



Employment Agreements: Termination Clauses, Employment Standards Compliance

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Can you do another draft of this? There's still a couple of sentences people might actually understand...

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Employment agreements

- Have agreements! Don't have to be too long
- No agreement = Terms implied
- No agreement = Usually ends badly for employer

Employment agreements

- Problem = Implied term of “common law notice”
- Common law means:
 - Uncertainty
 - Can be significant even for short service employees (i.e. 3 month rule)
 - Bardal factors: Age, Length of Service, Position, Prospects for Re-employment
 - Inducement

Employment agreements

- Answer: Have termination clause!
- A key benefit to having an agreement
- Can have pre-set entitlement upon termination without cause



"What's the big deal?! Pre-happily-ever-after agreements are very common these days."

Employment agreements

- Drafting is critical
- Get legal involved - many legal decisions (mostly from Ontario) on issue

Employment agreements

- Key elements:
 - Mere reference to legislation insufficient;
 - Clear and unambiguous language (NB Case; *Cybulski v. Adecco*); and
 - Make sure not violating minimum statutory requirements.



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