



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

HAVE YOU BEEN FIRED OR LAID OFF?

CANADIAN LANGUAGE BENCHMARK 5+

This activity kit, designed to teach newcomers to Ontario in Adult ESL and LINC classes about their legal rights and responsibilities, includes:

<u>Introductory notes for instructors</u>	<u>1</u>
<u>Activities for learners</u>	<u>2-9</u>
<u>Teaching notes with answer keys and suggestions for using the kit</u>	<u>10-17</u>

Visit www.cleo.on.ca to download these pages and to find other legal information.

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HAVE YOU BEEN FIRED OR LAID OFF?

INTRODUCTORY NOTES

Context outcomes Understand the rules about notice and pay when a worker is fired or laid off.

Learn what kind of help is available and how to access it.

CLB outcomes

-  Access and locate information in the booklet.
-  Demonstrate comprehension of a moderately complex text.
-  Describe a moderately complex process.
-  Take notes from an oral presentation or a page of written information.

Activities

Test your knowledge

Orientation to the booklet

Have you been fired or laid off?: Key points

Divya's story

Free companion resource

Have you been fired or laid off?

The information in this activity kit is based on the CLEO publication called *Have you been fired or laid off?* Read the publication before using the activity kit, and keep it on hand for reference as you guide learners through the activities. You can find it on CLEO's web site at www.cleo.on.ca. To order free copies for your class, you can use the online order form or call 416-408-4420, extension 33.

Please take note

Ontario's *Employment Standards Act (ESA)* is a law that outlines the rights of employees and the responsibilities of employers. The *ESA* sets minimum standards for working conditions. Many employers offer better.

The information in these activities applies to most but not all workers. Not all jobs are covered by the *ESA*, and in some cases only parts of the *ESA* apply. Some industries, such as banks, airlines, trucking and broadcasting, are regulated by the federal government. Learners should get legal advice if they have concerns.

Immigration status does not matter. You do not need to be a Canadian citizen, permanent resident, or holder of a work permit to be covered by the *ESA*.

The information in these activities is not a substitute for legal advice. Every situation is different so learners with concerns should get legal help. They can contact their local community legal clinic. To find the nearest community legal clinic, check Legal Aid Ontario's web site at www.legalaid.on.ca or phone 1-800-668-8258 (toll-free). In Toronto, phone 416-979-1446.

Test your knowledge

Test your knowledge of workers' rights about being fired or laid off.

True or False?

1. The rules in the Ontario Employment Standards Act about getting fired or laid off don't apply to all workers.
2. In most cases, if you are fired or laid off, your employer must tell you in writing ahead of time.
3. It is illegal for an employer to fire a worker without giving a reason.
4. If you are fired, you can't get Employment Insurance benefits.
5. Your employer must give you a Record of Employment within five days of your first day of work.

Questions for discussion

6. Khaldon starts a new job in a donut shop on June 15th. On August 7th, he is laid off. Does his employer have to tell him ahead of time?
7. Valeria has been working at the same company for three years. One day, her employer calls her into his office and tells her that she is fired with no notice because she did something wrong. Valeria doesn't think what she did was wrong. Is there anything she can do?
8. When Chunbo's employer tells him that he is fired, she says she doesn't have to give him notice because he is an "independent contractor". What should Chunbo do?
9. Divya tells her employer that she is pregnant. A week later, her employer gives her written notice that she is laid off because of a work slowdown. What can she do?
10. Jumera received her pay every two weeks. She was laid off in mid-September. Now it's mid-October, and she still hasn't received her wages for her last two weeks of work. Is this legal?



Orientation to the booklet

Answer these questions about the CLEO booklet *Have you been fired or laid off?*

1. What kind of information is on the front cover of the booklet?
2. What does the acronym CLEO stand for? (see back cover)
3. What word is used for *booklet* on the back cover?
4. Is reading the booklet a substitute for consulting a lawyer? Why or why not?
5. Where is the date of the booklet? Why is it important?
6. What is the Discard List?
7. How can people get more booklets?
8. What is on the first page of text inside the booklet?
9. What is the first question in the booklet? Why is it important?
10. What is the last section of the booklet?
11. Which of these features does your booklet use? How do they help your understanding of the information in the booklet?
 - Table of contents
 - Page numbers
 - Section headings and subheadings
 - Colour
 - Bold type
 - Bullets
 - Italics
 - Key point box
 - Exception box
 - Definition box
 - Chart / table
 - Other:

Have you been fired or laid off?: Key points

Write one or two key points in your assigned sections. Take notes as you listen to other students share information from their sections.

1. Does the ESA apply to all workers?

2. What are my rights if I am fired or laid off?

3. What if my employer forces me to leave my job?

4. What about severance pay?

5. If my employer owes me money, when must it be paid to me?

6. What papers must my employer give me when I leave a job?

7. If I am fired or I quit, can I still get EI benefits?

8. Can I be fired if I get pregnant?

9. Can I get my job back if I am fired?

10. What are my rights if I belong to a union?

11. If I have been fired or laid off, what can I do?

12. How do I file a claim?

13. Where can I find out more and get legal help?

Divya's story

A. Read the story.

Divya was still **in shock** when she got home from work. Was it really possible that today had been her last day of work? She couldn't believe her employer had told her that she was being laid off because of a work **shortage**. Just last month at the staff meeting he had talked about hiring staff to meet the demands of some new work orders that had come in. It didn't make sense.

Divya couldn't prove it, but she had a strong **suspicion** that she was laid off because, one week earlier, she had told her employer she was pregnant. She had hesitated to tell him, but had decided it was the right thing to do, thinking it would give him lots of time to find someone to replace her. She had **never dreamed that** something like this would happen.

Divya made herself a cup of tea and then called a friend and told her what had happened. Her friend agreed that the story sounded suspicious and she felt Divya needed to get some legal advice. She encouraged Divya to sit down and **document anything and everything** that had happened at work that might relate to her situation.

Divya pulled out the folder she used to keep track of her hours and keep all her **pay stubs** together. She took a fresh sheet of paper and wrote as much as she could remember about the conversation she'd had earlier that day with her employer when he told her she was being laid off. She added the date and time of the conversation.

She checked her calendar and wrote the date she had told her boss she was pregnant. Then she remembered that one of her co-workers, Josette, had walked by when she was telling her boss about her pregnancy, so she made a note to call Josette and see if she had **overheard** the conversation. She wasn't sure if that would help her case but she wrote it down anyway.

For as long as she had been with the company, there had been **no mention of** a work shortage, so she made note of that too, and decided to ask some co-workers about it.

A few days later, Divya got a call from Ali, another of her co-workers. He told her how sorry he was to hear that she had **lost her job**. He also said that someone had just been hired to fill her position. When Divya heard that, she knew she had to get some legal advice. She organized her notes and papers and called a community legal clinic to see if they could help her, or refer her to someone who could.

B. Vocabulary: Discuss the meaning of these words and phrases. Use a dictionary if necessary.

1. in shock _____
2. shortage _____
3. suspicion _____
4. never dreamed that _____
5. document _____
6. anything and everything _____
7. pay stubs _____
8. overheard _____
9. no mention of _____
10. lost her job _____

C. Vocabulary: Homographs

English has quite a few noun-verb pairs called homographs, which means they are spelled in the same way. Follow the instructions below to identify the words in the story that have homographs.

call demand document help mention note order shock

1. Find the words in the story and underline them.
2. a. Identify whether each word is a noun or a verb.
b. Explain how each word differs from its noun or verb pair.
3. Which of the homographs appears in the story in both its verb and noun form?

D. Comprehension: Past perfect and simple past

Put the following events from the story in chronological order. Number the sentences from 1 to 10. This activity will challenge your knowledge of the simple past and past perfect.

- ___ a. Divya called her friend and told her that she had been laid off.
- ___ b. Ali called Divya.
- ___ c. Divya's employer told her that she was laid off.
- ___ d. A new employee was hired to fill Divya's position.
- ___ e. Divya called a community legal clinic.
- ___ f. Divya made notes about her conversation with her employer.
- ___ g. Divya hesitated, but in the end decided to tell her employer that she was pregnant.
- ___ h. Divya's friend advised her to document everything.
- ___ i. Divya's employer told staff about plans to hire new staff.
- ___ j. Divya told her employer that she was pregnant.

TEACHING NOTES

Curriculum connections

LINC/Adult ESL:

Theme: Employment

Topic: Working in Canada

Theme: Canadian Law

Topic: Employment Law

Theme: Community & Government Services

Topic: Counselling & Advocacy

LINC 5-7:

Unit: Workplace Teams and Reporting Relationships

Unit: Resolving Conflicts

Unit: Reading Articles, Stories and Reports

Unit: Policies, Procedures and Legislation

Unit: Presentations

Test your knowledge (page 2)

You can introduce the quiz by eliciting what it means to be fired or laid off, as well as examples of why people are fired or laid off. You may wish to draw attention to the use of the passive voice in these phrases. Learners can identify its use in the quiz, and later in the CLEO booklet *Have you been fired or laid off?* You can also elicit the definition of giving someone proper notice, which, in this context, means telling them in writing and ahead of time.

