

Human Resources Policy 23 – Termination for Just Cause Excluded & Included Employees

Appendix 5 – Administrative Due Process Checklist for Just Cause Terminations of Included and Excluded Employees Under HR Policy 25 – COVID-19 Vaccination

Last Updated Feb 3, 2022

The following checklist must be completed prior to terminating an included or excluded employee for just cause under section 22(2) of the Public Service Act pursuant to HR Policy 25 – COVID-19 Vaccination and Regulation 284/2021 – Public Service COVID-19 Vaccination Regulation.

Employee name: _____ Date: _____

Included Employee: Excluded Employee:

1. Was HR Policy 25 – COVID-19 Vaccination brought to the attention of the employee and were they advised to review the contents of the Policy?
YES NO Notes: _____
2. Was the employee provided with an opportunity to discuss HR Policy 25 with their employer and provided with information about the requirement to provide proof of COVID-19 vaccination under the Policy?
YES NO Notes: _____
3. Did the employee fail to provide proof of being fully vaccinated for COVID-19 as required by HR Policy 25?
YES NO Notes: _____
4. Was the employee provided with a letter placing them on a Leave of Absence Without Pay which indicated the steps to comply with HR Policy 25 and advising that failure to become fully vaccinated within a specified time period may lead to termination?
YES NO Notes: _____
5. While on a Leave of Absence Without Pay was the employee provided a warning letter that continued failure to confirm proof of being fully vaccinated within three months of being placed on a Leave of Absence Without Pay would result in their employment being terminated for just cause?
YES NO Notes: _____

6. Has the PSA representative confirmed that Senior Labour Relations Specialist/legal counsel was provided with sufficient background and file material to assess the strength of the employer's just cause position?
YES NO Notes: _____

7. Has the PSA obtained written Senior Labour Relations Specialist advice or a written legal opinion about the strength of the employer's just cause position?
YES NO Notes: _____

8. Has the written advice from the Senior Labour Relations Specialist or the written opinion from legal counsel, as well as the background and file material supporting the termination decision been properly documented?
YES NO Notes: _____

9. Has the Ministry prepared briefing materials regarding the termination decision, including the written senior labour relations advice/legal opinion for the Deputy Minister to review and consider prior to making the decision?
YES NO Notes: _____

10. Has the PSA representative confirmed that the briefing materials that have been provided to the Deputy Minister of the Ministry provide sufficient background and file material for the Deputy Minister to make an informed decision?
YES NO Notes: _____

The following individuals confirm, to the best of their knowledge, the above information to be accurate:

PSA Representative

Ministry Representative

PSA Management