

# Are Probationary Employees Entitled To Reasonable Notice?



Probationary periods serve an important role in ensuring that employers hire the right person for the job, but what are an employer's legal obligations when terminating a probationary employee? Specifically, if an employer ultimately decides to terminate a probationary employee, is that employee entitled to reasonable notice of his or her dismissal? Unfortunately, there is no clear answer.

However, a recent decision of the British Columbia Supreme Court ("BCSC") held that an employer was not required to provide notice to a probationary employee prior to terminating her employment. In rendering its decision, the BCSC cited *Jadot v Concert Industries Ltd* for the proposition that the standard for dismissing a probationary employee is "suitability" as opposed to just cause. Accordingly, the Court held that the employer was justified in dismissing the probationary employee, without notice, for her failure to fit in with the other employees.

Ultimately, an employer's legal obligations in a given situation will depend on the specific facts of the employment relationship, including any contractual provisions and requirements under applicable employment legislation. However, this decision makes for an interesting addition to the case law addressing reasonable notice for probationary employees and supports the argument that employers should benefit from a degree of flexibility when it comes to assessing an employee's fit within an organization.

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