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Non-Confirmation on Grounds of Probationer's Work Attitude and Performance

Nurul Arni binti Annas Goh v FFM Berhad
(Industrial Court Award No 2910 of 2019)

The claimant was employed as an executive with the Security Department. She was required to undergo a probationary period for six months. Three months into her probation, she was transferred to the Administration Department and assigned administrative duties.

The claimant's probationary period was twice extended, at the end of which she was not confirmed in permanent employment due to her poor work attitude, such as reporting late to work, leaving work early and taking extended lunch breaks, and her failure to satisfactorily carry out her general job functions and the specific tasks assigned to her.

The Industrial Court dismissed her claim that the non-confirmation was a dismissal without just cause or excuse, and held that:

- (a) Being on probation, the claimant had misconstrued her position as if she were a confirmed employee. Instead of striving to perform to her best, she gave excuses or unwarranted justification of her unsatisfactory performance.
- (b) Punctuality is not a trivial matter but an essential attribute expected of all employees in any organisation.
- (c) If an employee had a valid reason to be outside the office during working hours, the employee ought to seek approval from her immediate superior.
- (d) The claimant was informed about the areas of her performance which required improvement and had provided her input on the manner in which she intended to improve her performance.

The company was represented by senior associate Amardeep Singh Toor and supervised by partner Lim Heng Seng of [Lee Hishammuddin Allen & Gledhill](#).

The Industrial Court award may be viewed [here](#).

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