

RSR PROBATION POLICY

POLICY DOCUMENT CONTROL PAGE

Supersedes	Probation Policy
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ORIGINATOR

Custodian	Human Resources Department
Responsible Person	Executive: Human Resources

APPROVAL

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CIRCULATION

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POLICY REVIEW

Recommended Review Date	Every three (3) years or as required
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THIS POLICY HAS BEEN ENDORSED BY THE RSR'S CHIEF EXECUTIVE OFFICER:



 Tshepo Kgare
ACTING CHIEF EXECUTIVE OFFICER

02/05/2019

DATE:

THIS POLICY HAS BEEN ENDORSED BY THE RSR'S CHAIRPERSON OF THE BOARD:



 Dr Nomusa Qunta
CHAIRPERSON: RSR BOARD OF DIRECTORS

29/05/2019

DATE:

CONTENTS

1.	LEGISLATIVE / POLICY FRAMEWORK.....	4
2.	LIST OF ACRONYMS AND DEFINITION OF TERMS.....	4
3.	PURPOSE OF THE POLICY	5
4.	SCOPE OF THE POLICY	5
5.	RSR VALUES.....	5
6.	POLICY STATEMENTS.....	5
7.	PRINCIPLES	7
8.	PROBATION REVIEW REPORTING.....	8
9.	DECISION	10

1. LEGISLATIVE / POLICY FRAMEWORK

This policy has been drafted within the following legislative or policy framework

- 1.1 Constitution of South Africa Act, 108 of 1996
- 1.2 Labour Relations Act, 55 of 1995
- 1.3 Employment Equity Act, 55 of 1998
- 1.4 Code of Good Practice– Dismissal, Schedule 8 to the Labour Relations Act
- 1.5 RSR Labour Relations Policy
- 1.6 RSR Disciplinary Code

2. LIST OF ACRONYMS AND DEFINITION OF TERMS

Term	Definition
CEO	Refers to the Chief Executive Officer as outlined in Chapter three, Section 9 of the National Railway Safety Regulator Act, and No. 16 of 2002 as amended.
Employer	Refers to the National Railway Safety Regulator as defined in the National Railway Safety Act 16 of 2002 as amended
Employee	Any person, excluding an independent contractor, who works for the RSR and who receives or is entitled to receive any remuneration and assists in carrying the business of the RSR.
Management	Refers to supervisors and managers, as well as individuals in the RSR who are tasked with the responsibility of managing people in their regions/departments/sections/units.
Organisational Culture	Includes the RSR's philosophy; core values and principles; procedures; policies and management approach
Workplace	Refers to the premises or the place where an employee performs work in the course of his/her employment

3. PURPOSE OF THE POLICY

- 3.1 Railway Safety Regulator (RSR) aims to ensure that the probation process is objective, clear, transparent, and free from discrimination.
- 3.2 The purpose of this Probation Policy is to ensure that all employees appointed on new roles are given fair chance to prove that they qualify for their new roles. In order to achieve this, employees appointed on new roles will be subjected to probationary period of six months.
- 3.3 Ensure that the probation process is undertaken by all employees and is applied in a fair and consistent manner, within a supportive framework, and in line with employment legislation requirements.
- 3.4 Ensure that RSR is provided with an opportunity to assess the skills, conduct, capabilities and attendance of new staff, before deciding to confirm their appointments.
- 3.5 Identify the link between induction, probation and developmental processes and emphasise the need for all to underpin the support and development of the employee.

4. SCOPE OF THE POLICY

This policy applies to all newly appointed RSR employees.

5. RSR VALUES

This policy is read in line with the following RSR values:

- 5.1 Integrity and Trust
- 5.2 Transparency
- 5.3 Innovation
- 5.4 Fairness and Equity; and
- 5.6 Speed of Execution

6. POLICY STATEMENTS

- 6.1 RSR recognises that a supportive and developmental probation is vital for providing the appropriate level of support and training of staff on commencement of their employment.
- 6.2 This policy sets out RSR's approach to the probation for new members of staff, aiming to ensure that the RSR meets its commitment to the fair, equal and consistent treatment of employees with regards to the probation period.
- 6.3 This policy should be read in conjunction with other appropriate Human Resources policies e.g. the Conditions of Service policy, Recruitment and Selection Policy, etc.
- 6.4 All new Employees of the RSR shall serve a probation period of six months calculated from the date of their employment. After three months management shall conduct a midterm probation review.
- 6.5 During the probation period the employee's suitability for permanent employment will be assessed and at the completion of the probation period, the employee's permanent employment will either be confirmed or not. The RSR has at its disposal the option to extend the probation period, among other remedies for unsatisfactory performance of an employee during probation period.
- 6.6 In line with the RSR Act and the RSR Recruitment and Selection Policy, the appointment, and or extension of probation of employment will be conducted as follows;
 - 6.6.1 Employees in positions with levels D2 and below are delegated to the Executive Human Resources for approval.
 - 6.6.2 Employees in positions with levels D3 and above are delegated to the Chief Executive Officer who has the final authority for approval.
- 6.7 The policy relates to all newly appointed staff whose terms and conditions of employment states that their appointment is subject to a probation period.
- 6.8 The length of the probation period will be stated in the Letter of appointment and or Employment Agreement.
- 6.9 The policy shall not be applied to existing staff that have satisfactorily completed a period of probation in one post, and are promoted, re-graded, or transferred to another similar position within the RSR.

