

# 7 things you need to know about probation periods

If you're starting a new job, there's a good chance your employer will put you on a probationary period to make sure you're the right fit for the role.

Probation can also be a great way for you to test out a new role while establishing yourself as a valuable employee—but it's important that you know about your rights for the period.

## What is probation?

Probation is a period of time where employers assess how suitable you are for a particular role. This isn't a separate period of employment, but one that is written into your contract. While you're on probation you will receive the same entitlements as employees not on a probation period, and if you 'pass' your probation period, your employment will continue.

"A probationary period is a period at the start of an employment relationship where you and your employer can end the employment without reason for a shorter period of notice, usually one week," says Andrew Jewell, principal lawyer at McDonald Murholme. "After the probationary period is completed there is usually a longer notice period required."

### 1. How long are probationary periods?

Many employers opt for probationary periods of three or six months. "This allows you and your employer to determine whether your relationship is viable," Jewell says.

### 2. Are probationary periods essential?

Although they're not crucial, probationary periods are a great way to test out a new employment situation with reduced risk for you and for your employer. "Probationary periods provide both employers and employees with flexibility at

the start of the relationship,” Jewell says. This means you can leave the position with short notice and with little risk of jeopardising future employment.

**3. What are my entitlements on probation?**

A probationary period does not limit your rights or obligations, or those of your employer. While you’re on a probationary period, you should receive the same entitlements as any other employee who isn’t. This means you can still accrue and access paid leave entitlements like annual leave and sick leave, whether you’re employed on a full-time or part-time basis on probation.

**4. What happens if I don’t pass my probation?**

If you don’t pass your probation, you’re entitled to receive notice about when your employment ends. And while the law does not require it, if you’re dismissed during the probation period, many employers will provide you with a letter outlining the reasons why.

You’re also entitled to have your unused accumulated annual leave hours paid out.

**5. Do I have dismissal rights?**

If the probationary period is six months or less, you won’t have unfair dismissal rights. But unlawful conduct is still prohibited and you do have the right to make a general protections application under the provisions of the Fair Work Act 2009 if the circumstances warrant it, Jewell says. “You may file a general protections application regardless of the length of your employment where you believe your dismissal was due to discrimination based on your race, age, gender and other such attributes, or because you exercised a workplace right,” he says.

**6. Can a probationary period be extended?**

A probationary period can only be extended by agreement or if the employment contract allows it. If your employer wants to make an extension, they must consult you and negotiate it. If you have to take time off during your probationary period, your employer may ask to extend the period to account for the length of time taken off.

**7. What happens after a probationary period?**

At the end of the period, your employer will decide whether your employment should continue. Once you’ve successfully completed your probation period, your manager should give you a letter confirming your ongoing employment.

It’s important to know your employment rights under probation. If you are unsure about these or need assistance, it’s best to contact an employment lawyer.