



CRA BULLETIN

Issue 65 – 22 November 2013

Signed: _____ Dated: _____

HOW EMPLOYERS SHOULD HANDLE A RESIGNATION

Employment agreements can end when an Employee offers their resignation. This may sound a simple end to the employment relationship for the Employer but there are a number of traps for the unwary.

There must, of course, be a genuine resignation. An Employer must ensure that the Employee genuinely intends to resign and has not acted under the heat of the moment. If an Employee has been forced to resign because they are pressured to do so by the Employer, the Employee could be said to be constructively dismissed which is an unjustified dismissal.

An Employer should always obtain the resignation in writing. Employers are also well advised to follow up a resignation letter explaining that the Employer accepts the resignation, the Employee freely made the decision to resign and whether the Employee is to work out their notice period or if there is to be any payment in lieu.

An Employer should never sit on a resignation letter (or a comment from the Employee that they are resigning) - they should always respond to it.