

## **PROBATION PART 2**

***(Important features of probation in the employment setting)***

The previous article entitled 'probation' covered the purpose of and the contribution which the probationary period makes in the organisation/department. Some prescripts were referred to including some decided cases to shed light on the practical aspect of probation in the workplace. Most importantly, to indicate the contribution that probation makes; which is to ensure that ultimately the right person is appointed to the job.

The purpose of a probationary period is to monitor the employee's performance to determine his/her ability to perform the functions assigned to him/her and to determine compatibility with the employer (Wallace Albertyn: 2015). According to Ian McLaren 2014, the purpose of a probationary period is to establish whether or not the employee's performance meets a certain standard whereas Stephen Khola asserts that the greatest significant fact is that probation is intended to evaluate a newly hired employee's suitability for permanent employment. He further indicates that suitability may not necessarily relate only to the employee's ability to do the job, but may include other aspects as well. Such include the employee's character, his general attitude towards the job, as well as his ability to get along with other employees.

Therefore, probation involves a comprehensive evaluation of a probationer before permanent employment is confirmed by the employer. That is why it is imperative that if permanent employment cannot be confirmed, the employer must ensure that the reasons for such are clearly explained to and understood by the probationer.

According to Stephen Khola, the following are the important elements/features of probation:

- There must be objective performance standards against which an employee can be measured;
- The setting of such standards falls within the prerogative of the employer;
- The probationary period should be determined in advance;
- The abuse of probation is strictly prohibited (e.g. an employer engages successive employees on probation and dismisses them before engaging another probationer and so forth, or putting employees on successive fixed term contracts under the guise of probation);
- The employee should be continuously assessed during the period of probation and if he is found incompetent, the employer should inform the employee of the areas in which he is not competent;
- The employee should then be given the necessary training, instruction, guidance and counselling to enable the probationer to perform to the

satisfaction of the employer otherwise any subsequent termination of services will be unfair;

- The employer must give the probationer reasonable opportunity to improve to the required performance standard;

According to Ian McLaren (2014):

- probationary periods may be extended or dispense with on good reason;
- the probationary period and expectations of the employer during the probationary period must be clearly stated in writing and should as a general rule be contained in the employee's initial employment contract, which the employer must clearly explain to the employee so he/she clearly understands the same;
- if the probation period is extended by the employer, this extension should be done in writing and relayed to the employee;

It is of utmost importance that the reasons for the extension and the implications thereof, if any, are explained to the probationer by the employer (that is, the relevant supervisor or the Senior Manager) and clearly understood by the probationer.

The period of probation is pre-determined in the Public Service in terms of the prevailing prescripts. For more information regarding probation, familiarise yourself with section 13(1) and (2) of the Public Service Act 1994 as amended, and Regulation 68(1) of the Public Service Regulations which came into effect in August 2016.

***(An opinion from the labour desk: 4<sup>th</sup> quarter 2016/17)***