice is required. Contact us if you need this document provided in an accessible format like large font. Contact us if you would like help customizing the tool to your unique organizational goals, culture, and tone.*

2. Before the Meeting

2.1. Review the employee's documentation

1. Ensure to review the **employee's documentation** including the employee's human resources file, performance history, any disciplinary actions, and reasons for the termination.
2. Prepare the **termination package** by gathering and preparing all the necessary documentation including the termination letter, information about final pay and benefit continuation, and any relevant Employer policies and procedures that may need to be referenced in the meeting.
3. Create a list of **Employer property** that may need to be returned (including removal of access to Employer drives, networks, purchasing resources, email, intranet or external platform logins, etc).
4. Be sure that all **alternatives** to terminations have been thoroughly explored such as:
    i. Performance Improvement Plans
    ii. Coaching
    iii. Demotions
    iv. Temporary layoff
    v. Transfers, if appropriate.

Tip : *Ensure to either follow your provincial/territorial or the federal employment laws, which will apply based on the jurisdiction of your organization or business. Ensure to review severance and notice entitlements. Some employees may have rights under common law that are greater than the rights to notice of termination (or termination pay) and severance pay to avoid accusations of "wrongful termination".*

2.2. Plan the logistics

5. Select a **meeting location** by choosing a private and neutral location for the meeting to ensure to maintain the employee's dignity, confidentiality, and minimize any disruption. Try to avoid the walkout through coworkers that may lead to embarrassment for all parties. Ensure your location provides easy access for you to remove yourself and your witness party safely if necessary.
6. Choose a **time of day** where it will be an easy transition for the employee out of the office without unwanted distress such as encountering other employees. Termination meetings should ideally be held in the morning half of the day to allow the employee time to contact support services, legal counsel, and to process the event before having to face rush hour traffic and family obligations.

2.3. Plan the people

7. Arrange a **witness** during the meeting to document the proceedings and to provide support.
8. Prepare and try to anticipate the **employee's reaction** and plan for responses with empathy and professionalism. Prepare for all scenarios.
9. Arrange a **private meeting** with the employee to communicate the decision and ensure to be respectful and professional.

Tip:: *Review current termination resources and note any inconsistencies. Identify any legal or operational gaps and prioritize creating processes that address these areas. If you require assistance in any stage of this process, our HR experts are available for consultation. To schedule a meeting, click here to contact us.*

3. DURING THE MEETING

3.1. Introduction

Set the tone for the meeting. It is best to use empathy, professionalism, and try to maintain positive relationships as much as possible.

1. Greet the Employee: "Good Morning/afternoon [employee's name], thank you for meeting with us today."
2. Provide a purpose for the meeting: "I've asked you here today to discuss a significant matter regarding your employment with [Employer name]."
3. Reiteration of confidentiality: "Before we begin, I want to emphasize that our conversation will remain confidential between us."

3.2. Reasons for termination

The employees' main question will be why they are being terminated. Be prepared for this question and answer with honesty and professionalism.

4. Be clear and direct: "Unfortunately, after careful consideration and review, we have made the difficult decision to terminate your employment with [Employer name] due to [performance, misconduct, restructuring, operational reasons etc.]".

3.3. Discuss the evidence (if applicable)

If the employee is being terminated due to performance or misconduct, be prepared to provide evidence to show why the employee is being terminated.

5. Review performance history: example, "We have documented several instances [provide a list of the specific examples, if appropriate] where your performance did not meet the expectation outlined in your job description" or "we have this information that shows that you have willfully shown behaviour that contravenes the [Employer's name] Code of Conduct."
6. Ensure to clarify expectations: "Despite our efforts through coaching and feedback, we have continuously not seen the necessary improvement to continue your employment."

3.4. Terms of termination

The terms of the termination must reflect local jurisdiction or federal employment laws to reduce risk or liability, at a minimum. Review your policies, the employment agreement with the employee, and any relevant collective agreement language to include any additional entitlements as required.

7. Notice Period or Severance: "As per the [include jurisdiction labour law i.e., Employment Standards Act] you are entitled to [state notice period/pay in lieu, continuation of benefits] which will be honoured." Be clear about a specific date as it relates to the employee.

8. Final Pay and Benefits: “Your final pay will include any outstanding wages, and vacation pay or benefits.” and any other pertinent entitlements to which the employee is entitled.
9. Return of Employer Property: “Please ensure that all Employer property, including [refer to list of items], is returned. We will provide a time that is most appropriate to gather your personal belongings from your office.”
10. Information About Termination Resources, if appropriate: “We understand this is difficult, for that reason we have prepared for you to have access to [counselling services, continuation of Employee Assistance Program, employee counselling etc.]. Provide the details in a prepared package or reference material.
11. Provide Termination Letter: “We have prepared a termination letter that outlines the conditions of the end of your employment with [Employer’s name].” If possible, have the employee sign the termination letter. However, they may wish to have a lawyer review it before they sign.

3.5. Employee reaction

It is difficult to anticipate the employee’s reaction but remember to remain professional and safe in all situations.

12. Acknowledgement of Feelings: “I understand that this information is upsetting and difficult to hear. Please ensure you access the services that have been arranged for you.”

3.6. Closing

Balance keeping the meeting quick and considering the employee’s feelings. At times, you may need to cut the meeting short to avoid prolonged or repetitive questions.

13. Express Appreciation: “Before we conclude this meeting, I want to express our appreciation for your contributions during your time with [Employer’s name].”
14. Wish the Best for the Future: “We wish you best in all your future endeavors.”
15. Next Steps: “We will be in contact to arrange a time to gather your personal belongings. For future question you may have, please contact [employee’s name, i.e., HR Manager] to assist you.”

4. After the Meeting

1. Document the meeting and anything that may be outstanding.
2. Provide the documents to the terminated employee.
3. Communicate with the team affected by this termination and remember, confidentiality is the top priority.
4. Update the employee documents, payroll, pension, benefits, and appropriate software systems of the termination (including email, voicemail access, purchasing resources, security card accesses, etc)

5. The Value of Indigenizing your Processes

Recognizing and integrating Indigenous values in your workplace process, especially one as personal and complex as terminations, enriches the organization by respecting diverse cultural perspectives. Indigenizing processes includes understanding Indigenous approaches to communication, community-mindedness, and transitions or grief, which can promote a more inclusive and respectful environment.

Consider engaging Indigenous consultants or community members to review processes, particularly if your organization employs individuals from Indigenous communities. This demonstrates a commitment to reconciliation and inclusivity, strengthening employee engagement, and community relationships.

6. Final Thoughts and Next Steps

Thoughtful termination processes bring respect, consistency, and compliance to the workplace. By following the above steps, your organization can reduce risk, ensure a smooth process, and continue to treat people with respect and dignity.

7. What is Next?

If you need assistance developing workplace termination processes that are compliant, respectful, and culturally inclusive, contact Owl Insight HR Inc. for a free consultation. Our experts are here to help you through times of change.