



Employee Information Guideline: Incapacity Management Process

Introduction

This guideline provides you with essential information about the incapacity management process at Montego Pet Nutrition, in line with South African labour law. It aims to help you understand the procedures, your rights, and the steps involved if you are experiencing difficulties in performing your job due to health reasons or other incapacity-related issues.

1. Overview of Incapacity Management

Incapacity management is a process designed to address and manage situations where employees cannot perform their duties due to ill health, injury, or other personal issues. The aim is to ensure fair treatment while balancing the employee's needs and the company's operational requirements.

2. Key Steps in the Incapacity Management Process

Step 1: Identification of Incapacity

- **Recognition:** Your supervisor or HR will identify if there are concerns regarding your ability to perform your job due to health or other reasons.
- **Initial Information:** The company will gather initial information about your situation, including any medical documentation you provide.

Step 2: Notification

- **Formal Notification:** You will be informed in writing about the concerns related to your incapacity.
- **Details Included:** The notification will include details of the issues, the process to be followed, and your rights.

Step 3: Preliminary Investigation

- **Assessment:** A preliminary assessment will be conducted to understand the nature and extent of your incapacity.
- **Documentation:** Relevant documents, medical reports, and performance records will be reviewed.

Step 4: Consultation

- **Meeting:** A meeting will be held with you to discuss the incapacity, where you may bring a representative or union member.
- **Discussion:** The reasons for your incapacity and possible solutions will be explored.

Step 5: Medical Examination (if applicable)

- **Request:** If your incapacity is health-related, the company may request a medical examination by a qualified doctor.
- **Consent:** You must consent to this examination, and the company may cover the costs.

Step 6: Consideration of Alternatives

- Exploration: Alternatives to dismissal will be considered, such as adjusting your duties, providing additional training, or offering a different position.
- Accommodations: Temporary or permanent accommodations may be implemented.

Step 7: Formal Incapacity Hearing

- Hearing: If alternatives are not viable, a formal incapacity hearing will be scheduled.
- Notice: You will receive adequate notice of the hearing.
- Chairperson: The hearing will be conducted by an impartial chairperson.

Step 8: Hearing Proceedings

- Presentation: Evidence regarding your incapacity will be presented.
- Response: You will have the opportunity to respond, present your case, and provide evidence.

Step 9: Deliberation and Decision

- Deliberation: The chairperson will deliberate on the evidence presented.
- Decision: The decision will consider whether the incapacity is temporary or permanent and if reasonable accommodations can be made.

Step 10: Outcome and Communication

- Communication: The hearing outcome will be communicated to you in writing.
- Appeal: If dismissal is the outcome, reasons will be provided along with information on your right to appeal or refer the matter to the Commission for Conciliation, Mediation, and Arbitration (CCMA).

Step 11: Follow-Up Actions

- Implementation: If not dismissed, agreed-upon accommodations or adjustments will be implemented.
- Monitoring: Your progress will be monitored, and the situation will be reviewed periodically.

Step 12: Record-Keeping

- Records: Detailed records of the entire process will be maintained.

3. Your Rights and Responsibilities

- Fair Treatment: You have the right to fair treatment and due process throughout the incapacity management process.
- Confidentiality: Your medical and personal information will be handled confidentially.
- Representation: You may bring a representative or union member to meetings and hearings.
- Appeal: You can appeal decisions made during the process.

Please contact the HR department or your supervisor with any questions or further clarification. We are committed to supporting you throughout this process and ensuring it is handled fairly and respectfully.