

## FREQUENTLY ASKED QUESTIONS:

### *My employer lowered my salary and/or changed my job duties. Can they do that?*

**Answer:** In most instances, an employer does not have the right to unilaterally change fundamental terms of the employment relationship. This may depend on what an employment agreement provides. If an employer does make changes to pay and/or job duties, it is imperative to take steps immediately so as not to be seen to have accepted the changes. Prior to taking any action, it is essential to speak with a lawyer who specializes in the area of employment law.

### *I was fired from my job and called the Ontario Labour Board. They said that the termination package my employer offered me was appropriate. Is that the end of it?*

**Answer:** Unfortunately, the Ontario Labour Board and Ministry of Labour cannot and do not provide advice with respect to an employee's full termination rights. The Labour Board can only advise if a termination package complies with the Ontario Employment Standards Act. Most employees, however, have entitlements which greatly exceed the terms in the Employment Standards Act. Some employees, who have been told by the Labour Board that their severance package was adequate, have entitlements which are up to 10 times greater. The only way to know your full legal rights is to speak with a lawyer who specializes in the area of employment law.

### *I am about to accept a new job and my employer wants me to sign a contract. Should I have a lawyer review it first?*

**Answer:** Absolutely! Contracts of employment are used by employers to gain rights that they would not otherwise have. For example, a contract of employment may significantly limit the severance package that you will receive if or when your employment comes to an end. In addition, a contract of employment may provide the employer with the ability to change your salary, job duties and work location. It is an absolute must to have a contract reviewed by a lawyer prior to signing it.

## ABOUT US

**Samfiru Tumarkin LLP** is a Toronto-based law firm that specializes in labour and employment law, as well as personal injury and insurance litigation. Our lawyers and support staff have expertise in all types of labour and employment law. We help individuals resolve disputes involving wrongful dismissal, constructive dismissal and severance, pensions and benefits, taxation, workers' compensation, occupational health and safety issues, and labour relations. With specialized knowledge and experience to assist with even the most complex matters, we work to ensure that our clients receive their proper legal entitlements in each and every case.

### Media Presence

Our lawyers have written and lectured extensively on labour and employment law. We have been quoted in all major Ontario newspapers and our input has been sought on CBC Radio, CTV, CP24 and Rogers Television, to name a few.



**Samfiru Tumarkin LLP**  
BARRISTERS & SOLICITORS

### Head Office:

350 Bay Street, 10th Floor, Toronto, ON M5H 2S6

### Mississauga Office:

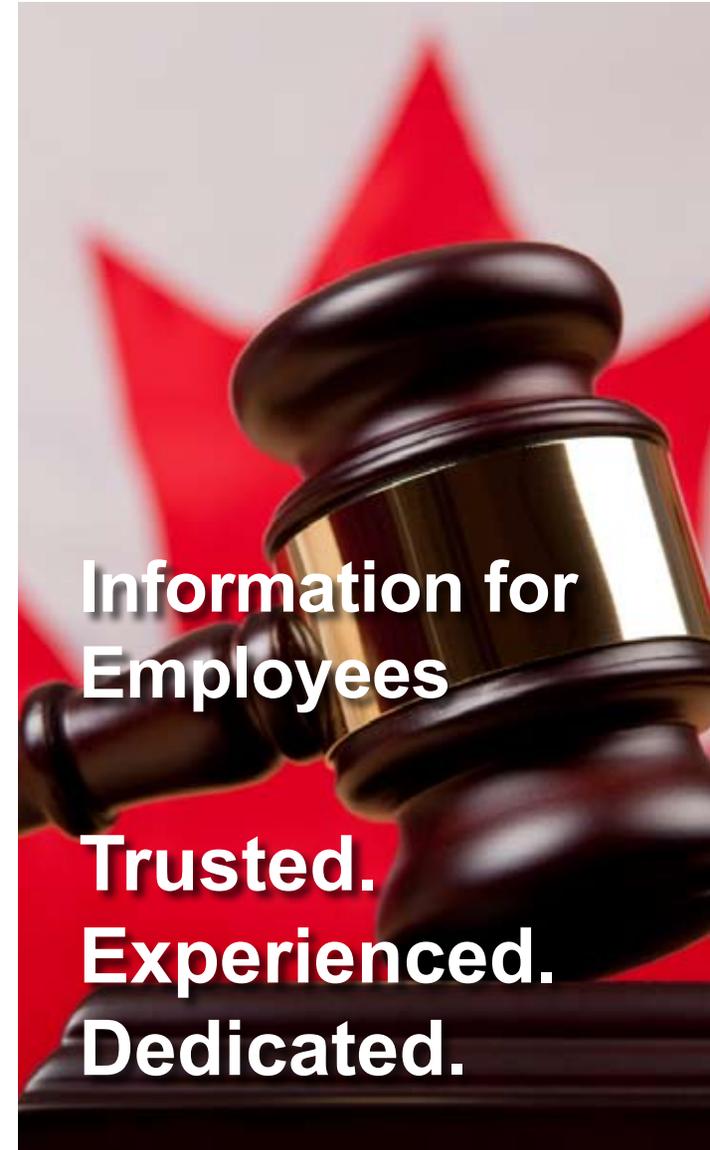
2 Robert Speck Pkwy., Suite 750, Mississauga, ON L4Z 1H8

