

Human Resource Policy 23 - Termination for Just Cause Excluded & Included Employees

Appendix 4 – Just Cause Terminations Roles and Responsibilities

Last updated November 3, 2017

The following table describes the key roles and responsibilities required to ensure administration of this policy results in transparent, consistent, well-documented and defensible just cause termination decisions and that employees that are terminated for just cause are always subject to a process that is administratively fair and complies with natural justice.

Role	Responsibilities
Deputy Minister to the Premier	<ul style="list-style-type: none"> • Approve the employer’s policy and procedures for the administration of just cause termination decisions under section 22(2) of the <i>Public Service Act</i> and ensure that Deputy Ministers are accountable for adhering to the policy. • Resolve any disagreements between the Deputy Minister of a Ministry and the Deputy Minister of the Agency where due process has been followed in relation to the just cause termination decision but the Deputy Minister of the Agency recommends against the termination decision.
Deputy Minister of employee	<ul style="list-style-type: none"> • Confirm in writing that she or he has reviewed and considered the briefing materials regarding the termination decision, including the written advice of legal counsel or Senior Labour Relations Specialist. • Ensure the Deputy Minister of the Agency has confirmed that due process has been followed prior to terminating an employee for just cause. • Sign the termination letter for the impacted employee outlining the reasons for termination. • Ensure that the briefing materials in support of the termination decision are properly documented. • Delegate any or all of these responsibilities to senior officials within the ministry in accordance with the <i>Public Service Act</i>. • Ensure that management employees in the Ministry are aware of and follow the Termination for Just Cause policy and procedures.

Deputy Minister of the Agency	<ul style="list-style-type: none"> • Upon being advised by the ADM of Employee Relations that due process has been followed, formally confirm to the Deputy Minister of the Ministry that due process has been followed and that the termination may proceed once the Deputy Minister has reviewed and considered the briefing materials regarding the termination decision. • If due process has been followed on a specific file, consider, when necessary, whether the termination is a recommended course of action. • Ensure the quality and timeliness of human resources advice provided to Deputy Ministers related to just cause termination decisions. • Oversee and monitor the administrative system to ensure just cause termination decisions are made according to principles of natural justice and administrative fairness, and report out to stakeholders on any emerging issues.
Assistant Deputy Minister, Employee Relations	<ul style="list-style-type: none"> • Assesses the process followed to support each just cause termination decision, advises the DM of the Agency when due process has been followed and provides the Deputy Minister with copies of completed disciplinary termination and investigation best-practice protocol checklists and the written senior labour relations/legal advice. • Provides direction to Employee Relations Specialists and Senior Labour Relations Specialists in the performance of their duties. • Determines, on a case by case basis, whether legal advice will be sought for disciplinary decisions involving included employees beyond advice provided by Senior Labour Relations Specialist. • Assists the Deputy Minister of the Agency with oversight, monitoring and reporting in relation to just cause termination decisions.
Senior Labour Relations Specialist	<ul style="list-style-type: none"> • Provides written advice to the Ministry on termination decisions of included employees assessing the evidentiary strength of the employer's just cause position. • Provides assistance and guidance to Employee Relations Specialists in advising Ministry clients on managing included employee issues that may result in discipline, including termination. • Advises Employee Relations Specialist when consultation with legal counsel is appropriate.

<p>Employee Relations Specialist</p>	<ul style="list-style-type: none"> • Provides Ministry clients with advice on managing employee issues that may result in discipline. • Consults with Senior Labour Relations Specialist and/or legal counsel on files involving included employees when appropriate and secures written senior labour relations/legal advice on the strength of the employer's just cause position in relation to a termination. • Consults with legal counsel on files involving excluded employees when appropriate and secures a written legal opinion assessing whether there is sufficient grounds to support a termination. • Completes the administrative due process and investigation best-practice protocol checklists for just cause termination decisions with the assistance of Ministry representative and prepares the due process briefing package for review by the ADM, Employee Relations. • Provides guidance to assist the Ministry Management Representative in preparing a detailed briefing binder regarding a disciplinary termination decision that includes key investigation findings, labour relations considerations and senior labour relations/legal advice. • Draft the suspension pending recommendation for termination letter (if applicable) and the termination letter.
<p>Ministry Management Representative</p>	<ul style="list-style-type: none"> • Deputy Ministers are responsible for delegating authority for to recommend termination decisions within their organization. Consistent with that delegation, a Ministry Management Representative with the requisite delegated authority will recommend to their Deputy Minister the termination of the employee. • A Ministry Management Representative is also responsible for the detailed briefing binder for their Deputy Minister, with the assistance of the Employee Relations Specialist from the Agency. • The briefing binder is held by the Ministry in accordance with <i>Freedom of Information and Protection of Privacy Act</i> and the <i>Information Management Act</i>.