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Probation Period — Rights, Notice Periods and Tips to Succeed

Everything about the probation period: how long it lasts, which notice periods apply, and how to successfully pass probation.

Deutsche Begriffe: Probezeit | Kündigungsfrist | Probezeitkündigung | Arbeitsvertrag | Bewährung

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What is the Probation Period?

The **probation period** is a timeframe at the beginning of an employment relationship where the employer and employee can **get to know each other and assess** each other. During the probation period, **shortened notice periods** apply — both sides can end the employment relationship more easily.

The probation period is **not legally required** — it is agreed upon in the **employment contract**. In practice, however, it is **almost always** part of an employment contract.

Duration of the Probation Period

Legal Regulations

• **Maximum:** 6 months (§ 622 Abs. 3 BGB)

• **Typical:** 3 to 6 months

• **Apprenticeships:** 1 to 4 months (§ 20 BBiG)

• **Fixed-term contracts:** Probation period must not be unreasonably long (rule of thumb: max. 1/4 of contract duration)

What's in Your Employment Contract?

Check your employment contract for:

• **Probation period duration** (e.g., "The first 6 months are considered probation")

• **Notice period** during probation (usually 2 weeks)

• **Extension** — extension beyond 6 months is **not permitted** (except by mutual agreement in a collective bargaining agreement)

Termination During Probation

Notice Period

During probation, a **shortened notice period of 2 weeks** applies (§ 622 Abs. 3 BGB) — without restriction to specific dates (15th or month-end).

Comparison:

Period	Notice Period
During probation	2 weeks (any day)
After probation	4 weeks to 15th or month-end
After 2 years	1 month to month-end
After 5 years	2 months to month-end
After 10 years	4 months to month-end

Does Termination Need to Be Justified?

• **During probation:** The employer **does not need to give a reason** (the Protection Against Wrongful Dismissal Act only applies after 6 months of employment, § 1 KSchG)

• **Exception:** Pregnant women, severely disabled persons, works council members receive **special protection** — even during probation!

What is Prohibited?

The employer **cannot** terminate during probation:

• Because of **pregnancy** (§ 17 MuSchG) — protection from day 1!

• Because of **severe disability** — only with approval of the integration office

• On **discriminatory grounds** (AGG) — e.g., origin, religion, gender

• Because of **works council membership**

• In a **morally reprehensible manner** — e.g., as retaliation for a justified complaint

Form of Termination

• **In writing** — oral termination is **invalid** (§ 623 BGB)!

• **Original document** — email, SMS, WhatsApp are not sufficient!

• **Delivery** — handed over personally or by registered mail

Your Rights During Probation

What Already Applies During Probation?

• **Salary** — full agreed salary (no reduced probation salary!)

• **Vacation** — proportional entitlement (1/12 of annual vacation per month, full entitlement after 6 months)

• **Illness** — continued pay during illness after **4 weeks** of employment (§ 3 EFZG)

• **Overtime** — the same rules apply as after probation

• **Workplace safety** — all workplace safety laws apply from day 1

• **Works council** — you can vote for the works council and contact them

What Does NOT Yet Apply?

• **Protection Against Wrongful Dismissal Act** — applies only after 6 months

• **Full vacation entitlement** — only after 6 months (before: proportional)

• **Full sick pay** — only after 4 weeks of employment

Tips for Passing Probation

The First Weeks

1. Be punctual — In Germany, punctuality is extremely important. Arrive 5 minutes early rather than late.

2. Listen carefully — Ask questions, show interest, take notes.

3. Observe company culture — What's the dress code? Do people use first names? What are the break times?

4. Get to know colleagues — Introduce yourself actively, be friendly and open.

5. Admit mistakes — Nobody expects perfection. But: acknowledge mistakes and learn from them.

Throughout the Probation Period

1. Actively seek feedback — Ask your supervisor regularly: "Are you satisfied with my work?"

2. Show initiative — Don't just do assigned tasks, think ahead.

3. Proper sick notification — Inform your employer on the first day of illness; provide medical certificate from the third day (some employers require it from day one).

4. Probation meeting — Many companies conduct a meeting midway or at the end of probation. Prepare for it.

5. Document in writing — Note your successes, projects, and positive feedback.

What to Avoid

• **Frequent absences** — even if you're entitled to sick days, frequent absence during probation looks bad

• **Conflicts** — refrain from criticism during probation

• **Private phone use** — not during work time

• **Gossip** — about colleagues or supervisors

• **Taking vacation too early** — better wait 2–3 months

Probation Period and Residence Status

For foreigners, the probation period is particularly critical:

• **Blue Card EU / Skilled Worker Visa:** If you're terminated during probation, you must find **a new job within 3 months** (or your residence status may be jeopardized)

• **Notify immigration office** — when changing employers

• **Search for new job** — actively during notice period

Received Termination During Probation — What to Do?

1. Stay calm — termination is not the end of the world

2. Check termination — in writing? Notice period met? Discrimination?

3. Request work certificate — you're entitled to one even after short employment

4. Notify employment agency — register as job-seeking **within 3 days** of termination! Otherwise, you risk a waiting period for unemployment benefits.

5. Check residence status — clarify impact on your visa

6. Union / Lawyer — if you suspect discriminatory termination

Frequently Asked Questions

Can the Probation Period Be Extended?

No — extension beyond 6 months is not possible. The employer can, however, agree on a **fixed-term contract for 6 months** and then decide whether to keep you.

Can I Quit During Probation?

Yes — with the same shortened notice period of 2 weeks. But think it through carefully — frequent short employments don't look good on your CV.

Do I Get Unemployment Benefits If Terminated During Probation?

Yes — if you meet the requirements (at least 12 months of social insurance coverage in the last 30 months). But: **waiting period** possible for voluntary resignation!
