

# Legal Shots

## Restrictions to the Probationary Period

Article 112 of the Labour Code subjects the probationary period to a number of restrictions.

- **Paragraph 4** - In any form of employment (permanent or term), whatever the length of the probationary period, if the candidate had a previous relationship with the same employer (either employment, or provision of services, or traineeship), the probationary period is proportionately reduced or excluded.

- **Paragraph 5** - In a permanent employment contract to which is applicable a 180-day trial period based on the circumstance that the employee is a first-time job seeker or long-term unemployed, the probationary period is proportionately reduced or excluded if the candidate had a fixed-term employment contract for 90 or more days with a different employer.

- **Paragraph 6** - In any form of employment (permanent or term), whatever the length of the probationary period, if the candidate has completed a traineeship for the same activity, to a different entity, in the previous 12 months, with a duration of 90 or more days, under which the candidate received a positive evaluation, the probationary period is proportionately reduced or excluded.

The recruitment phase and the wording of the contract must safeguard these aspects.

Meet our Team:

