



OVERSTRAND MUNICIPALITY

PROBATION POLICY

*Approved by Council
30 August 2023*

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1. INTRODUCTION

A newly appointed employee should be subjected to a 6-month evaluation of performance within the relevant post to determine whether the incumbent meets the job requirements for possible permanent appointment.

As a result, this policy applies to any employee who is newly appointed, or a fixed term appointed employee to a position at the Municipality.

2. LEGISLATIVE FRAMEWORK

- 2.1 Labour Relations Act (Act 66 of 1995)
- 2.2 Basic Conditions of Employment Act (Act 75 of 1997)
- 2.3 Municipal Systems Act (Act 32 of 2000)
- 2.4 Municipal Staff Regulations

3. DEFINITIONS OF TERMS

3.1 Employer refers to the Overstrand Municipality.

3.2 Employee refers to a person who, after completing the entire recruitment and selection procedure, is allocated to a permanent post at the Municipality (definition applicable to this policy only).

3.3 Probation period refers to the first 6(six) month period of employment during which the employee's performance is evaluated to determine his or her suitability for the position's requirements.

3.4 Manager/Senior Manager refers to the head of division or manager who is responsible for the management of a division.

3.5 Director refers to the senior manager appointed in accordance with Sections 56 and 57 of the Municipal Systems Act who reports directly to the municipal manager.

3.6 Transferred employee refers to a current employee who has been transferred to a position with a comparable pay scale, level of responsibility, and organisational structure.

3.7 Promoted employee refers to a Municipal employee who has been appointed in a higher position with higher responsibilities and a higher salary scale upon following the full recruitment process.

4. POLICY OBJECTIVES

The main objectives of the policy are to:

- 4.1 To establish guidelines for the employer and newly appointed employees to follow in order to determine whether the employee is suitable for employment within the Municipality.
- 4.2 To emphasize the importance of identifying areas of poor or inadequate performance in order to attempt to correct such performance; and
- 4.3 to improve employee retention and have a positive effect on quality and productivity of work throughout the employee's tenure with the Municipality.

5. RESPONSIBILITIES OF ROLE-PLAYERS

5.1 The Manager:

The employee's manager or his/her delegate is responsible for:

- 5.1.1 informing the staff member upon commencement of service, of the performance requirements of the post;
- 5.1.2 evaluating the progress and performance of the employee appointed on probation on a monthly basis;
- 5.1.3 giving the employee feedback on their performance based on the criteria and job requirements of the post every two (2) months during the probation period; and
- 5.1.4 informing the employee of any aspects that are thought to be falling short.

5.2 The Director:

The director of the Directorate in which the post exists, shall:

- 5.2.1 Review the evaluation conducted by the manager every two (2) months during the probation period before final submission to the Human Resources Department;
- 5.2.2 Determine whether or not to extend the probation period in terms of the employees' performance;

5.2.3 Have the authority to approve permanent appointments on all post levels

5.3 The Municipal Manager:

The Municipal Manager shall:

5.3.1 Complete the probation assessments of employees reporting directly to him/her;

5.3.2 Approve permanent appointments of employees that report directly to him/her.

5.4 The Human Resources Department:

The Human Resources division shall:

5.4.1 Distribute probation assessments to the relevant managers at the beginning of each month for newly appointed employees.

5.4.2 Provide guidance / advice to the relevant manager and director if a case of underperformance is brought to the Human Resources department's attention during the probation period;

6. APPOINTMENT ON PROBATION

6.1 The appointment of an employee as per this policy shall be effective on a minimum probation period of six (6) months and may be extended (depending on the performance) to a maximum of twelve (12) months.

6.2 The period of probation must exclude the number of days for which leave has been taken by the employee during the period of probation or any extension thereof.

6.3 The letter of appointment the employee receives shall indicate that the

appointment is subject to the successful completion of the probation period related to the post.

6.4 The probation period will be for a period of six (6) consecutive months and will apply to newly appointed employees and one (1) month for each contractual year for fixed term contracts.

6.5 The manager must inform the employee of the performance requirements of the post which will be monitored during the probation period. If an employee's performance is unsatisfactory during the probation period, the manager must advise the employee of any aspects that the employee is considered to be failing to meet.

6.6 If, after the probation period the director is convinced that the employee's performance is satisfactory for the post they occupy, the appointment shall then be confirmed by the director.

6.7 If, after the initial assessment at the end of the probation period the employee is declared to be underperforming and does not meet the standard requirement of the position, the probation period may be extended up to twelve (12) months.

6.7.1 The employee has been given a reasonable period of time for reasonable assessment, training, guidance and counselling; and

6.7.2 If the employee's performance continues to be unsatisfactory after a reasonable period has been given to the employee to improve his/her performance.

- a) whether or not the employee failed to meet a performance standard; and
- b) if the employee did not meet a required performance standard whether or not-

- i) the employee was aware, or could reasonably be expected to have been aware, of the required performance standard;
- ii) the employee was given a fair opportunity to meet the required performance standard.

6.7.3 Should the employee fail to meet the standard requirements of the post, the employee will be dismissed (as per Schedule 8 of the LRA)

7. COMPLETION OF PROBATION PERIOD

7.1 The Municipal Manager or his/her delegate shall confirm the appointment of the employee after completion of the probation period if:

7.1.1 The employee's performance during the probation period was satisfactory and;

7.1.2 The employee complied with all the conditions of the probation period.

7.2 On submission of the final probation report and upon approval of the director or Municipal Manager or his delegated representative, the Human Resources Department shall provide the employee with a copy of the final probation results.

7.3 If an employee on probation works beyond the initial probation period without being evaluated and informed of the permanent appointment or extension of the probation period, the employee will be regarded as having successfully completed the probation requirements.

8. MANAGING SUBSTANDARD PERFORMANCE DURING PROBATION

During the initial probation period, the relevant manager and director (in terms of their delegated powers) must express in writing to the Human Resources Department should they be of the opinion that the employee not perform up to standard in terms of their job requirements. The Human Resources Department shall as a result advise the manager as to the necessary steps.

8.1 Purpose:

(1) These procedures are intended to—

- (a) create an enabling environment to facilitate effective performance by the staff members;
- (b) provide the staff members with access to skills development and capacity building opportunities in order to promote efficient and effective performance;
- (c) provide remedial and developmental support to assist the staff members to deal with substandard performance; and
- (d) ensure that the municipal council and staff members work collaboratively to generate solutions to problems and improve the performance of staff members.

8.2 Policy and principles:

- (1) These procedures must be read in conjunction with the Regulations.
- (2) The Code of Good Practice provided for in Schedule 8 of the Labour Relations Act, 1995, constitutes part of these procedures, in respect of poor work performance.
- (3) The municipality must evaluate the staff member's performance by considering—
 - (a) the extent to which the substandard performance impacts on the work of the municipality and the achievement of municipal goals;

- (b) the extent to which the staff member fails to meet the required performance standards set by the municipality;
- (c) the extent to which the staff member lacks the necessary skills, competencies and expertise to meet the performance objectives and targets for his or her post as contained in the performance agreement; and

8.3 Termination of employment based on incapacity and/or poor performance during the probation period.

Any person determining whether a dismissal arising from ill health or injury is unfair should consider—

- (a) whether or not the employee is capable of performing the work; and
- (b) if the employee is not capable—
 - (i) the extent to which the employee is able to perform the work;
 - (ii) the extent to which the employee’s work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee’s duties might be adapted; and
 - (iii) the availability of any suitable alternative work, depending whether such vacancy is available and whether the employee meets the minimum requirements of the alternative post.

9. TRANSFER OF EMPLOYEE DURING PROBATION

An employee may be considered for transfer into another post should the employee still be under probation in his/her new appointed post.

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