

## In this Edition:

- Probation: What's the Big Deal About Unsuitability? Page 1
- What the Awards of Excellence Meant to Our Agency Page 4
- CSSEA Orientation Sessions Page 5
- Help CSSEA Celebrate 25 Years Page 5

## PROBATION: WHAT'S THE BIG DEAL ABOUT UNSUITABILITY?

By Sara Grujin, Advocate



The purpose of a probationary period is to assess a new employee's suitability for permanent employment in the position into which they have been hired. A probationary period gives the Employer time to assess performance and to make sure that the best candidates are retained. This article aims to help Employers understand that proper management during the probationary period can lead to creating successful employees, and will provide practical tips on organization to capture applicable timelines to keep in mind during the probationary period.

A probationary employee cannot expect a termination based on "just cause," as is typically the case for a permanent employee who has passed his/her probationary period; however, increasingly in the case law, we are seeing probationary employees treated more similarly to regular employees in terms of the duty to performance manage and document the employees' progress to prove unsuitability.

In order to justify dismissal for unsuitability, the Employer must satisfy the following elements:

1. The employee was clearly advised he/she must complete a probationary period as a condition of his/her employment contract.
2. The employee was clearly advised of the performance expectations he/she would have to meet in order to satisfy the probationary review.
3. The performance expectations were reasonable.

## STAY IN TOUCH

We welcome all suggestions and comments. Feel free to send your feedback to Doris Sun, Director of Communications, at: [dsun@cssea.bc.ca](mailto:dsun@cssea.bc.ca).

4. The employee was advised of his/her performance shortcomings before the probation period expired and instructed on how to improve.
5. The employee was given a fair opportunity to demonstrate improvement and, in fact, failed to do so.
6. The employee was warned that failure to improve could lead to dismissal.

As most Employers are keenly aware, probationary periods tend to be short, and the ability to assess a candidate during this time may prove to be difficult. Tips on how to implement the factors in a timely manner, as well as a sample timeline, will be discussed in greater detail.

### Probation as a Condition of Employment

An Employer should provide a prospective employee with an offer letter or employment contract stating that continued employment is contingent on successful completion of a probationary period. The length of the probation period is found in Article 11.8(b) and (c), with an extension clause in Article 11.8(d).

*Article 11.8(b) - Supervisory employees/Professional employees: An employee hired into a supervisory position or a professional position must serve a probationary period of six (6) months if the employee works on a full-time basis, or the equivalent number of hours worked, whichever occurs last. The longest probationary period an employee may serve, however, is nine (9) months. An employee will be considered a professional employee if they are a registered member of a regulatory body.*

*Article 11.8(c): An employee hired into any other position must serve a probationary period of three (3) months if the employee works on a full-time basis, or the equivalent number of hours worked, whichever occurs last. The longest probationary period an employee may serve, however, is six (6) months.*



To determine how many hours a part-time or casual employee will need to work during a probationary period, look to your local issues agreement which provides the weekly hours of work of your full-time employees.

### Setting Performance Expectations as a Condition of Probation

At the outset of hiring a probationary employee, an Employer can set performance expectations by providing and reviewing with the employee the following documents:

1. Mission and vision statement, values and strategic plan documents;
2. Policies and procedures and any administrative documents;
3. Clear and current job description; and
4. Clear performance standards that are specific, measurable, achievable, relevant and timely.

The performance expectations of this probationary employee should be reasonable, and should be comparable to performance expectations placed on other similarly qualified probationary employees in the same job classification.

Once the employee has initially reviewed and acknowledged reviewing the aforementioned documents, the Employer can use this opportunity to clarify any questions from the probationary employee. Additionally, the Employer should explain the evaluation and observation process that will be implemented, explain the length of the probation period, schedule a new employee orientation, and schedule an initial follow-up session to assess the employee's engagement and progress, and to provide support. This initial follow-up session can be conducted within the first two to three weeks of employment.

Between the initial meeting with the employee and the first follow-up session, the Employer should be able to observe the employee's performance through a direct supervisor, document continuously, encourage the employee, and provide timely feedback on performance.

If performance issues are spotted during the first few weeks of employment, the first follow-up session will give the Employer the opportunity to provide feedback to the employee both verbally, and in the form of a letter of expectation.

In addition to the letter of expectation, Employers should provide the employee with practical tips and training on how to meet expectations. Ask the employee what support they think they may need in order to successfully exemplify the performance expectations. Give the employee an additional few weeks to demonstrate improvement prior to conducting another follow-up session. As this is a non-disciplinary meeting, and should be viewed as a coaching opportunity, a shop steward is not needed.

Continuously document the coaching and training opportunities the Employer has provided the probationary employee, and document observations and feedback. Have as much documented evidence as possible of the Employer performance managing the employee throughout the probation period.

If performance is still an issue during the subsequent follow up meeting, provide a clear and unequivocal warning to the employee that failure to improve may lead to dismissal. Additionally, provide the employee with a fair opportunity to correct performance issues.

