

DEALING WITH INCOMPATIBILITY

Duration: ½ day

Objective

To equip delegates with the skills, knowledge and context to identify incompatibility, to decide if action against an employee may be justified and what the appropriate action is. Understanding the incompatibility process.

Design

- Introduction
- The meaning of 'incompatibility'
- What are the valid grounds for a dismissal?
- Where does incompatibility fit in?
- Performance or misconduct: how does it differ from misconduct and poor performance?
- Substantive fairness: the requirements. Which support is appropriate? Why training may not be the answer
- Procedural fairness: how does it differ from poor performance?
- How difficult is it to prove incompatibility?
- How long does the process take?
- Consultation requirements: what is a fair procedure and what does the process look like?
- Dealing with various obstacles during the process and the hearing
- Determining a fair outcome: what are the risks?
- What are the alternatives to dismissal?
- Relevant case law

Target group

ER/IR staff, HR specialists and Management.