Learners can take the quiz individually and then compare answers with another student. They can make note of any new terms, and later see if they are defined or clarified in the CLEO booklet *Have you been fired or laid off?*

You can ask learners which situation in the quiz corresponds most closely with the situation depicted in the drawing. You may wish to explore the situation in the drawing by asking learners if they know of a situation similar to the one in the drawing, and if so to explain what happened. They can try to come up with a caption for the drawing. Learners can imagine the conversation between the two people. They can speculate as to what the woman can and should do next. You may wish to ask them to role play a conversation based on the drawing.

Answers:

Please note:

*The answers to the quiz are provided along with the section where they can be found in the CLEO booklet **Have you been fired or laid off?** At this stage these answers are for your reference only. Learners will have the opportunity to confirm their answers during their research and presentations in the activity **Key points**.*

True or False?

1. *True. The answer can be found in “Does the ESA apply to all workers?”*
2. *True. See “What are my rights if I am fired or laid off?”*
3. *False. See “What are my rights if I am fired or laid off?”*
4. *It depends on why you were fired. See “If I am fired or quit, can I still get EI benefits?”*
5. *False. See “What papers must my employer give me when I leave a job?”*

Questions for discussion

6. *No. He has not worked continuously for at least 3 months. See “What are my rights if I am fired or laid off?”*
7. *Yes. Valeria should get legal advice. What her employer says is misconduct might not be misconduct under the law. See “What are my rights if I am fired or laid off?”*
8. *Chunbo should get legal advice. The rights in the ESA might still apply to him. See “Does the ESA apply to all workers?”*
9. *She should get legal help. See “Can I be fired if I get pregnant?”*
10. *No. Your employer must pay you your wages no later than 7 days after your employment ends, or your next regular pay day if it comes more than 7 days after your employment ends. See “If my employer owes me money, when must it be paid to me?”*

Orientation to the booklet (page 3)

Distribute the CLEO booklet *Have you been fired or laid off?* You may wish to use **Orientation to the booklet** as a guide to highlight the main content and helpful features of the booklet. You can use it for your reference in guiding a class discussion, or you can hand out **Orientation to the booklet** to learners. The questions can help learners develop reading strategies that enhance their comprehension by helping them get a sense of the organization and main thrust of the text.

Have you been fired or laid off?: Key points (pages 4-5)

This is a jigsaw activity.

Suggested procedure:

- a. Learners form groups of five. Give each group member a different question strip (A to E – see page 16).
- b. Learners with the same question strip form “expert” groups (A to E). In these groups, learners find the questions in the CLEO booklet *Have you been fired or laid off?* that correspond to their question strip. They work together to see which answers to the quiz (**Test your knowledge**, page 2) they can find by reading the sections in the booklet that use these questions as headings. They also decide on one or two key points that they wish to highlight from the booklet. They can record this information on the **Key points** handout.
- c. When learners are ready, they can return to their original groups in which they will be the “expert” on their questions. They can check their answers to the quiz questions, and then use their notes to share key points, in the order the questions appear on the handout. The other four learners in the group take notes on the handout as they listen.
- d. As a whole class, review the answers to the quiz to ensure accuracy. Make note of remaining questions and encourage learners to do further research as appropriate.

Option: Depending on the size of your class, learners can form groups of four and you can omit question strip E from this activity, since the information in the sections of the booklet that use these questions as headings is not essential to completing the quiz. If you do omit question strip E from the jigsaw, make sure you discuss these questions with the class.

You may wish to ask learners to revisit the introductory drawing and apply the information they have learned in this section to the situation depicted there. If you are planning to use the activity **Divya’s story**, you may prefer to wait until then to do this.

Learners can brainstorm other examples of problems faced by workers. In pairs or small groups, they can choose a situation to role play. The role play should include information about where to get legal help.

Alternatively, learners could choose a situation and describe it in a letter or e-mail to a friend. They could then exchange situations and respond to each other's letters or e-mails with advice.

