



File Name	Probation Period Policy
Original Author(s)	Human Resources
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## 1. PURPOSE

The purpose of probation is to give the employer an opportunity to evaluate the employee's performance and compatibility with the organization before confirming the appointment.

## 2. SCOPE AND APPLICATION

The policy is applicable to all newly appointed employees of the Cape Winelands District Municipality.

## 3. DEFINITIONS

**“Director”** means an employee of the Council who, in terms of a Council's resolution or an Act, is directly responsible to the Municipal Manager for the administration of a directorate of the Council's service or is acting in such capacity.

**“Employee”** means any person, excluding an independent contractor, who works for the Cape Winelands District Municipality and who receives, or is entitled to receive any remuneration.

**“Employer”** means the Council of the Cape Winelands District Municipality.

**“Establishment”** means the permanent establishment (organogram).

**“Executive Management”** shall mean the Municipal Manager and Heads of Department.

**“Local Government: Municipal Staff Regulations”** means Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021.

**“Local Government: Guidelines for the Implementation of the Municipal Staff Regulations”** means Regulation No. 891 promulgated in Government Gazette No. 45181 of 20 September 2021.

**“Municipal Manager”** shall mean a person appointed by the Municipal Council as the Municipal Manager for the Municipality in terms of section 57 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**“Municipality”** means the Cape Winelands District Municipality.

**“Performance Feedback”** means the frequency and quality of performance discussions between a Manager/Supervisor and Employee.

**“Performance Requirements”** means the resources, competencies, knowledge, skills and behaviour an employee needs to have, in order to perform a particular job effectively.

**“Permanent Employee”** means an employee, excluding a contract employee and/or a temporary employee, occupying a post on the fixed approved establishment of the Council in a permanent capacity, whether full-time or part-time, and includes Interns and a person appointed in such post for a probationary period.

**“Probationary Period”** refers to an initial period of employment during which an employee’s performance is tested to determine performance.

**“Supervisor”** means a member of staff with staff members within his/her span of control, for whom he/she is directly responsible and to whom such staff member(s) are directly accountable.

All terminology not defined under paragraph 3 of this policy shall bear the same meaning as in the applicable legislation.

## **4. LEGAL FRAMEWORK**

This policy and its application must be in accordance with the following legislative prescripts:

- 4.1 The Constitution of the Republic of South Africa, 1996.
- 4.2 The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 4.3 The Labour Relations Act, 1995 (Act No. 66 of 1995).
- 4.4 The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 4.5 The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 4.6 Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).
- 4.7 All relevant Collective Agreements.

## **5. PROBATIONARY PERIOD REQUIREMENTS**

- 5.1 All newly appointed employees must serve a probationary period of six (6) months and a maximum of twelve (12) months, which are calculated from the inception of appointment.
- 5.2 The probationary period must be determined based on job requirements and the minimum period required to establish whether performance is satisfactory or not.

- 5.3 In respect of the Cape Winelands District Municipality the probation period for all posts will be a period of six (6) months, with the possibility of extension for a further period that may not exceed twelve (12) months in the event that performance are not being met.

## **6. NOTIFICATION OF PROBATIONARY PERIOD**

- 6.1 The appointment letter that the employee receives must include the conditions that the appointment is subject to serving a probationary period of six (6) months and a maximum of twelve (12) months.
- 6.2 The Municipal Manager or his /her delegate must –
- 6.2.1 Inform the employee within the first two (2) weeks of employment of the employee's performance requirements.
  - 6.2.2 Ensure that the employee completes the Municipality's induction programme.
  - 6.2.3 Assess the employee's performance and provide the employee with feedback monthly on that member's performance.

## **7. EXTENDED PROBATIONARY PERIOD**

Probationary period may be extended up to and not exceeding the period of twelve (12) months on the following conditions:

### **7.1 Performance reasons**

- 7.1.1 The extension of a probationary period will be done based on performance. The immediate supervisor must monthly evaluate the employee's performance, record it, and keep a portfolio of evidence.

- 7.1.2 The performance appraisal of the probationer should be done on an ongoing basis to ensure that shortcomings in work performance are identified, and necessary corrective action taken immediately. However, such an appraisal must be aimed at correcting behaviour in terms of the criterion set.
- 7.1.3 The employee on probation is also entitled to be given whatever instruction, training, guidance or counselling where necessary to enable him/her to render a satisfactory service.
- 7.1.4 The prescribed probationary report attached as Annexure A must be completed monthly by the immediate supervisor of the probationer and approved by the Head of the Department.
- 7.1.5 The probationary report shall be sent to the Division: Human Resources for record keeping until the last report is received. If the employee succeeded in the first six (6) months of his/her appointment, then the total number of probationary reports will be six (6) (including the final report) which would have approved permanent appointment.
- 7.1.6 In the case where the probationer does not meet the required performance standard or is alleged to be incompetent, the Supervisor should advise the employee of the aspects in respect of which he/she does not meet the required standards or is alleged to be incompetent. The Supervisor, through the Director of a Department, must give written reason to the employee as to why it is necessary to initiate the procedure in respect of poor performance.

7.1.7 Before terminating an employee's service for poor performance, the employer must convene an inquiry to give the employee the opportunity to make representation in response to the allegations against him/her.

7.1.8 Despite paragraphs 7.1.1, 7.1.3 and 7.1.7, the Municipal Manager or his/her delegate may extend the probationary period by a period not exceeding twelve (12) months, to afford the Supervisor an opportunity to further assess the staff member's performance.

## **7.2 Leave**

Probationary period in respect of the newly appointed employee will be extended based on leave taken during the probationary period. All types of leave as contained in the Conditions of Service and as per Cape Winelands District Municipality's leave policy will extend the period of probation if taken during the period in which the employee is still under probation. The extension of probationary period may not exceed twelve (12) months, excluding periods of leave with or without pay as described above.

## **7.3 Change of position during probation**

Should an employee, during the six (6) months' probationary period move to a different position, he/she will have to start a new probationary period in the new position.



## 8. COMPLETION OF PROBATION

- 8.1 The Division: Human Resources shall monitor the probationary period of all newly appointed employees and advise the Director concerned to submit the last probationary report which either approves or extends the employee's probationary period.
- 8.2 Within one (1) month after the completion of the probationary period, the Municipal Manager or his/her delegate must:
- 8.2.1 Confirm the appointment if –
- (a) The staff member's performance during the probationary period was satisfactory.
  - (b) The staff member complied with all the conditions of the probationary appointment.
- 8.2.2 Subject to the Labour Relations Act, terminate the appointment if –
- (a) The staff member's performance was not satisfactory during the probationary period.
  - (b) The staff member did not comply with all the conditions of the probationary appointment.
- 8.3 If a probationary employee works beyond the six (6) months' period without being evaluated and/or submission of reports and/or without notification of the extension of his/her probationary period, he/she will be regarded as having successfully completed the probationary requirements.

8.4 When the final probationary report is submitted to the Division: Human Resources, the employee's probationary period will be retrospective from the date in which he/she was supposed to have been confirmed.

## **9. PROCEDURE IN DEALING WITH POOR PERFORMANCE AND/OR INCAPACITY**

9.1 The existence of a probation clause in an employee's contract does not give the Municipality automatic right to terminate the services of the employee.

9.2 In dealing with incapacity and/or poor performance in respect of employees on probation, the provisions of fair labour practice as embodied in various legislations including the Labour Relations Act, 1995 should be strictly adhered to.

9.3 The Director of a Department shall motivate to the Municipal Manager and give reasons why the employee's permanent appointment must not be confirmed and shall attach evaluation reports, monthly probationary reports, as well as evidence of support given to the employee for him/her to improve performance.

## **10. IMPLEMENTATION AND MONITORING**

This policy will be implemented and become effective once approved by Council.

## **11. DISPUTE RESOLUTION**

Any dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy.

## **12. AMENDMENTS**

The Municipality may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Municipality resources.

## **13. EFFECTIVE DATE**

The Probation Period policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.

# Appraisal Form

“Annexure A”

<b>Name of Employee</b>	
<b>Date of Appraisal</b>	
<b>Job Title</b>	
<b>Department</b>	
<b>Division</b>	
<b>Reviewer</b>	

**Key Areas of Job:**

**Objectives set at last review: (Date of last review: .....)**

**Training Received:**

**Strengths:**

**Challenges:**

**Areas for improvement:**

**General Comments:**

**Training Recommendations:**

**Objectives for next review: (Date of next review: .....)**

**Manager's Comments:**

**Employee's Comments:**

**Additional Comments:**

**Portfolio of Evidence attached: Specify**

\_\_\_\_\_  
**SIGNATURE: EMPLOYEE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE: IMMEDIATE SUPERVISOR**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE: HEAD OF DEPARTMENT**

\_\_\_\_\_  
**DATE**

