

How Long Probationary Employment Can Last – Know The Laws Of Your Province



3 months is the standard rule but requirements vary by jurisdiction.

Employees must be employed a minimum amount of time to be entitled to termination notice under employment standards laws. **Result:** You can fire probationary employees without termination notice, as long as their employment is below the threshold for notice. While 3 months is the most common rule, the minimum time of employment required for termination notice varies by jurisdiction. Here are the requirements in each part of Canada.

Note: Technically, employment can still be probationary after the minimum period, but you'll need to provide the required employment standard notice when the arrangement ends, regardless of whether you consider the employment probationary or permanent.

Maximum Duration of Probationary Employment in Each Part of Canada

Jurisdiction	Statute	Maximum Probationary Period
Federal	<i>Canada Labour Code</i> , Sec. 230(1)	One day less than 3 consecutive months of continuous employment
Alberta	<i>Employment Standards Code</i> , Sec. 55(2)	90 days
British Columbia	<i>Employment Standards Act</i> , Sec. 63(1)	3 consecutive months of employment
Manitoba	<i>Employment Standards Code</i> , Sec. 62(1)(a)	29 days
New Brunswick	<i>Employment Standards Act</i> , Sec. 30(1)(a)	One day less than 6 months
Newfoundland	<i>Labour Standards Act</i> , Sec. 55(1)(a)	One day less than 3 months
Nova Scotia	<i>Labour Standards Code</i> , Sec. 72(3)(a)	One day less than 3 months
Northwest Territories/ Nunavut	<i>Labour Standards Act</i> , Sec. 14.03	89 days

Jurisdiction	Statute	Maximum Probationary Period
Ontario	<i>Employment Standards Act, Sec. 54</i>	One day less than 3 months
Prince Edward Island	<i>Employment Standards Act, Sec. 29</i>	One day less than 3 months
Québec	<i>Act Respecting Labour Standards, Sec. 82.1</i>	One day less than 3 months
Saskatchewan	<i>Labour Standards Act, Sec. 43</i>	One day less than 13 consecutive weeks
Yukon	<i>Employment Standards Act, Sec. 50(1)</i>	One day less than 6 consecutive months