



Managing Incapacity Terminations

A comprehensive guide to handling employee terminations due to medical incapacity with fairness and compliance.



When Medical Assessment Is Required

Extended Absence

Employee absent for specified period due to sickness or incapacity.

Medical Examination

Employer may require assessment by registered practitioner at employer's expense.

Multiple Absences

Several periods totalling specified length also trigger assessment requirements.

Key Considerations for Return to Work

Medical Issue Nature

Assess extent and type of health condition affecting employee.

Job Performance Ability

Evaluate likelihood employee can perform responsibilities normally and satisfactorily.

Return Timeline

Consider when return might occur and duration of absence already taken.

Organisational Impact

Review effect of employee's absence on operations and team.



Alternative Arrangements to Consider

Flexible Options

- Reduced working hours
- Modified duties
- Alternative roles within organisation
- Phased return to work

Explore reasonable alternatives before termination. Consider redeployment opportunities matching altered abilities or capacities.

The Termination Process

01

Medical Reports Review

Consider practitioner's report and employee's medical documentation with HR involvement.

02

Employee Meeting

Invite employee to discuss proposed decision. Support person permitted.

03

Benefits Check

Verify retirement and entitlements with HR before final discussion.

04

Final Decision

Provide notice period as per employment agreement after considering feedback.

Critical Requirements



Registered Practitioner

Must be currently registered GP or relevant specialist. Employee should agree to nomination.



Privacy & Confidentiality

HR must be involved. Handle all medical information with strict confidentiality.



Fair Process

Maintain communication during absence. Discuss decisions before finalising termination.



Need Expert Guidance?

Managing incapacity terminations requires careful consideration of medical, legal, and human factors.

Contact HR Unlocked for professional support with your employment matters.

[Get Expert Help](#)

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