Call Lior Samfiru at 416.216.5900

[lior@stlawyers.ca](mailto:lior@stlawyers.ca) | [www.stlawyers.ca](http://www.stlawyers.ca)

**Samfiru Tumarkin LLP**

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**Information for  
Employees**

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Experienced.  
Dedicated.**

Lior Samfiru: 416.216.5900  
[lior@stlawyers.ca](mailto:lior@stlawyers.ca)  
[www.stlawyers.ca](http://www.stlawyers.ca)

## I WAS FIRED. WHAT SHOULD I DO?

The most important thing you should do if you are fired is talk to a **lawyer who specializes in employment law**. Many employers will offer a severance package to a terminated employee. Unfortunately, most employers do **not** offer sufficient severance under the law. Most times, the employer will try to pay the employee the least amount it can under the law, and sometimes the packages are *even less than the minimums* of what they are required to pay.

### GOLDEN RULE:

Do NOT sign any document given to you by your employer without first consulting an employment lawyer. Your legal rights do not expire in a day or a week, despite what your employer says. You HAVE time to consult an employment lawyer.

### What does it cost?

At Samfiru Tumarkin LLP, we recognize that being fired can be a traumatic and extremely stressful experience. Most people are afraid to consult an employment lawyer because of the legal costs. This is why we have developed a **unique deferred payment program** for individuals who are unable to pay us while we are pursuing their legal entitlements. In most cases, the employee pays us **after** we settle their case, and even then, in most cases we are able to negotiate a substantial contribution by the employer to our client's legal fees. This unique program provides every person who has been fired with equal access to justice!



## OUR SERVICES

We can help you with any issues relating to labour and employment law, including:

- **Severance Package Reviews** – ensuring that you receive your full legal entitlements if you have been fired, let go, or temporarily laid off.
- **Wrongful Dismissal Litigation** – ensuring that we use every legal tool including a lawsuit to force your employer to pay you your rightful entitlements under the law.
- **Discrimination and Harassment** – ensuring that you are compensated for discrimination under the Ontario Human Rights Code.
- **Duty to Accommodate** – ensuring that your employer properly accommodates certain restrictions you may have, such as those due to a disability.
- **Employment Contract Reviews** – ensuring that you fully understand any employment contract you are asked to sign and explaining to you how to negotiate the most beneficial terms for you.

At Samfiru Tumarkin LLP, we understand the complicated maze of rules and regulations that define the modern Ontario workplace. We are equipped to act as advisors on any employment issues encountered by employees. This includes providing advice and representation to employees with claims arising under Ontario's employment and labour legislation, such as the Employment Standards Act, the Human Rights Code, the Pay Equity Act and the Occupational Health and Safety Act.

With offices in Toronto and Mississauga, we are always available to assist those whose employment has been terminated, as well as those struggling to address improper treatment and difficulties in the workplace.

## TIPS FOR EMPLOYEES

### 10 Things You May Not Know

- 1 An employer cannot unilaterally change work location, pay, hours and duties.
- 2 Seniority does not have to be considered when a decision is made to terminate employment.
- 3 You have 2 years from the day employment is terminated to pursue better severance.
- 4 You can always refuse to do work you consider unsafe.
- 5 An employer is not permitted to deduct from severance pay amounts owed to the employer.
- 6 If you leave your job and return in the future, your full service with the employer may be automatically recognized.
- 7 A non-competition obligation is usually not enforceable.
- 8 An employer MUST implement a policy addressing workplace harassment.
- 9 There should never be an expectation of privacy when using workplace computers.
- 10 An employer may be required to compensate a dismissed employee's job search expenses.

### 5 Workplace Myths

- 1 Overtime pay has to be approved or else it is not paid...not true.
- 2 An employer always has the right to temporarily lay-off an employee...not true.
- 3 Employees lose any unused vacation at the end of the year...not true.
- 4 Bonuses, car allowance, benefits, and stock options do not form part of a severance package...not true.
- 5 Employees cannot compete against former employers...not true.