



# **PROBATIONARY EMPLOYEES IN TANZANIA**

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## **INTRODUCTION**

Probationary employees are those who are in a trial period of employment. In Tanzania, probationary employees are governed by the Employment and Labor Relations Act of 2004, which outlines the rights and responsibilities of both the employer and the employee during this trial period.

## **PURPOSE OF PROBATION**

The Employment and Labor Relations (Code of Good Practice) G.N No. 42 under Rule 10 (3) provides for the purpose of probation where it stipulates that, the purpose is normally to enable the employer to make an informed assessment of whether the employee is competent to do the job and suitable for employment.

## **PROBATIONARY PERIOD**

The Employment and Labor Relations (Code of Good Practice) G.N No. 42 under Rule 10 (4) provides that the probation should not exceed a period of twelve (12) months, during which the employer can evaluate their performance and determine if they are a suitable fit for the company having regard to factors such as the nature of the Job, the standards required, the custom and practice in the sector.

The Employment and Labor Relations (Code of Good Practice) G.N No. 42 under Rule 10 (5) provides that an employer may after consultation with the employee extend the probationary period for a further reasonable period if the employer has not yet been able to properly assess whether the employee is competent to do the job or suitable for employment.

## **DISTINCTION OF BENEFIT BETWEEN PROBATIONARY EMPLOYEES FROM PERMANENT EMPLOYEES.**

During probation, employees are not entitled to the same benefits and protections as permanent employees. For example, they may not be eligible for paid leave, bonuses or



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other benefits and protections as permanent employees. For example, they may not be eligible for paid leave, bonuses or other benefits. However, they are still protected by the laws against discrimination and are entitled to fair treatment and safe working conditions.

### TERMINATION OF THE PROBATIONARY EMPLOYEE

The employer has the right to terminate the employment of a probationary period, with or without cause. The employee, on the other hand, has the right to terminate the employment during the probation period without notice.

### EVALUATION BY THE EMPLOYER

The Employment and Labor Relations (Code of Good Practice) G.N No. 42 under Rule 10 (6) stipulates that during the period of probation, the employer shall monitor and evaluate the employee's performance and suitability from time to time, the employer shall also meet with the employee's evaluation and to provide guidance if necessary where the guidance may entail instruction. Training and counselling to the employee during probation.

It is important for employers to have clear and fair evaluation criteria in place during the probationary period, and to provide regular feedback to the employee. This will ensure that the employee has a clear understanding of their performance, and what they need to do to improve and secure a permanent position.

### CONCLUSION

Probationary periods can be beneficial for both the employer and the employee, as it allows both parties to evaluate the suitability of the employment relationship before committing to a permanent position. It is important for employers to follow the laws and regulations regarding probationary employees and to provide fair and consistent treatment to all employees during this period.