Extension:

Instructor provides, or learners access, the Ministry of Labour's Employment Standards Claim Form. This form is available at a ServiceOntario Centre or on the Ministry of Labour web site at: www.labour.gov.on.ca/english/es/claim

Instructor provides, or learners access, examples of worksheets that are part of the Ministry of Labour's Employee Self Help Kit. These can be found at:

www.labour.gov.on.ca/english/es/selfhelp

Divya's story
(pages 6-8)

This story provides background to the situation depicted and described briefly in **Test your knowledge #9**. It reinforces the importance of keeping records and documents, and of making notes about incidents that could be relevant in the case of an unfair dismissal. Learners can identify examples of the past perfect and discuss its use in the text.

The activities that follow provide an opportunity for vocabulary development and writing practice, with an emphasis on note-taking skills.

Section C Extension: You could take the opportunity to explain that many noun-verb homographs are distinguished by different pronunciations. The noun usually has the primary stress (strong accent) on the first syllable and secondary stress (sometimes weak stress) on the second syllable, whereas the verb usually has the primary stress on the second syllable and weak stress on the first syllable. Note: The noun-verb pairs in **Divya's story** are homophones and do not fit this pattern.

Sentence strips which correspond to the sentences in Section D have been provided on page 17. You can cut them up and distribute them to individual or pairs of learners, who can use them to put the events from the story in sequence. You may wish to use a timeline to take up the answers, and contrast the use of the past perfect and simple past throughout the story. Learners will have to apply their understanding of the past perfect in order to complete the activity.

In Section E, learners can practise writing in point form, using the sentences in Section D as a starting point and a reminder to use the simple past.

Answers

C.

- 2. a. nouns: shock, demand, order, call, note, mention
- b. verbs: document, help

3. call

D.

1 i. Divya's employer told staff about plans to hire new staff.

2 g. Divya hesitated, but in the end decided to tell her employer that she was pregnant.

3 j. Divya told her employer that she was pregnant.

4 c. Divya's employer told her that she was laid off.

5 a. Divya called her friend and told her that she had been laid off.

6 h. Divya's friend advised her to document everything.

7 f. Divya made notes about her conversation with her employer.

8 d. A new employee was hired to fill Divya's position.

9 b. Ali called Divya.

10 e. Divya called a community legal clinic.

E.

Answers will vary. The sample answer on the next page is in point form. Note that in this situation it's appropriate to translate the past perfect to the simple past when making notes. The sample answer notes have been organized as if they were written over the course of three days, beginning with the day Divya was laid off. Decisions about how to organize the notes, as well as about details such as names and dates, can be left up to individual learners, or discussed and agreed upon as a class before writing.

Sample answer:

Sept. 8/09

- at 4:30 p.m. Milton gave me notice that I'm laid off - told me it was because of work shortage - said he was sorry to lose me, my work has been good - I was in shock, didn't ask questions - I think it's because I told him I'm pregnant

- told Milton I'm pregnant Sept. 2/09 at about 10 a.m. - must call Josette - I think she overheard me telling Milton about pregnancy

- at staff meeting Aug. 11/09 no mention of work shortage - in fact, Milton talked about things getting busier, new work orders, hiring new staff to meet demands

Sept. 9/09

- called Josette - she did overhear conversation but couldn't hear much, doesn't remember details

Sept. 10/09

- Ali called, told me someone was hired to fill my position!!

- found phone # of community legal clinic

Key points: Question strips

A	<p>Does the ESA apply to all workers?</p> <p>What are my rights if I belong to a union?</p>
B	<p>What are my rights if I am fired or laid off?</p> <p>What if my employer forces me to leave my job?</p> <p>What about severance pay?</p>
C	<p>If my employer owes me money, when must it be paid to me?</p> <p>What papers must my employer give me when I leave a job?</p> <p>If I am fired or I quit, can I still get EI benefits?</p>
D	<p>Can I be fired if I get pregnant?</p> <p>Can I get my job back if I am fired?</p>
E	<p>If I have been fired or laid off, what can I do?</p> <p>How do I file a claim?</p> <p>Where can I find out more and get legal help?</p>

Divya's story: Sentence strips

a. Divya called her friend and told her that she had been laid off.

b. Ali called Divya.

c. Divya's employer told her that she was laid off.

d. A new employee was hired to fill Divya's position.

e. Divya called a community legal clinic.

f. Divya made notes about her conversation with her employer.

g. Divya hesitated, but in the end decided to tell her employer that she was pregnant.

h. Divya's friend advised her to document everything.

i. Divya's employer told staff about plans to hire new staff.

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