- 6.10 Where the post is substantially different and requires a new range of skills and attributes, probation may be applied. If applied, a fixed term shall be included in the letter of appointment which permits transfer, demotion or redeployment to a suitable alternative post, in the event of performance being unsatisfactory, before termination of employment is considered.
- 6.11 In cases where an employee has been redeployed to another post within the RSR, a trial will be a more appropriate method of ensuring that the redeployment is satisfactory for both the employee and the RSR; provided that it is not regarded as probation for purpose of this policy.
- 6.12 Employees under probation will be subjected to RSR's Disciplinary Code and Procedures. The RSR reserves the right to invoke the statutory dismissal procedure in cases of alleged serious or gross misconduct or incapability as per its Disciplinary Code and Procedure. All other cases of poor performance will be dealt with in the ambit of the Performance Management policy.
- 6.13 The application of the policy will be monitored by the Human Resources Unit.

7. PRINCIPLES

- 7.1 The probation process should work alongside the induction process to help to create a positive and supportive working environment, allowing employees to settle in the organisation and learn the key elements of the job within a reasonable and realistic timescale.
- 7.2 At induction employees will be made aware of the performance standards expected of them and will be given the support, training and feedback necessary to achieve these standards. Managers will use the probation period to monitor the success of employees in attaining those standards.
- 7.3 Clear comprehensive and accurate records of probation or supervision meetings must be maintained including how standards are set, the method used for monitoring and evaluating performance, and timescales given for meeting each standard.
- 7.4 A monitoring and evaluation supervision form is provided for the purpose mentioned above and must be signed by the employee and his or her Manager at each meeting to provide a formal record for employee performance assessments during the probation period.

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- 7.5 Induction material may be used to clarify the duties and responsibilities of the employee, in line with the terms and conditions of their employment, their job description, and the policies and procedures that must be followed.
- 7.6 In circumstances where problems arise during the probation period, the manager should raise these with the employee in a timely manner, and the employee must be given an opportunity to respond to, and address, these concerns.
- 7.7 Managers should discuss the actions required from the employee to address the problem and where necessary give clear and unambiguous warnings should performance standards not be met.
- 7.8 The manager should keep a record of the discussion and ensure that this is signed by both parties (i.e. the manager and the employee). In the case an employee refuse to sign a witness will be required to attest.
- 7.9 Employees have the right to be accompanied by a colleague to a formal meeting held to address serious performance issues that have arisen during probation and where dismissal is a possible outcome. This right will not apply in the case of informal discussions between the employee and the manager, or at the normal supervision meetings.
- 7.10 Documentation relating to employees will be filed in their personnel file and will be treated with the utmost confidentiality.

8. PROBATION REVIEW REPORTING

- 8.1 Throughout the probation period, the manager shall pay particular attention to the performance of the employee and shall keep him or her informed of his or her progress.

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- 8.2 Two review meetings shall take place during the probation period with the first meeting taking place within three months following the date of employment.
- 8.3 Any difficulties shall be reported to an appropriate member of the Human Resources Unit without necessarily waiting until the report is produced.
- 8.4 The Human Resources Unit shall send out the probation report for completion at the end of eight week, to be completed by the relevant line manager by the due date.
- 8.5 The review assessment shall be conducted every three months
 - 8.5.1 If progress is satisfactory throughout the probation period, the manager shall complete probation report confirming suitability; discuss with the employee and send it to the Human Resources Unit with a copy to the employee.
 - 8.5.2 Following receipt of the report confirming suitability, the employee shall be advised in writing by the Human Resources Unit of the successful completion of his or her probation period.
 - 8.5.3 As early as possible in the review process, where the Manager considers progress to be unsatisfactory, he or she shall meet with the employee in conjunction with an appropriate member of the Human Resources Unit to:
 - 8.5.3.1 Explain to the employee which aspects of their work are not considered to be satisfactory.
 - 8.5.3.2 Explain clearly which objectives and or performance standards are not being achieved and or the shortfall between the employee's performance and the required standards and timescales.
 - 8.5.3.3 Obtain the employee's commitment to meeting the objectives and or performance standard.
 - 8.5.3.4 Determine (with the employee) what, if any remedial action such as training, retraining, support advice and guidance is necessary and agree on a course of action and timescale.
 - 8.5.3.5 Explain to the employee what will happen if objectives and or the performance standard(s) are not met.
 - 8.5.3.6 Record the outcomes of the meetings in writing and give a copy to the employee.
- 8.6 If progress continues to be unsatisfactory:

If by the time the probation report is due for completion, progress continues to be considered unsatisfactory, the manager shall, in consultation with the appropriate member of the Human Resources Unit:

- 8.6.1 Explain to the employee that he or she has failed to progress satisfactory and that the probation report will not recommend confirmation of the post.
- 8.6.2 Explain to the employee that as a consequence of the above recommendation, a formal review hearing will be arranged which may result in either an extension of the probation period or termination of employment, or confirmation of post.

9. DECISION

The Head of the Department shall consider the facts and may decide to:

- 9.1 Confirm the employee in the position; or
- 9.2 Extend the period of probation for further period up to a maximum of three months, provided that there is a reasonable prospect of the required improvement(s) in performance; or
- 9.3 Terminate the appointment in accordance with the applicable Poor Performance procedure.

END