

## What you need to know :

The probation period is an opportunity for the employer to assess the employee's performance, given his/her experience in particular, and for the employee to assess whether he/she is suited to the role. During this period, the employer or the employee can terminate the employment contract, with no justification being required and no compensation payable.



### Advice

*Ask us : make sure you don't confuse the probation period with the pre-employment aptitude test.*

### ► Existence of trial period

Probation periods are not a compulsory element of an employment contract. They are not presumed to exist and, as such, the principle and duration of such a period must be expressly stipulated by the employment contract. N.B.: if the employee has not signed his/her employment contract, he/she cannot be subject to a probation period.

### ► Length of probation period

Full or part-time permanent contracts can include a probation period subject to the statutory maximum lengths indicated below :

- 2 months for manual workers and office employees,
- 3 months for supervisors and technicians,
- 4 months for executives.

Shorter periods than the statutory periods can apply if they are stipulated by :

- The employment contract,
- A collective agreement signed after 26 June 2008.

Longer periods than the statutory periods can apply if they are stipulated by :

- A collective agreement signed before 26 June 2008.

The probation period is calculated in calendar days. It begins on the start date of the employment contract.

The length of the probation period can be reduced in certain circumstances (employees hired after a short-term contract or temporary contract, after an internship and so on).



### Advice

*Ask us: specific rules are applicable to certain categories of employees. You can also refer to the fact sheets included in this handbook relating to fixed term or apprenticeship contracts.*



### Information

*The length of the probation period must be reasonable given the nature of the role concerned.*

### ► Extension of probation period

The probation period can be extended once provided that this option is stipulated by both of the following :

- An extended branch agreement setting the terms and lengths of such extensions,
- The employment contract.

## ► Extension of probation period (cont)

The length of the probation period, including extension, cannot exceed :

- 4 months for manual workers and office employees,
- 6 months for supervisors and technicians,
- 8 months for executives.

The employee's agreement to the extended probation period must be obtained. Such agreement must be provided in writing during the initial period, clearly and unequivocally expressing the employee's intentions.



### Information

*N.B.: an extension must not be decided when signing the employment contract.*

## ► Continuation

The probation period must cover a period of time during which the employee is effectively working. If the employment contract is suspended (illness, paid holiday, family leave and so on), the probation period shall be continued for an equivalent period of time.

## ► End of probation period

When the employee continues working after the end of the probation period without the employer indicating its intention to terminate, the employment becomes final.

## ► Termination

The employee and the employer are free to terminate the employment contract during the probation period, without the need to justify such termination and with no compensation being payable other than paid holidays (unless stated otherwise by a collective agreement). However, a notice period must be observed.

When the probation period is terminated by the employer, the notice period cannot be less than (Except in the case of more favourable provisions to the employee) :

- 24 hours for less than 8 days service,
- 48 hours for between 8 days and 1 month's service,
- 2 weeks for over 1 month's service,
- 1 month for over 3 months' service.

The probation period, including extension, cannot be extended by the length of the notice period. If the employee terminates the probation period, he/she must provide 48 hours' notice. This period is reduced to 24 hours if the employee has been with the company for less than 8 days. For evidence reasons, the termination of the probation period must be notified by registered letter with return receipt or letter delivered by hand with receipt. Since the probation period is intended to allow the employer to assess the employee's performance, termination based on considerations not inherent in the employee him/herself is deemed unfair termination.

Termination of the probation period based on discriminatory grounds is invalid (illness, maternity).



### Information

*The employee must be informed of the termination of the probation period sufficiently in advance so the notice period can be observed. Failing this, the employee shall be entitled to payment in lieu.*



### Sanction

*In the event of unfair termination of the probation period, damages may be paid. If the termination is deemed invalid, the employee is reintegrated.*