At this juncture, the probationary period may be coming to an end, however, if the Employer needs additional time to assess the employee, and if the Employer can show that it has diligently and reasonably performance managed the employee throughout the probationary period, Article 11.8(d) allows the Employer, with the agreement of the union, to extend a probationary period for up to a further period not to exceed three (3) months. It is a requirement on the union not to unreasonably deny the extension. The Employer can reach out to CSSEA if they are having a difficult time obtaining the union’s agreement. Continue to be mindful of timelines, and give yourself and CSSEA an adequate amount of time to engage in extension discussions prior to the expiration of the probation period.

Once the employee has been warned that failure to improve may lead to dismissal, and the employee has not exhibited any signs of improvement, the Employer will need to dismiss the employee prior to the expiration of the probationary period. Article 11.8(a) requires that the Employer provide the reasons for rejection in writing. A shop steward should be present when the employee receives the letter. In the letter, outline all of the steps that the Employer took to coach and support the employee, the specific instances of the employee’s performance issues, and reference the date on which the employee was warned that failure to improve performance would lead to dismissal.

A good tip to organize yourself is to create a chart for each probationary employee indicating the hire date, the expiration of the probationary period, specific follow-up dates, and a 2-3 week reminder prior to the expiration of the probationary period in order to allow time for extension discussions. An example is provided, below. If you have any questions, or need assistance in setting up a probationary plan, please reach out to your CSSEA Consultant or Advocate.

Employee name:	“Employee A”	
Hire date:	January 1, 2019	
Probation end date:	March 31, 2019	
Hours required to work to pass probation: <i>*Applicable only if part time or casual employee</i>	Convert the date to hours	
Extension date:	May 1, 2019 (select a date that is agreeable to both Union & Employer)	
2-3 week check in date:		Name of supervisor conducting check in
4-6 week check in date:		Name of supervisor conducting check in
Notes related to performance:	Eg: Letter of expectation provided Eg: Additional training provided	Name of supervisor who provided letter of expectation or additional training

# WHAT THE AWARDS OF EXCELLENCE MEANT TO OUR AGENCY



**By Jenny Earley, Executive Director, The Family Education and Support Centre**

Walking alongside Sheena as she received her Hero award from CSSEA has been an inspiring and exciting experience for our team at The Family Education and Support Centre.

Our staff team is committed, passionate, determined and creative. They work together to make the most of the often limited resources that they have, to touch the lives of as many families as they can. They work longer hours, put in the extra effort, get creative and use their determination to power and empower them as they walk with families through the challenges of life.

There are tears and there is laughter, sadness and joy as they do this work together.

Sheena is a part of that team and her commitment, passion, determination and creativity are just four of the reasons that she stands out in our community as a Hero. She has also been at our agency the longest. Her work, like the work of some other staff, does not put her in boardrooms and meeting rooms where

social services colleagues cheer each other on and recognise the good work that our sector is doing. Her work, like the work of many staff, is done quietly and unobtrusively alongside our clients, families and children, seniors and youth.

As a team, when we witness the recognition of one of our staff, we are also witnessing the recognition that our work is important and that it makes a difference. Witnessing Sheena's recognition as a Hero in our community has been like a 'warm blanket' over our agency team, an opportunity for others to see what we had seen for so long, that Sheena's work is important, that it makes a difference and that we are lucky to have her amongst us. In doing so CSSEA tells us that our work is important, that our work makes a difference and that it is worth celebrating.

Thank you once again to all of those involved for making this experience possible for our long unsung Hero, Sheena Sharp, and for allowing us to be involved in the celebration.

**NOMINATE NOW AT: [HTTPS://AWARDS.CSSEA.BC.CA/](https://awards.cssea.bc.ca/)**



# JOIN US FOR ONE OF OUR REMAINING ORIENTATION SESSIONS

CSSEA's Research and Knowledge Management team has been on the road to offer members assistance with completing the *2019 Compensation and Employee Turnover Survey* and to answer other related questions. There are still a few remaining sessions and members are encouraged to register for a last minute spot by calling 1.800.377.3340 or sending an email to: [research@cssea.bc.ca](mailto:research@cssea.bc.ca)

DATE	TIME	PLACE
Tuesday, March 19	9:00 am – 12:00 pm	Kamloops ICS Admin Office 765 Tranquille Road
Thursday, March 21	9:00 am – 12:00 pm	Kelowna The Coast Capri Hotel 1171 Harvey Avenue
Tuesday, March 26	9:00 am – 12:00 pm	Prince George AiMHi 950 Kerry Street
Friday, April 5	9:00 am – 12:00 pm	Dawson Creek Dawson Creek SCL 1334 – 102 Avenue

## HELP CSSEA CELEBRATE 25 YEARS!



This year marks CSSEA's 25 year anniversary and we are looking forward to celebrating our achievements and milestones with you! If you have any ideas on how we can pay tribute to this special occasion, please send your thoughts to Doris Sun,

Director of Communications, at [dsun@cssea.bc.ca](mailto:dsun@cssea.bc.ca)