

Sample temporary layoff notice

Legal Name of Company and Address:

Company Phone Number:

Employee's Name: _____

Date the temporary layoff will commence: _____

In accordance with Section 62 of the Employment Standards Code, this is a notification of temporary layoff.

This layoff is temporary. You will receive a written recall notice if you are recalled by your employer.

If this layoff lasts longer than 60 days within a 120 period, you may be entitled to termination pay.

A simple language guide on the rules around temporary layoff can be found on the Employment Standards website: alberta.ca/EmploymentStandards.

Temporary Layoff Rules

The rules for temporary layoff are listed in Sections 62, 63 and 64 of the Employment Standards Code. These are provided here as required by law.

62 Temporary layoff

- 62(1) An employer who wishes to maintain an employment relationship without terminating the employment of an employee may temporarily lay off the employee only by giving the employee a written layoff notice.
- (2) Unless a collective agreement provides otherwise, a layoff notice must be given to the employee
- (a) at least one week prior to the date that the layoff is to commence, if the employee has been employed by the employer for less than 2 years,
 - (b) at least 2 weeks prior to the date that the layoff is to commence, if the employee has been employed by the employer for 2 years or more, or
 - (c) if unforeseeable circumstances prevent an employer from providing the notice in accordance with clause (a) or (b), as soon as is practicable in the circumstances.
- (3) The layoff notice must
- (a) state that it is a temporary layoff notice,
 - (b) state the date that the layoff is to commence,
 - (c) include a copy of this section and sections 63 and 64, and (d) include any other information provided for in the regulations.

63 Termination pay after temporary layoff

- 63(1) The employment of an employee who is laid off for one or more periods exceeding, in total, 60 days within a 120 day period is deemed to have been terminated unless
- (a) during the layoff the employer, by agreement with the employee,
 - (i) pays the employee wages or an amount instead of wages, or
 - (ii) makes payments for the benefit of the laid-off employee in accordance with a pension or employee insurance plan or similar plan, or
 - (b) there is a collective agreement binding the employer and employee containing recall rights for employees following layoff.
- (2) When payments cease under subsection (1)
- (a) cease or recall rights under subsection (1)
 - (b) expire, the employment of the employee terminates and termination pay is payable.

64 Recall

- 64(1) An employer may request an employee to return to work by providing the employee with a recall notice.
- (2) A recall notice must
- (a) be in writing,
 - (b) be served on the employee, and
 - (c) state that the employee must return to work within 7 days of the date the recall notice is served on the employee.
- (3) If an employee fails to return to work within 7 days of being served with the recall notice, the employee is not entitled to termination notice or termination pay if the employer decides to terminate the employee's employment as a result of the employee's failure to return to work in accordance with the notice.
- (4) Subsection (3) does not apply to an employee bound by a collective agreement containing recall rights for employees following a layoff.