

REJECTION ON PROBATION

PURPOSE

- 1. The probation period is a time for new employees or employees transferring to a position with different responsibilities to adjust to their job and demonstrate their ability to perform the work.
- 2. Employee performance and behaviour contribute toward the achievement of organizational goals and objectives. When an employee's performance or behaviour is unsuitable, or fails to maintain an acceptable level of performance or the required standard of conduct, the Government of Nunavut (GN) is committed to ensuring that the employee has an opportunity and is supported to learn their job and to succeed. If an employee is still unable to meet performance standards, rejection on probation may be considered.

INUIT SOCIETAL VALUES (ISV) GUIDING PRINCIPLES

- 3. This directive is guided by the following ISV guiding principles:
 - Pilimmaksarniq/Pijariuqsarniq Development of skills through observation, mentoring, practice, and effort. The GN will provide opportunities and reasonable time for an employee on probation to reach competency and skill development through observation, mentoring, practice, and action.
 - Havaqatigiingniq/lkajuqtigiingniq Working together for a common cause:
 The GN is committed to ensuring departments/public bodies are able to assess and determine if an employee is both suitable and competent to perform the duties of the position they occupy at an acceptable level.

APPLICATION

4. This directive applies to all employees of the GN and its public bodies on probation.

DEFINITIONS

- 5. **Rejection on Probation** is the termination of an employee's employment prior to the expiration of their probation period for misconduct, poor performance, or unsuitability.
- 6. **Promotion** means the appointment of an employee to a new position that is evaluated at a higher pay range than the employee's former position.
- 7. **Transfer** means the appointment of an employee to a new position that is evaluated

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within the same pay range as the employee's former position.

- 8. **Performance Management** is the ongoing process where the manager and employee work together to plan, monitor and review the employee's work objectives or goals and their overall contribution to the organization. The process is meant to encourage continual improvement where employees take responsibility for results. The process provides a forum for discussing the employee's training and development needs.
- 9. **Probationary Performance Review Form** is a form designed to assist in the evaluation of the performance of employees during probation.
- 10. **Standards of conduct** includes the accepted forms of performance, activity and behavior that generally require no set rules to ensure compliance and/or that an individual ought reasonably to know of; as well as the established work rules or orders set out by the Employer.
- 11. **Misconduct** is failure to comply with standards of conduct by an employee in the performance of their duties and includes bringing the public service into disrepute.

PROVISIONS

- 12. When an employee is first appointed to the public service, they are placed on probation.
- 13. When an employee is transferred, promoted, or accepts a voluntary reassignment within the public service, they may be placed on probation.
- 14. For all employees other than teachers, the probationary period is:
 - 6 months on initial appointment to a position at pay range 12 or lower;
 - 12 months on initial appointment to a position at pay range 13 or higher;
 - 6 months on appointment from within the public service (excluding casual and relief employments).
- 15. The employee is advised of the length of their probationary period in their letter of offer.
- 16. The Deputy Head of the employing department/public body may reduce or waive an employee's probationary period.

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- 17. The Deputy Head of the employing department/public body may request extension of probationary period from the Minister responsible for the *Public Service Act* and if approved, notification to the employee must be made in writing, 30 days before the end of their initial probationary period. Please refer to Human Resources Manual (HRM) Directive 901 Probationary Periods.
- 18. During probation, managers must schedule check-in meetings and provide regular feedback to the employee on their progress, discuss and resolve any concerns quickly and perform final review at the end of the probation. Please refer to HRM Directive 901 – Probationary Periods.
- 19. If issues are identified during the probationary period, the manager must address them with the employee in a timely manner with the support of their Human Resource division. Adequate documentation of the issues and corrective actions taken are necessary to justify a rejection on probation. Please refer to HRM Directive 801 Employee Discipline.
- 20. Where an employee is promoted through a non-competitive process, and their performance does not match competency for the position, prior to rejection on probation the employee may be returned to their former or a comparable position.
- 21. For all employees other than teachers, a probationary employee may be rejected on probation due to unsuitability, poor performance, or misconduct (i.e. failure to comply with standards of conduct). If the reasons to reject the employee are due to poor performance or unsuitability, the department/public body must consult with Employee Relations to explore alternative options prior to rejecting the employee on probation.
- 22. Recommendations to reject an employee on probation must be made to the Deputy Minister of Human Resources. Supporting documentation must accompany the recommendation (i.e. Probationary Performance Review Forms, attendance records). Should the recommendation be approved, the employee shall be notified, in writing, before the expiration of their probationary period.
- 23. An employee who is rejected on probation is effectively terminated immediately and they may not be eligible for re-employment for a period of two consecutive years. Please refer to HRM Directive 801 Employee Discipline.
- 24. Please refer to the following to facilitate the performance management process:
 - Objectives and Standards Setting Form

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- Probationary Performance Review Form Six months
- Probationary Performance Review Form Twelve Months
- Human Resource Manual 901

 Probationary Periods
- Human Resource Manual 801- Employee Discipline
- 25. All employees who are rejected on probation, and teachers who are rejected on probation are not entitled to relocation assistance.

Sections 26 to 30 below are specific to teachers and principals in K-12 schools

- 26. Teachers are hired on a probationary contract until they have completed two (2) years of service as a Teacher in a school in Nunavut.
- 27. Teachers may be rejected on probation for cause or without cause.

 Please refer to Article 18 of the Nunavut Teachers' Association Collective Agreement.
- 28. If a teacher is rejected on probation without cause, they must be notified in writing by registered mail at least 60 calendar days before the end of the closing day of the school in which the teacher is employed. Teachers are required to continue to work throughout the notice period and termination takes effect the last day of the School Year.
- 29. To reject a teacher on probation for cause or poor performance, recommendations with supporting documentation are made to the Deputy Minister of Education. If a teacher is rejected on probation for cause, they are notified in writing and the termination takes effect immediately. Rejection on probation for cause can occur at any time, up to the last day of the teacher's probationary period.
- 30. Principals and vice principals are considered teachers and may also be rejected on probation without cause by the Minister of Education. Approved rejection on probation requests are issued to the principal/vice principal in writing by registered mail at least 60 calendar days before the end of the closing day of school in which the employee is employed. The principal/vice principal is required to continue to work through the notice period and termination takes effect the last day of the School Year. Please refer to Section 108 of the Education Act.

AUTHORITIES AND REFERENCES

31. Public Service Act



- 32. Public Service Regulations
- 33. Nunavut Employees Union Collective Agreement
- 34. Nunavut Teachers Association Collective Agreement
- 35. Education Act
- 36. Senior Managers' Handbook
- 37. Excluded Employees' Handbook
- 38. Code of Values and Ethics
- 39. Various Relocation Guidelines

CONTACTS

40. For clarification or further information, please contact:

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