

Voluntary Resignation Information

Voluntary termination refers to the situation where an employee chooses to resign from their position. This differs from involuntary termination, where the employer ends the employment. A resignation is typically the result of the employee's decision due to personal reasons, job dissatisfaction, or other factors.

Here's a breakdown of important considerations and procedures for voluntary terminations (resignation) within BC's agricultural industry:

Employee's Rights and Responsibilities

Resignation Notice

- **Notice Period:** There is no legal requirement under BC's Employment Standards Act (ESA) for employees to give notice if they intend on resigning. However, common courtesy and practice is for employees to give two weeks notice, unless otherwise specified in their Offer Letter.

Written Resignation

- Employees are not legally required to submit a resignation in writing; however, it is strongly recommended as it serves as a formal record. A written resignation helps prevent misunderstandings regarding the employee's decision and ensures clarity on the final working day.
- If an employee verbally resigns, ask them to write down their resignation including the date they resigned and their intended last day.
- If an employee provides notice of resignation but does not work through their intended last day, the employer is only obligated to pay wages for the days actually worked. There is no legal requirement under the BC ESA to pay out the remaining notice period. For example, if an employee gives two weeks' notice but leaves after three days, the employer pays for those three days only.

Acknowledging the Resignation

- **Employer's Role:** Upon receiving the resignation notice, the employer should acknowledge the employee's decision and the notice period. Ideally, this is done in writing as well. This ensures there's mutual understanding of the employee's departure date and the employer's expectations during the notice period.

Final Pay and Benefits

- **Final Wages:** The employer must provide the employee with their final paycheck, including any unused vacation pay, statutory holiday pay, or any other benefits owed to the employee within 6 calendar days after the employee's last day of work.
- **Unused Vacation:** Under BC's ESA, employees are entitled to receive payment for unused vacation time upon resignation.
- **Termination of Benefits:** The employer should inform the employee when their benefits (e.g., health insurance, pension plans) will end, usually at the end of the employee's last working day.

Return of Company Property

- The employer should request the return of any company property, such as tools, equipment, uniforms, or keys, on or before the employee's last working day.
- **Inventory Checklist:** It's helpful for employers to maintain a checklist of company property that the employee needs to return, which can help prevent disputes or misunderstandings.

Transitioning the Employee Out

In the agricultural industry, especially where seasonal or farm-specific roles are involved, transitioning an employee out properly is crucial. Here are some tips:

Knowledge Transfer

- **Handover Process:** If the employee holds specialized knowledge or skills (e.g., handling farm machinery, managing crops), the employer may wish to have the employee train or mentor their replacement, if possible.
- **Documentation:** It may be useful to ask the employee to document processes or best practices before their departure. This helps ensure that there is minimal disruption to operations.

Exit Interview (Optional)

- Conducting an exit interview allows the employer to gather feedback about the work environment, team dynamics, and areas for improvement. While not mandatory, this can provide valuable insights for improving workplace culture and employee retention.

Employment Records and Final Documentation

- **Record of Employment (ROE):** Employers are required to issue a Record of Employment (ROE) when an employee resigns. The ROE is a critical document for the employee to apply for Employment Insurance (EI) benefits. The employer must complete the ROE and submit it to Service Canada generally within 5 calendar day after the final pay period has been processed. ROE's can be submitted electronically to Service Canada so a paper copy would not need to be provided to the employee.
- **Final Documentation:** The employer may also provide the employee with a statement of their employment history, a reference letter, or other documents, depending on company policy.

Key Considerations for Employers

- **Clear Communication:** Ensuring that both parties (employee and employer) understand the terms of resignation, notice period, and final duties is key to a smooth transition.
- **Respectful Exit:** Even though an employee is voluntarily resigning, maintaining a positive relationship is important for future references and maintaining a good reputation as an employer in the community.
- **Labor Shortages:** The agricultural sector in BC often experiences labor shortages, especially during peak seasons. To minimize disruptions, employers may want to plan ahead for potential resignations by maintaining a pool of potential workers or seasonal labor.

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