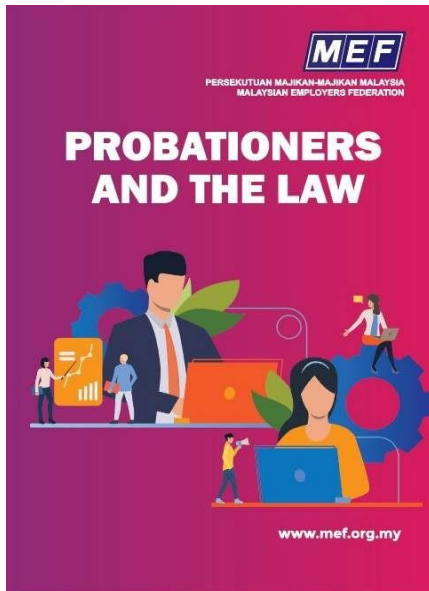


# PROBATIONERS AND THE LAW



MEF has consistently produced books on a regular basis on various Employment and Industrial Relations issues. This book on 'Probationers and the Law' is one such book in Industrial Relations Law that MEF has ventured into to keep the members abreast on the latest updates as well as the law governing probationers. MEF is of the view that this is one area where the members would benefit in understanding the issues relating to probationers. This book analyses the rights and the status of probationers in the context of Malaysian employment law. The probationary period is an opportunity for both the employer and the employee to decide whether they are suited for each other. Hence, a probationer is on trial to prove suitability for a place in employment. Both the Industrial and Superior Courts have over the years ruled that an employee on probation enjoys the same rights as a permanent employee. Thus, the services of a probationer cannot be terminated without just cause or excuse. The prerogative of the employer to confirm must be exercised in a bona fide manner.

Probationers come into employment with the company with the hope that they would be confirmed in their position. Alas, this is not always the case and the Industrial Court as well as the higher Courts have dealt with the issues of probationers where their services were terminated either at the end or even before the probation period had ended.

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