MEDICO – LEGAL REPORT
VULPES CONSULTANTS (PTY) LTD

MR DEMO SAMPLE

REPORT DATE:
10 April 2017

Industrial Psychologist
Barend P.G. Maritz
PS 012 9828
Reference Number: EA001

Attorney
Example Attorneys
Reference Number: EA/SAM01/0001

PLEASE NOTE: This report is of a STRICTLY CONFIDENTIAL nature with restricted circulation. If you are unauthorised to read this report, please return it immediately to the report writer.

HEAD OFFICE:
Lombardy Business Park
Block 6, Unit 106
Cnr Cole & Graham Road
Pretoria
0084

BAREND P.G. MARITZ
Industrial Psychologist
PS 0129828
+27 83 370 5568
<table>
<thead>
<tr>
<th><strong>Biographical Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surname</strong></td>
</tr>
<tr>
<td><strong>Full name(s)</strong></td>
</tr>
<tr>
<td><strong>ID / Passport number</strong></td>
</tr>
<tr>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td><strong>Date of birth</strong></td>
</tr>
<tr>
<td><strong>Current age</strong></td>
</tr>
<tr>
<td><strong>Age at accident</strong></td>
</tr>
<tr>
<td><strong>Dependents</strong></td>
</tr>
<tr>
<td><strong>Marital status</strong></td>
</tr>
<tr>
<td><strong>Place of birth</strong></td>
</tr>
<tr>
<td><strong>Home language</strong></td>
</tr>
<tr>
<td><strong>Physical address</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Contact number</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Email</strong></td>
</tr>
<tr>
<td><strong>Date of accident</strong></td>
</tr>
<tr>
<td><strong>Pre-morbid employment</strong></td>
</tr>
<tr>
<td><strong>Post-morbid employment</strong></td>
</tr>
<tr>
<td><strong>Current employment</strong></td>
</tr>
<tr>
<td><strong>Date of evaluation</strong></td>
</tr>
<tr>
<td><strong>Highest qualification</strong></td>
</tr>
<tr>
<td><strong>Attended by</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

1. **Introduction** ........................................................................................................... 4

   1.1. Purpose of report ................................................................................................. 4

   1.2. Method of assessment ......................................................................................... 4

2. **Supporting Information** .......................................................................................... 5

3. **Information Relating to the Accident** ..................................................................... 5

   3.1. Accident details ..................................................................................................... 5

   3.2. Injuries sustained ................................................................................................. 6

   3.3. Current difficulties and complaints ...................................................................... 7

4. **Behaviour Observation** .......................................................................................... 8

5. **Psychometric Evaluation** ....................................................................................... 8

   5.1. Reasoning abilities ............................................................................................... 8

      5.1.1. Verbal General Reasoning ........................................................................... 8

      5.1.2. Numerical General Reasoning ..................................................................... 9

      5.1.3. Abstract General Reasoning ....................................................................... 10

   5.2. Personality traits .................................................................................................... 11

      5.2.1. Response Style ............................................................................................. 11

      5.2.2. Interpersonal Style ....................................................................................... 11

      5.2.3. Thinking Style ............................................................................................. 12

      5.2.4. Coping Style ................................................................................................ 12

   5.3. Personal work profile ........................................................................................... 13

      5.3.1. Logical/Computational ................................................................................. 13

      5.3.2. Scientific/Investigative ............................................................................... 13

      5.3.3. Practical/Mechanical .................................................................................. 13

   5.4. Potential career paths ........................................................................................ 14

   5.5. Discussion ............................................................................................................. 14

6. **Medical History** ...................................................................................................... 15

7. **Family History** ....................................................................................................... 15

8. **Educational History** ............................................................................................... 16

9. **Employment History** ............................................................................................. 16

   9.1. Employment pre-morbid .................................................................................... 16

      9.1.1. Company 1 ..................................................................................................... 16

      9.1.2. Company 2 ..................................................................................................... 16

   9.2. Employment at time of accident ......................................................................... 17

      9.2.1. Company 3 (a) ............................................................................................... 17

   9.3. Employment post-morbid .................................................................................... 17

      9.3.1. Company 3 (b) ............................................................................................... 17

10. **Career Probabilities** .............................................................................................. 18
10.1. Career summary ........................................................................................................................................18
10.2. Probable scenarios ..................................................................................................................................19
10.3. Scenario probability .................................................................................................................................20
  10.3.1. Scenario 1.1: Pre-morbid: Remained employed as a Refrigeration Technician .........................20
  10.3.2. Scenario 1.2: Post-morbid: Remains employed as a Refrigeration Technician ......................21
  10.3.3. Scenario 2.1: Pre-morbid: Promotion to Senior Technician .........................................................22
  10.3.4. Scenario 2.2: Post-morbid: Promotion to Senior Technician .......................................................23
11. Retirement ......................................................................................................................................................27
12. The South African Labour Legislation Impact ..........................................................................................27
13. Conclusion ......................................................................................................................................................29
  13.1. Summary ..................................................................................................................................................29
  13.2. Specialists' Opinions: ............................................................................................................................30
    13.2.1. Dr OS (Orthopaedic Surgeon): .......................................................................................................30
    13.2.2. Ms OT (Occupational Therapist): ..................................................................................................30
  13.3. Employer's Opinion: .............................................................................................................................31
    13.3.1. Mr Manager (Supervisor): ..............................................................................................................31
  13.4. Industrial Psychologist's Opinion: .........................................................................................................31
14. Disclaimer .......................................................................................................................................................33
15. Addendum A ....................................................................................................................................................34
  15.1. Bank Statements .....................................................................................................................................34
  15.2. National Senior Certificate ......................................................................................................................34
  15.3. Electrician Module Certificates: Level 1 - 3 .........................................................................................34
  15.4. Practical Refrigeration Training Phase 2 Certificate ...........................................................................34
  15.5. Certificate of Achievement: N2 Engineering Studies ........................................................................34
  15.6. Trade Test Report: Industrial Refrigeration Mechanic ........................................................................34
1. INTRODUCTION

1.1. Purpose of report

The purpose of this report is to provide a specialist opinion regarding the plaintiff’s previous and current occupational status, future employment possibilities, and vocational potential. This will be determined by utilising collateral information provided regarding the accident details, injuries sustained, and current complaints, as a result of the client’s accident. To conclude, the report will also provide a basis regarding the client’s past loss of income, as well as their likely future earnings, by taking the above-mentioned information into consideration.

1.2. Method of assessment

The information provided within this report, was gathered as follows:

- The completion of a biographical questionnaire;
- A collateral interview held;
- Behavioural observation during the consultation;
- Psychometric assessments conducted; and
- The integration of other relevant expert opinions.

The purpose of the consultation was thoroughly explained to the plaintiff. It was requested that the client sign informed consent, understanding, and agreeing to the consultation session before commencement. In addition, it was stated to the client that it is important to provide the report writer with relevant and true information, as this will allow for compiling a comprehensive report.
2. SUPPORTING INFORMATION

The following supporting documentation was received:

- Assignment Letter from Example Attorneys, dated 23 November 2016;
- Copy of RAF 1 & 4 Documents;
- Copy of Client’s Bank Statements, dated 05 December 2016 to 07 February 2017;
- Copies of Client’s Qualifications and Academic Reports;
- Copy of Specialist Report: Dr OS (Orthopaedic Surgeon), dated 20 September 2016; and

The following individuals were contacted with regards to additional collateral information:

- Company 3: Mr Manager (Supervisor), 09 February 2017 at 10H16.

3. INFORMATION RELATING TO THE ACCIDENT

3.1. Accident details

The details of the accident reported below, is as described by the client during the collateral interview held.

On the 23rd of March 2015, at approximately 14H00 in the afternoon, Mr Sample reported that he was involved in a motor vehicle accident (MVA) on Stellenbosch Arterial Road (M12), just before the Kuils River Road (R300) intersection. Mr Sample indicated that he was the driver of an Opel Corsa Utility Vehicle traveling at an approximate speed of 80km/h, when the traffic light changed from green to yellow. The plaintiff described that he decelerated and came to a complete stop at the red traffic light. Mr Sample reported that a Hyundai 1-Tonner was under the impression that he would skip the yellow traffic light, and consequently collided into the back of Mr Sample’s vehicle. Due to the impact, Mr Sample’s vehicle was pushed into the middle of the intersection, where after he reversed, in order to get out of the intersection.

Mr Sample reported that he did not lose consciousness at the moment of impact, and returned to work at Company 3 after exchanging details with the Hyundai driver. Upon his arrival at work the same day, the plaintiff indicated that he visited the onsite nurse and was advised to consult a doctor. After visiting the doctor, he was sent for X-rays, and the results concluded
that he should be booked off in order to recuperate. Consequently, Mr Sample was on leave for approximately one month to recuperate from the accident before returning to work. Although the plaintiff resumed work for a month, he had to receive surgery and was on additional leave for seven months. During his time in hospital, Mr Sample received surgery, treatment, and daily check-ups for injuries sustained, as a result of the accident.

3.2. Injuries sustained

According to Mr Sample, he sustained the following injuries:

- Whiplash; and
- An injured lower back on the L4/5 vertebrae.

According to the RAF 1 & 4 Forms, the following injuries were mentioned:

- Lumbar spine injury;
- Dislocation compression fracture;
- L4/S1 fusion was done;
- Soft tissue injuries; and
- L4/S1 Spondylolisthesis.

Dr OS (Orthopaedic Surgeon) lists the following injuries:

- A cervical spine extension sprain (i.e., a mild soft tissue injury); and
- A low back sprain with left symptoms (i.e., relatively mild soft tissue injury).

Ms OT (Occupational Therapist) lists the following injuries:

- Pain in his back; and
- Limited bending.
3.3. **Current difficulties and complaints**

Mr Sample stated in the interview that:

- He experiences back pain when he sits for prolonged periods, along with a constant sensation in his left leg while seated;
- He experiences daily back pain due to his physically demanding occupation, during and after work;
- He has to take breaks while at work since he has to bend down a lot; and
- He experiences intensified pain during winter where it gets to the point that he struggles to dress and tie his shoes.

According to the RAF 1 & 4 Forms, the following symptoms were mentioned:

- Back pain.

Dr OS (Orthopaedic Surgeon) lists the following complaints:

- He experiences intermittent low back pain and stiffness;
- He has low back midline longitudinal and left iliac crest surgical scars;
- Low back discomfort was elicited on stressing;
- Grade 1 L5-S1 isthmic type listhesis with loss of the L5-S1 disc height;
- Left leg symptoms would likely have been arising from the existing spinal L5 nerve root which may be caught in soft scarring associated with the listhesis; and
- Asymptomatic low back pain becoming symptomatic post-accident.

Ms OT (Occupational Therapist) lists the following complaints:

- He has lower back pain and his left leg goes numb; and
- When he works and changes position, his back goes numb and he experiences fatigue on regular intervals,

All aforementioned were observations and information as stated by Mr Sample, and were duly verified by the specialist’s reports received.
4. BEHAVIOUR OBSERVATION

The following behavioural observations were noted during the consultation session:

- Mr Sample arrived approximately thirty minutes late for the consultation session, due to a delayed flight from Demoville;
- He was well mannered, groomed and dressed;
- He was comfortable to conduct the consultation session in Afrikaans; and
- He could not recall the exact date of the accident in question, however he was cooperative during the consultation session, and tried to provide as much information as possible.

5. PSYCHOMETRIC EVALUATION

The purpose of the psychometric evaluation is to make use of an evidence-based approach, in order to determine the client’s potential cognitive ability, personality traits and possible vocational interests. This contributes when suggesting alternative employment, specifically for the client. The psychometric assessment battery consists of the following instruments:

<table>
<thead>
<tr>
<th>Instrument Name</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Reasoning Test Battery (GRT2)</td>
<td>This assessment measures cognitive ability.</td>
</tr>
<tr>
<td>Occupational Personality Profile (OPPro)</td>
<td>This assessment measures personality traits.</td>
</tr>
<tr>
<td>Occupational Interest Profile (OIP)</td>
<td>This assessment measures vocational interest.</td>
</tr>
</tbody>
</table>

*Table 1: Instruments utilised for the psychometric assessment.*

The results regarding the psychometric assessments were as follows:

5.1. Reasoning abilities

5.1.1. Verbal General Reasoning

The Verbal General Reasoning Test assesses a person’s ability to use words in a logical way, consisting of items which involve an understanding of vocabulary, class membership and the relationships between words. This test measures the ability to perceive and understand concepts and ideas expressed verbally. While this test is a measure of reasoning ability rather than educational achievement, it is nonetheless generally recognised that verbal reasoning test scores are sensitive to educational factors.
Assessment Result: Mr Sample’s performance on the verbal component of the test indicates that he has a well above average level of verbal reasoning ability. This suggests that he can understand complex verbal concepts and ideas, perceive the relationships between these and deduce their logical consequences. In addition, this indicates that his verbal reasoning ability is likely to exceed that of many staff in general level employment. He has demonstrated an ability to use words in a logical and rational way, and to accurately perceive the logical relationships that link different verbal concepts.

Mr Sample’s performance on this assessment suggests that he has quite a good command of language and an ability to formulate logical, reasoned arguments. He would be expected to understand the logic of complex arguments, and use words in quite a rational and well-reasoned way. Consequently, he should be able to understand complicated instructions and explanations with relative ease and be able to explain quite difficult concepts and ideas to others with clarity. He is likely to be able to learn fairly complex verbal material more quickly than the majority staff, and to grasp new ideas relatively quickly. As a result, he would be expected to be able to benefit from training and development programmes which require both a good level of verbal ability and participants to learn relatively complex new (verbal) material.

5.1.2. Numerical General Reasoning

The Numerical General Reasoning Test assesses a person’s ability to use numbers in a logical and rational way. The test consists of items assessing a candidate’s understanding of a number series, numerical transformations, the relationships between numbers and the ability to perform numerical computations.

Assessment Result: Mr Sample’s performance on the numerical component of this test indicates that he has an excellent numerical ability when compared to the chosen reference group. He achieved a score which is only obtained by the top 15% of respondents in the selected reference group. This indicates that his level of numerical reasoning ability is likely to be in excess of that of most staff in general level employment. This demonstrates a good ability to perceive the logical patterns and relationships between numbers, to understand the rules that govern such patterns and deduce the logical consequences of them.

In a broader context, Mr Sample’s score suggests that he has a good understanding of numbers and the relationships between them, along with a good understanding of quite complex numerical concepts. He has demonstrated an ability to work with numbers in a logical and rational way, and an ability to accurately carry out quite complex numerical operations and solve complex numerical problems. This level of numerical ability would only be expected
among the most numerate members of the general working population. Furthermore, this suggests that he should have little difficulty coping with the demands of jobs which are numerically based, require a good level of numerical skill, and the ability to understand and use complex numerical/mathematical ideas. He is likely to have little difficulty learning new numerical skills, and is likely to benefit more rapidly than most staff from training in this area.

5.1.3. Abstract General Reasoning
The Abstract General Reasoning Test assesses the ability to understand complex concepts, and assimilate new information outside of previous experience. The test consists of items which require the recognition of patterns, and similarities between shapes and figures. As a measure of reasoning, it is independent of educational attainment and can be used to provide an indication of intellectual potential. Assessing the ability to quickly understand and assimilate new information, it is likely to predict how responsive to training a person will be.

Assessment Result: Mr Sample’s score on the abstract component of this test indicates that, with respect to the chosen reference group, he has a slightly above average level of natural reasoning ability. This suggests that his level of fluid reasoning ability is likely to be at least as high, if not slightly higher than, that of most staff in general level employment. He has demonstrated that he can perceive abstract logical patterns and relationships between novel material he has never encountered before, to correctly identify these patterns and deduce the consequences of them using pure logic (i.e., without calling upon other knowledge/information such as his vocabulary, knowledge of mathematical operations, etc.).

Mr Sample’s performance suggests that he is able to grasp new concepts outside of his previous realm of experience and understand abstract logic (i.e., logical relationships which are not contextualised). While this should enable him to understand new material that is relatively complex without undue difficulty, it may nonetheless take him slightly longer that it would take some of the highest calibre staff to fully appreciate the subtleties of the most complex or abstract logic. He should benefit from training programmes which require a reasonable level of ability to understand logical relationships and learn abstract concepts and ideas.
5.2. Personality traits

The Occupational Personality Profile is a general personality profile designed to assess a broad range of personality traits. These traits assess the client’s characteristic ways of behaving across a wide range of situations. Identifying behaviour preferences across nine major personality constructs as well as the big five personality traits (McCrae and Costa, 1987). These provide insight into how people typically think, feel, and interact in ways that may be productive or counter-productive in a work setting.

5.2.1. Response Style

The OPPro contains a measure that examines the way in which the respondent has approached the questionnaire. The questionnaire contains a measure of the extent to which the respondent is attempting to present themselves in a socially desirable or favourable way.

Mr Sample appears to have answered the questions realistically and has attempted to present an accurate picture of himself. His social desirability score is average.

5.2.2. Interpersonal Style

Mr Sample is not a very assertive person and may try to avoid criticising other people, unless it is really necessary to do so. In other words, he may be seen as a fairly understanding and considerate person who is sensitive to other’ feelings. As a rule, he dislikes conflict and will try to avoid disagreements between people. If someone has made a mistake, Mr Sample may avoid mentioning it rather than bring it up, and possibly upsetting the other person. When he is faced with people who are arguing and disagreeing with each other, he will try to smooth things over and reach a solution everyone is happy with. However, he may beinclined to give in a little too easily to others’ demands. As a result, he may find it difficult at times to get his own way, especially if the other person is difficult or strong willed. Nevertheless, Mr Sample is a fairly good listener and will often prefer to sort out people’s problems, rather than be responsible for making sure that work is completed on time. In general, he prefers not to take the lead, feeling uncomfortable when he must tell other people what to do. Consequently, management is unlikely to interest him much at the moment.

Many people will see Mr Sample as a little quiet and shy. It will take him some time to make new friends since he will usually not make the first move when getting to know new people. However, once he has made friends, his friendships are likely to be strong and will probably last a long time. He may find meeting new people a bit of a strain and this is something he does not look forward to. Therefore, he is not likely to enjoy a job which involves meeting lots
of new people. In other words, he will enjoy working on his own, away from the distraction of other people. He tends to slip into the background at parties and may “take a back seat” when groups of people get together as he does not like being the centre of attention. Because he prefers to spend time alone, he is not likely to enjoy jobs which involve working closely with groups of people. Consequently, he may decide to look for work which will allow him to work by himself or with one or two others he can get to know well.

5.2.3. **Thinking Style**

Mr Sample is likely to have a balanced approach to work, not being too concerned to stick to established ways of doing things, while at the same time he may not be very unconventional and will not be likely to go his own way. He is as capable as most when it comes to sticking with a job which is boring and repetitive. While he will want to attend to detail and make sure that things are done properly, he does not take this to the extreme and will be prepared to cut corners when necessary. In addition, he is no more traditional and conservative in his views than most people and others will not think that he is particularly rigid and inflexible, always insisting that things are done in the traditional way. While he will not ignore detail, he may prefer jobs where he does not have to attend to fine detail, check work and closely follow set rules and procedures.

Mr Sample is a little more cautious and safety conscious than many people and, therefore he tends not to take risks unless the benefits are great. He is not inclined to do dangerous or silly things as he does not think it is sensible to take chances. While some people may think that he lacks in a sense of adventure, he thinks that this is simply being careful and sensible. His cautious approach to life is likely to affect his career choice where he will probably prefer a stable job in a large organisation where there is a clear career structure. If he has a very strong interest in an area where most people are self-employed, he may consider such a career but should remember that such jobs are often not very stable.

5.2.4. **Coping Style**

Mr Sample is slightly calmer and in control of his emotions than most people and is not a particularly touchy or moody person. He has a quite stable, realistic approach to life and is not inclined to worry too much about the future. In general, he faces day to day demands in a realistic and mature way. Mr Sample is not likely to have emotional outbursts or large mood swings and should be able to accept constructive criticism in the spirit in which it was intended. He is not particularly likely to suffer from feelings of anxiety. Consequently, he should be able to take most things in his stride and deal fairly well with work-related pressure.
5.3. **Personal work profile**

The personal work profile assesses the client’s vocational interests. This is purely to determine in which occupational domain the client shows most interest in. This allows for narrowing the various career paths down to the top three domains, as reported in the assessment results. Please note that this assessment does not take the client’s competencies and abilities into consideration, only interest.

5.3.1. **Logical/Computational**

Activities involving problem solving and analytical skills:

Mr Sample seems highly interested in logical and computational work which is characterised by working with numerical data and using logic to solve analytical problems. It is likely that he will enjoy mathematics or computer studies as subjects and will have a genuine interest in these areas. Careers which are associated with this area of interest include computer operating, data input, word-processing etc.

5.3.2. **Scientific/Investigative**

Activities involving the understanding of natural and physical sciences:

Mr Sample shows a moderate level of interest in scientific careers since a good mathematical ability is a necessity. However, he may not be very interested to learn about physics, chemistry or biology based topics. Because of his moderate interest in the natural sciences, he is fairly unlikely to consider laboratory work, chemical engineering, metallurgy, medicine etc. when looking for a career. He may possibly not show a great deal of enthusiasm for science in general.

5.3.3. **Practical/Mechanical**

Activities involving engineering, machine tools, the use of machinery and other practical occupations:

Mr Sample shows a moderate level of interest in practical and mechanical types of work. He may possibly have some interest working with his hands and may show some interest in how things work. However, he is unlikely to enjoy mending household electrical appliances, bicycles etc. This implies that he may not be interested in crafts or trades in the building industry. However, he may wish to consider whether his moderate level of interest is more associated with engineering, or whether this level of interest would apply to other less manual or physically demanding jobs which may require working with his hands. This area may be
worth considering as he has expressed some interest in working with his hands, otherwise his interest score would possibly have been lower.

5.4. Potential career paths

The possible career paths provided below serves as a guideline only, and not necessarily the actual capacity to perform such work. It is important that the plaintiff’s current situation is also taken into consideration when recommending an alternative career path.

<table>
<thead>
<tr>
<th>Skill Requirement</th>
<th>Possible Career Paths</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Electronic Engineer</td>
</tr>
<tr>
<td>Moderate-High</td>
<td>Computer Programmer Teacher</td>
</tr>
<tr>
<td>Moderate-Low</td>
<td>Electronic Technician Computer Operator Aircraft Mechanic</td>
</tr>
<tr>
<td>Low</td>
<td>Electrician Bookkeeper Data Preparation Clerk</td>
</tr>
</tbody>
</table>

Table 2: The possible career paths mentioned above only takes the psychometric assessment into consideration.

Taking into consideration Mr Sample’s current level of education, work experience, age, background, and assessment results above, he would fall into the category for Moderate-Low skilled employees. Therefore, as indicated in the table above, recommended career paths include an Electronic Technician, Computer Operator, or Aircraft Mechanic. There appears to be a relatively strong correlation between the identified career paths and his current occupation, being employed as a Refrigeration Technician at Company 3.

5.5. Discussion

Regarding the results of the aforementioned assessments Mr Sample’s performance on the verbal, numerical and abstract reasoning components of the assessments indicate that he has a well above average level across the three ability tests. This suggests that he can perceive and understand the relationships between complex verbal concepts and ideas, perceive the logical patterns and relationships between numbers and understand the rules that govern such patterns, and he can observe abstract logical relationships between novel material he has never encountered before and deduce the consequences of them using pure logic (i.e., without calling upon other knowledge/information such as his vocabulary, knowledge of mathematical operations, etc.).
Mr Sample is not a very assertive person and may try to avoid criticising other people, unless it is really necessary to do so. He is a fairly good listener and will often prefer to sort out people’s problems. In general, he prefers not to take the lead as he may feel uncomfortable telling other people what to do. Consequently, management is unlikely to interest him much. He is likely to have a balanced approach to work, not being too concerned to stick to established ways of doing things. Mr Sample seems to be a little more cautious and safety conscious than many people and, therefore he tends not to take risks unless the benefits are great. He will probably prefer a stable job in a large organisation where there is a clear career path and should be able to take most things in his stride and deal fairly well with work-related pressure.

When combining the general reasoning, occupational personality profile and occupational interest assessment results, and keeping in mind his current situation, it seems that Mr Sample would be most suited for occupations such as an Electronic Technician, Computer Operator, or Aircraft Mechanic. Taking into consideration his level of education and specific skillset, a relatively strong correlation was found between his preference and his current position, namely a Refrigeration Technician at Company 3.

6. MEDICAL HISTORY

It seems that Mr Sample has progressed successfully through the various developmental stages of life (birth, baby, toddler, teenager, and adulthood). Mr Sample did not mention any other serious illnesses, medical conditions, or operations prior to the accident.

7. FAMILY HISTORY

<table>
<thead>
<tr>
<th>Name &amp; Surname</th>
<th>Relation</th>
<th>Date of Birth</th>
<th>Occupation</th>
<th>Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magiel Sample</td>
<td>Father</td>
<td>1960</td>
<td>Retired Administrative Manager</td>
<td>Grade 12</td>
</tr>
<tr>
<td>Jacquelin Sample</td>
<td>Mother</td>
<td>Uncertain</td>
<td>Verification Officer</td>
<td>Grade 12</td>
</tr>
<tr>
<td>Anika Sample</td>
<td>Sister</td>
<td>1994</td>
<td>Personal Assistant</td>
<td>Certificate in Secretarial Studies: Level N6</td>
</tr>
</tbody>
</table>
8. EDUCATIONAL HISTORY

<table>
<thead>
<tr>
<th>Institution</th>
<th>Grade/Qualification</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary School</td>
<td>Grade 12</td>
<td>2006</td>
</tr>
<tr>
<td>College of Demoville</td>
<td>N2 Trade Certificate (Engineering Studies)</td>
<td>2016</td>
</tr>
<tr>
<td>College of Demoville</td>
<td>N3 Trade Certificate (Refrigeration/Electrical Mechanic)</td>
<td>2017</td>
</tr>
</tbody>
</table>

Table 4: Certificates were provided by the plaintiff in order to verify the abovementioned qualifications. However, the plaintiff did not yet receive his N3 Trade Certificate at the time of this report.

9. EMPLOYMENT HISTORY

9.1. Employment pre-morbid

9.1.1. Company 1

<table>
<thead>
<tr>
<th>Company</th>
<th>Company 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Data Capturer</td>
</tr>
<tr>
<td>Paterson level</td>
<td>A1</td>
</tr>
<tr>
<td>Duration of employment</td>
<td>January 2010 (One Month)</td>
</tr>
<tr>
<td>Duties</td>
<td>Data capturing</td>
</tr>
<tr>
<td>Basic Salary</td>
<td>R 700.00 (per month)</td>
</tr>
<tr>
<td>Benefits</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Reason for leaving</td>
<td>Better opportunity</td>
</tr>
</tbody>
</table>

Table 5: No financial documentation was made available in order to verify the above stated information.

9.1.2. Company 2

<table>
<thead>
<tr>
<th>Company</th>
<th>Company 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>General Assistant</td>
</tr>
<tr>
<td>Paterson level</td>
<td>A2/A3</td>
</tr>
</tbody>
</table>
9.2. Employment at time of accident

Date of the accident: Mr Sample was involved in a MVA on the 23rd of March 2015.

9.2.1. Company 3 (a)

<table>
<thead>
<tr>
<th>Company</th>
<th>Company 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Fountain Technician</td>
</tr>
<tr>
<td>Paterson level</td>
<td>B1/B2</td>
</tr>
<tr>
<td>Duration of employment</td>
<td>01 November 2010 - 01 January 2016</td>
</tr>
<tr>
<td>Duties</td>
<td>Installation of fountain machines and servicing of fountain machines</td>
</tr>
<tr>
<td>Basic Salary</td>
<td>R 14,000.00 (per month)</td>
</tr>
<tr>
<td>Benefits</td>
<td>Standby earnings of approximately R 2,500.00 (per month)</td>
</tr>
<tr>
<td>Reason for leaving</td>
<td>Transferred to another department</td>
</tr>
</tbody>
</table>

9.3. Employment post-morbid

Leave from work: Mr Sample’s total recuperation period lasted for approximately nine months during which he was not financially compensated for a total of four months. This was confirmed by Mr Manager (Supervisor).

9.3.1. Company 3 (b)

<table>
<thead>
<tr>
<th>Company</th>
<th>Company 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Refrigeration Technician</td>
</tr>
<tr>
<td>Paterson level</td>
<td>B3/B4</td>
</tr>
<tr>
<td>Duration of employment</td>
<td>01 January 2016 - Current</td>
</tr>
</tbody>
</table>

Table 6: No financial documentation was made available in order to verify the above stated information.

Table 7: No financial documentation was made available in order to verify the above stated information.
10. CAREER PROBABILITIES

This section is utilised to establish the plaintiff's pre-and post-morbid career probabilities, taking into consideration information related to the accident, behavioural observation, psychometric evaluation, medical history, family history, educational background, and employment history.

10.1. Career summary

Mr Sample was born in Demoville in 1988, and completed his Primary School education at Anonymous Primary School in 2001. Thereafter, he progressed to Grade 8 at Secondary School, where he obtained his Grade 12 qualification in 2006. His subjects during his time at Secondary School entailed Afrikaans (C), English (E), Mathematics (C), Biology (F), Physical Science (F), and Geography (E). Mr Sample mentioned that he took a "gap" year in 2007, after which he started to study Electrical Engineering at the College of Demoville in 2008. In 2009, Mr Sample enrolled for and successfully completed Level 2 & 3 practical subjects in cooling at the College of Demoville.

In January 2010, Mr Sample started earning on a Paterson A1 level as a Data Capturer at Company 1 for a month. This is the basic entry level of an unskilled and defined decision-making individual. Mr Sample increased his skillset, and progressed to hold the position of a General Assistant at Company 2, earning on a Paterson A2/A3 level. In November 2010, Mr Sample secured employment as a Fountain Technician at Company 3, earning on a Paterson B1/B2 level. He continued progressing in his career, and is currently earning on a Paterson B3/B4 level as a Refrigeration Technician at Company 3 since January 2016.

Given Mr Sample's level of education, age and specific skillset, the possibility of him progressing beyond a Paterson B4/B5 level in future is good. Mr Manager (Supervisor) mentioned that "he recently became a qualified technician and, therefore a salary increase is
Taking his qualifications into consideration, it is not foreseen that he will progress further than a Paterson C4/C5 level before reaching career glass ceiling, as benchmarked in Table 12, page 25. Nevertheless, Mr Sample’s earnings will likely increase in future, beyond a Paterson C4/C5 level, depending on promotions, CPI increases and relevant company.

Based on his psychometric evaluation and Red-Seal qualification in Industrial Refrigeration Trade, Mr Sample demonstrates high potential to advance to a management level in his field of expertise. It can be projected that he is likely to surpass his current qualification of a N3 Trade Certificate, and complete his N6 Diploma, as established by his educational trends and capacity. This would entail progressing towards and, ultimately functioning in the capacity of Maintenance Manager, earning approximately R 339,448.00 per annum (according to latest labour trends and market-related income).

10.2. Probable scenarios

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Outcome</th>
<th>Potential Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1</td>
<td>1.1 Pre-morbid: Remained employed as a Refrigeration Technician</td>
<td>Recuperation period loss of ± R 66,000.00 calculated as R 14,000.00 x 4 (salary at time of accident) + R 2,500.00 x 4 (standby fee).</td>
</tr>
<tr>
<td></td>
<td>1.2 Post-morbid: Remains employed as a Refrigeration Technician</td>
<td>A potential future loss of ± R 168,000.00 (current salary) annually + yearly CPI increase.</td>
</tr>
<tr>
<td>Scenario 2</td>
<td>2.1 Pre-morbid: Promotion to Senior Technician</td>
<td>Recuperation period loss of ± R 66,000.00 calculated as R 14,000.00 x 4 (salary at time of accident) + R 2,500.00 x 4 (standby fee).</td>
</tr>
<tr>
<td></td>
<td>2.2 Post-morbid: Promotion to Senior Technician</td>
<td>A potential future loss of ± R 63,859.00 per annum (R 231,859.00 Senior Technician position - R 168,000.00 current salary) + yearly CPI increase.</td>
</tr>
</tbody>
</table>

Table 9: The calculation of losses stated above is based on the normal retirement age of 60. These amounts do not include any future treatment, surgery or follow-up appointments as mentioned by other specialists.
10.3. Scenario probability

This section is utilised to describe the various scenarios highlighted above, and to report on the probability of each scenario becoming a reality for the plaintiff.

10.3.1. Scenario 1.1: Pre-morbid: Remained employed as a Refrigeration Technician

Mr Sample is currently employed as a Refrigeration Technician and has approximately seven years’ experience in his line of work. Based on the plaintiff’s medical, educational and employment history as reflected in Sections 6, 8 and 9 of this report, it is inferred that Mr Sample could have continued to successfully function in the capacity of a Refrigeration Technician, had the accident not occurred. Specifically, Mr Sample would have been equipped, both mentally and physically to function as a Refrigeration Technician, prior to the accident.

He has demonstrated an almost excellent level of reasoning ability which points toward his ability to perceive and understand the relationships between complex verbal, numerical, and abstract ideas and concepts. Moreover, Mr Sample has approximately seven years' work experience, along with an eager attitude to further develop himself by enrolling for, and completing applicable practical courses which will allow him to learn and grow within his current field of practice. At present, the plaintiff has to manage back pain which he experiences on a daily basis due to the physically demanding nature of his occupation. It should be noted that this was not a difficulty Mr Sample was previously faced with.

Mr Sample would have sustained the required levels of physical capability to stand for prolonged periods, bend/kneel forward to lift heavy objects, conduct elevated work, and handle materials to maintain a satisfactory productivity level. Mr Manager (Supervisor), also added that Mr Sample is “a hard-working guy who is always doing his best”. All things considered, the plaintiff’s prospects of progressing in his career would have been very good.

Taking the abovementioned information into consideration, the writer reached the following verdict with regards to the plaintiff remaining employed as a Refrigeration Technician, had the accident not occurred:

Verdict: This scenario has a probability of 90% (Highly Probable).
10.3.2. Scenario 1.2: Post-morbid: Remains employed as a Refrigeration Technician

Mr Sample was involved in an MVA on the 23rd of March 2015. At the time of the accident, he functioned in the capacity of a Fountain Technician, and was laterally moved to a Refrigeration Technician at Company 3 post-morbid. The plaintiff reported that he recuperated for an intermittent period of approximately nine months during which he was not financially compensated for a total of four months. This was duly confirmed by Mr Manager (Supervisor).

Mr Sample’s sporadic recuperation period consisted of numerous physiotherapy sessions, along with consultations with a Neuro Surgeon and Orthopaedic Surgeon for surgery. Therefore, a recuperation period loss should be calculated for the time he spent away from work. Such a loss is calculated as follows: Loss of approximately R 66,000.00 (R 14,000.00 per month for the position at time of the accident plus R 2,500.00 monthly standby fee). Mr Sample’s current salary details as a Refrigeration Technician is as follows:

<table>
<thead>
<tr>
<th>Refrigeration Technician</th>
<th>Salary Per Month (2016)</th>
<th>Total Package Per Annum (2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Salary</td>
<td>R 14,000.00</td>
<td>R 168,000.00</td>
</tr>
<tr>
<td>Standby Allowance</td>
<td>R 2,500.00</td>
<td>R 30,000.00</td>
</tr>
<tr>
<td>Total Income</td>
<td>R 16,500.00</td>
<td>R 198,000.00</td>
</tr>
</tbody>
</table>

Table 10: Personal bank statements were made available in order to verify the above stated information in terms of his monthly earnings. Specifically, the documentation illustrates two months’ salary.

Mr Sample is currently still employed as a Refrigeration Technician and has approximately seven years’ experience in his line of work. According to Ms OT (Occupational Therapist), “the claimant currently appears suited to light to medium work” and that “future surgery to his back may additionally however limit his endurance in these strenuous postures, which will affect his productivity directly”. She further mentions that “the claimant is suited to stand however standing while bending prolonged cause pain in his back” and that “prolonged bending may additionally limit his productivity”. Case in point, Mr Manager (Supervisor) argues that “his work performance was impacted as a result of the accident since he does not move as freely as he used to” and that “this entails picking up and moving heavy objects”.

Accordingly, Dr OS (Orthopaedic Surgeon) mentions that “he is competing in the workplace with many similarly qualified but physically able individuals” and that “should he lose his present position for whatever reason, the decompensated back may restrict his job
opportunities”. Dr OS (Orthopaedic Surgeon) maintains that the plaintiff “now finds himself in the situation of being a young active male who has a decompensated back and residual as well as symptomatic impairment” and that “his spinal disability will be more noticeable when greater physical stress is placed on his back”. Consequently, the deduction can be made that Mr Sample’s injuries will continue to have an impact on his productivity levels, even though his employer accommodated him in this regard.

Dr OS (Orthopaedic Surgeon) further argues that “he would probably be considered unsuited for a physically demanding job but may manage less demanding activities”. In addition, he states that “it is somewhat speculative but allowing he is accommodated for now, ongoing or increasing low back problems may lead to his working span being curtailed some 5 years”. Finally, Mr Manager (Supervisor) states that “his work performance was impacted as a result of the accident since he does not move as freely as he used to” and that “this entails picking up and moving heavy objects”. Taking the aforementioned physical limitations into consideration, Mr Sample’s type of occupation is categorised as medium to heavy duties, which means that he will struggle to install, repair, upgrade, and maintain refrigeration systems. Therefore, it could be accepted that the accident had an impact on Mr Sample and the progress in his career in terms of his basic salary and/or productivity levels.

Should Mr Sample become unemployed due to accident related injuries and not remain in his current level of employment as a Refrigeration Technician, he would sustain a loss calculated as follows: Loss of approximately R 168,000.00 (current salary) annually plus a yearly CPI increase up until retirement.

**Verdict: This scenario has a probability of 60% (Somewhat Probable).**

**10.3.3. Scenario 2.1: Pre-morbid: Promotion to Senior Technician**

Mr Sample would have been physically and mentally able to function in a more senior role, prior to the accident. He has demonstrated an excellent level of reasoning ability which points toward his ability to perceive and understand the relationships between complex verbal, numerical, and abstract ideas and concepts. Moreover, Mr Sample has approximately seven years’ work experience, along with an eager attitude to further develop himself by enrolling for, and completing applicable practical courses which will allow him to learn and grow within his current field of practice.
Based on his medical history prior to the accident, the plaintiff did not have any physical limitations he had pre-morbid which would have hindered possible promotion opportunities. Mr Manager (Supervisor) claims that his growth potential after the accident “depends on the line of work, for example the chances are greater that he would function better in an administrative role than in a position where physical activities are at play”. The accident, therefore had an impact on Mr Sample’s probable earnings as a Senior Technician since he was more able to operate in a physically-demanding senior position, had the accident not occurred. Dr OS (Orthopaedic Surgeon) believes that “the spinal problem will likely be persistent and increase in time”.

Taking into consideration Mr Sample’s level of education, age, experience, psychometric assessment results and skillset, there was a probability that he may have been promoted. A probable career path and promotion opportunity for Mr Sample entails becoming a Senior Technician. Should he have been promoted to a Senior Technician position, he would have progressed towards but not beyond a Paterson B5/C1 level. Taking his qualifications into consideration, it is not foreseen that he will progress further than a Paterson C4/C5 level before reaching career glass ceiling, as benchmarked in Table 12, page 25. Nevertheless, Mr Sample’s earnings will likely increase in future, beyond a Paterson C4/C5 level. In order to establish the likely earnings that Mr Sample could have received, one needs to be familiar with the remuneration of such a position. This will then give an indication of the remuneration likelihood that he may earn. Such an analysis was conducted and the results are indicated in Section 10.3.4.

Taking the abovementioned information into consideration, the writer reached the following verdict with regards to promotion opportunities prior to the accident:

Verdict: This scenario has a probability of 80% (Highly Probable).

10.3.4. Scenario 2.2: Post-morbid: Promotion to Senior Technician
Dr OS (Orthopaedic Surgeon) believes that “it is probably in the workplace that he has been most significantly affected” and that “he would probably be considered unsuited for a physically demanding job but may manage less demanding activities”. Correspondingly, Ms OT (Occupational Therapist) acknowledges that Mr Sample’s “current complaints entails pain in his back when handling loads and when working in bent postures for prolonged periods”. She further mentions that his limitations include “pain in his back, limited bending as result of the fusion as well as non-related knee pain”.

MEDICO-LEGAL REPORT FOR MR DEMO SAMPLE
10 April 2017
STRICTLY CONFIDENTIAL
Dr OS (Orthopaedic Surgeon) maintains that the plaintiff “now finds himself in the situation of being a young active male who has a decompensated back and residual as well as symptomatic impairment” and that “his spinal disability will be more noticeable when greater physical stress is placed on his back”. Consequently, these physical restrictions may hinder Mr Sample’s opportunity for promotion to a more senior position as it will, amongst other duties, demand him to handle medium to heavy materials.

In addition to the aforementioned, Ms OT (Occupational Therapist) recognises that “he will be better suited to work in a consulting capacity or within the training arena in his trade” as “the claimant currently appears suited to light to medium work”. The former statement is supported by Mr Sample’s performance on the ability tests since he can perceive and understand the relationships between complex verbal concepts and ideas, perceive the logical patterns and relationships between numbers and understand the rules that govern such patterns, and he can observe abstract logical relationships between novel material he has never encountered before and deduce the consequences of them using pure logic.

Taking into consideration Mr Sample’s level of education, age, experience and skillset, there is a probability that he may be promoted in the future. A possible career path and promotion opportunity for Mr Sample entails becoming a Senior Technician. Should he be promoted to a Senior Technician position, he would progress towards but not beyond a Paterson B5/C1 level in future. Therefore, the writer is of the opinion that Mr Sample would have reached a career glass ceiling on a Paterson C4/C5 level by the time he turns 60. In order to establish the likely earnings that Mr Sample could receive, should he be promoted to a Senior Technician position, one needs to be familiar the remuneration of such a position. This will then give an indication of the remuneration likelihood and subsequent losses that he might sustain. Such an analysis was conducted and the results were as follow:

<table>
<thead>
<tr>
<th>Peromnes Level</th>
<th>Paterson / FSA Level</th>
<th>Basic Salary R1000 per annum</th>
<th>Total Package R1000 per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LQ</td>
<td>MED</td>
</tr>
<tr>
<td>Unskilled</td>
<td></td>
<td>60</td>
<td>72</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>73</td>
<td>87</td>
</tr>
<tr>
<td>18</td>
<td>A1</td>
<td>84</td>
<td>99</td>
</tr>
<tr>
<td>17</td>
<td>A2</td>
<td>97</td>
<td>114</td>
</tr>
<tr>
<td>16</td>
<td>A3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-skilled</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>B1</td>
<td>113</td>
<td>133</td>
</tr>
<tr>
<td>14</td>
<td>B2</td>
<td>130</td>
<td>153</td>
</tr>
<tr>
<td>13</td>
<td>B3</td>
<td>148</td>
<td>170</td>
</tr>
<tr>
<td></td>
<td>B4</td>
<td>170</td>
<td>194</td>
</tr>
</tbody>
</table>
Mr Sample would most probably fall within the Middle Quartile for market related salaries, because of his general work and technician experience to date. The possible promotion position to Senior Technician is on a Paterson B5/C1 level. Should Mr Sample not be promoted due accident related injuries in future to the latter position, he would sustain a loss calculated as follows: Loss of approximately R 63,859.00 per annum (R 231,859.00 Senior Technician position salary minus R 168,000.00 current position salary) plus a yearly CPI increase from the year he turns 35, up to the year in which he retires.

Taking the above-mentioned information into consideration, the writer reached the following verdict with regards to promotion opportunities being limited for Mr Sample due to accident related injuries after the accident occurred:

**Verdict: This scenario has a probability of 60% (Somewhat Probable).**

**PLEASE NOTE:**
The aforementioned calculations should be seen as a guideline on the change that took place in the life of the client as a result of the accident that occurred. It should be taken into consideration that there are other deductions that should be considered as well, such as VAT. It is therefore recommended that the above calculations should be reviewed by an Actuary to ensure that an accurate figure is provided to report on the actual loss that the client sustained/will sustain in future. Furthermore, one must take into consideration all future...
treatment, medical equipment and all other losses as suggested by the various specialists, related to the accident in question.

In the case of the formal sector, the prediction of entrance into the labour market and career progress is usually based on the following guidelines:

<table>
<thead>
<tr>
<th>Qualification Level</th>
<th>Entry Level</th>
<th>Ultimate Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 10 (NQF level 02)</td>
<td>A1</td>
<td>B1</td>
</tr>
<tr>
<td>Grade 11 (NQF level 03)</td>
<td>A2</td>
<td>B3</td>
</tr>
<tr>
<td>Grade 12 (NQF level 04)</td>
<td>A3</td>
<td>B3/B4</td>
</tr>
<tr>
<td>Certificate (NQF level 05)</td>
<td>B3</td>
<td>C1/C2</td>
</tr>
<tr>
<td>Diploma (NQF level 06)</td>
<td>B4</td>
<td>C3/C4</td>
</tr>
<tr>
<td>B Degree (NQF level 07)</td>
<td>B4/B5/C1</td>
<td>D1+</td>
</tr>
</tbody>
</table>

Table 12: Apart from qualifications, the achievement of the ultimate levels depends on several factors, *inter alia*, supply of and demand for specific categories of labour, the availability of promotional opportunities, job performance of an incumbent, Affirmative Action policies, geographical location, etc. The complexity and duration of a qualification also influence the remuneration package (e.g., a 6-month certificate versus a two-year certificate, a BA Degree versus a BCom Accounting Degree, a BTech versus a BSc Engineering, etc.). It is crucial that the NQF level of a qualification be established as recognised by SAQA.

The objective is to project realistic, appropriate estimations of likely earnings, sourced from available data, *inter alia*:

- Deloitte & Touche Remuneration Guide;
- Wage Determinations published by the Department of Labour;
- PE Corporate Services National Salary Survey for all Incumbents;
- Wages negotiated by Bargaining Councils;
- Earning Guidelines published in The Quantum Yearbook 2017 (Dr Robert Koch); and
- Salaries advertised with vacant positions in current media (PayScale, LinkedIn etc.).
11. RETIREMENT

The following is stated in legislation: “Retirement age means from the age of 55 years (early retirement), through 60 years (normal retirement), to 65 years (compulsory retirement)”. Also, one must take into consideration the fact that normal retirement age in the formal sector could be considered as 65 years, and that very few people can afford to retire before that time. Just because a person has been retired by their employer, does not necessarily mean that they stop working. The less an individual earns, the greater the need to continue to work until the age of 65 years and, in some cases, even beyond that age.

With regards to early retirement prior to the accident, Mr Sample would have been able to manage and deal with the physical demands of his occupation. Dr OS (Orthopaedic Surgeon) states that “the spinal problem will likely be persistent and may increase in time” and that “ongoing or increasing low back problems may lead to his working span being curtailed some 5 years”.

Therefore, taking all information into consideration, early retirement is foreseen. Therefore, a loss should be calculated as follows: Loss of approximately R 63,859.00 per annum (R 231,859.00 Senior Technician position salary minus R 168,000.00 current position salary) plus a yearly CPI increase from the year he turns 55, up until he turns 60.

12. THE SOUTH AFRICAN LABOUR LEGISLATION IMPACT

It is important to understand the impact and role of the current Labour Legislation within South Africa, and therefore it will be discussed briefly and applied to the client. It will assist with understanding the different scenarios as discussed. The source that was used: Code of Good Practice: Key Aspects on the Employment of People with Disabilities (Government Gazette no. 23702 as published on 19 August 2002).

Government Gazette states that “People are considered as persons with disabilities when they satisfy all the criteria as included in the definition: Having a physical or mental impairment (physical impairment means partial or total loss of a bodily function or part of body), and which is long term or recurring, and substantially limits their prospects of entry into, or advancement in employment”.
When taking the South African Labour legislation into consideration, and the injuries sustained by Mr Sample, it seems that he should not be seen as an individual with impairment, and will therefore most likely not be protected by legislation for employment of persons with disabilities.

Additionally, Dr OS (Orthopaedic Surgeon) indicates that Mr Sample has a Whole Person Impairment (WPI) of 7%. However, according to the narrative test (as outlined on page 5 of his report) “the injury will probably leave him with significant long term implications”.

PLEASE NOTE:
Reasonable accommodation for the disabled: All employers should attempt to accommodate the needs of people with disabilities to a reasonable extent. The aim of the accommodation is accordingly to reduce the impact of the impairment on the person’s capacity to fulfil the essential functions of his/her job. Employers should also adopt the most cost-effective means of removing barriers for the persons with disabilities so that they will be able to perform their jobs and to enjoy equal access to the benefits and opportunities the employment has to offer. This implies that candidates who are suitably qualified for a particular job/position will be sufficiently accommodated during the recruitment and selection process, in the working environment, in the manner in which the work has to be conducted, evaluated, and rewarded, as well as in terms of benefits and privileges.

Employers’ modus operandi: Employers are also protected by the legislation in terms of reasonable accommodation. The employer may select and recruit any person who qualifies for the job (appropriate qualification, skills, experience etc.), but should not discriminate against an applicant who is disabled. The employer is however under no obligation to change facilities should the cost of altering these facilities be in excess of what the employer can afford. All facility accommodations and alterations should thus be within the financial capacity of the employer. If the requirements of a specific job are of such a nature that candidates should be without disabilities in order to perform optimally (needs to be proven) the employer may be justified in turning a disabled person down for the position.
13. CONCLUSION

It is important to take note that the opinions and recommendations provided in this document is based on the information provided at the time of compiling this report. The report is therefore subject to change, should any new information be provided, over the progression of time, changes in the client’s situation, and changes in the larger environment impacting the client.

13.1. Summary

On the 23rd of March 2015, at approximately 14H00 in the afternoon, Mr Sample reported that he was involved in an MVA on Stellenbosch Arterial Road (M12), just before the Kuils River Road (R300) intersection. The plaintiff reported that he did not lose consciousness at the moment of impact, and returned to work at Company 3 after exchanging details with the Hyundai driver. He recuperated for an intermittent period of approximately nine months during which he was not financially compensated for a total of four months. He sustained a cervical spine extension sprain and a low back sprain with left symptoms as a result of the accident. Correspondingly, he experiences back pain when he sits for prolonged periods, along with a constant sensation in his left leg while he is sitting, and his back pains every day during and after work.

Regarding the results of the psychometric assessments Mr Sample’s performance on the verbal, numerical and abstract reasoning components of the assessments indicate that he has a well above average level across the three ability tests. This suggests that he can perceive and understand the relationships between complex verbal concepts and ideas, perceive the logical patterns and relationships between numbers and understand the rules that govern such patterns, and he can observe abstract logical relationships between novel material he has never encountered before and deduce the consequences of them using pure logic.

Mr Sample is not a very assertive person and may try to avoid criticising other people, unless it is really necessary to do so. He is a fairly good listener and will often prefer to sort out people’s problems. In general, he prefers not to take the lead as he may feel uncomfortable telling other people what to do. Consequently, management is unlikely to interest him much. However, he is likely to have a balanced approach to work, not being too concerned to stick to established ways of doing things. Mr Sample seems to be a little more cautious and safety conscious than many people and, therefore he tends not to take risks unless the benefits are great. He will probably prefer a stable job in a large organisation where there is a clear career
structure and should be able to take most things in his stride and deal fairly well with work-related pressure.

When combining the general reasoning, occupational personality profile and occupational interest assessment results, and keeping in mind his current situation, it seems that Mr Sample would be most suited for occupations such as an Electronic Technician, Computer Operator, or Aircraft Mechanic. Taking into consideration his level of education and specific skillset, a relatively strong correlation was found between his preference and his current position, namely a Refrigeration Technician at Company 3.

13.2. Specialists’ Opinions:

13.2.1. Dr OS (Orthopaedic Surgeon):
Dr OS (Orthopaedic Surgeon) states that “he is competing in the workplace with many similarly qualified but physically able individuals” and that “should he lose his present position for whatever reason, the decompensated back may restrict his job opportunities”. Furthermore, he claims that Mr Sample “now finds himself in the situation of being a young active male who has a decompensated back and residual as well as symptomatic impairment” and that “his spinal disability will be more noticeable when greater physical stress is placed on his back”. Dr OS (Orthopaedic Surgeon) argues that “he would probably be considered unsuited for a physically demanding job but may manage less demanding activities”. In addition, “it is somewhat speculative but allowing he is accommodated for now, ongoing or increasing low back problems may lead to his working span being curtailed some 5 years” and that “the spinal problem will likely be persistent and increase in time”. Dr OS (Orthopaedic Surgeon) mentions that “it is probably in the workplace that he has been most significantly affected”. In summary, Dr OS (Orthopaedic Surgeon) indicates that Mr Sample has a Whole Person Impairment (WPI) of 7%. However, according to the narrative test (as outlined on page 5 of his report) “the injury will probably leave him with significant long term implications”.

13.2.2. Ms OT (Occupational Therapist):
Ms OT (Occupational Therapist) mentions that “the claimant is suited to stand however standing while bending prolonged cause pain in his back” and that “prolonged bending may additionally limit his productivity”. In addition, she notes that “the claimant currently appears suited to light to medium work” and that “future surgery to his back may additionally however limit his endurance in these strenuous postures, which will affect his productivity directly”. Ms OT (Occupational Therapist) states that the plaintiff’s “current complaints entails pain in his
back when handling loads and when working in bent postures for prolonged periods” and “pain in his back, limited bending as result of the fusion as well as non-related knee pain”. She recognises that “he will be better suited to work in a consulting capacity or within the training arena in his trade” as “the claimant currently appears suited to light to medium work”.

13.3. Employer’s Opinion:

13.3.1. Mr Manager (Supervisor):

Mr Manager (Supervisor) argues that “his work performance was impacted as a result of the accident since he does not move as freely as he used to” and that “this entails picking up and moving heavy objects”. However, he further mentions the plaintiff is “a hard-working guy who is always doing his best” and “he recently became a qualified technician and, therefore a salary increase is still due”. In addition, he claims that his growth potential after the accident “depends on the line of work, for example the chances are greater that he would function better in an administrative role than in a position where physical activities are at play”.

13.4. Industrial Psychologist’s Opinion:

Based on our investigation of Mr Sample’s accident and surrounding circumstances, we have summarised our opinion as follows:

<table>
<thead>
<tr>
<th>Scenarios</th>
<th>Probability</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Pre-morbid: Remained employed as a Refrigeration Technician</td>
<td>90%</td>
<td>Highly Probable</td>
</tr>
<tr>
<td>1.2 Post-morbid: Remains employed as a Refrigeration Technician</td>
<td>60%</td>
<td>Somewhat Probable</td>
</tr>
<tr>
<td>Scenario 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Pre-morbid: Promotion to Senior Technician</td>
<td>80%</td>
<td>Highly Probable</td>
</tr>
<tr>
<td>2.2 Post-morbid: Promotion to Senior Technician</td>
<td>60%</td>
<td>Somewhat Probable</td>
</tr>
</tbody>
</table>

*Table 13: The scenarios are explained in more detail in section 10.*
It is thus the opinion of the writer of this report that the client sustained/may sustain the following losses in past/future as a direct result of the accident in question:

a. Mr Sample should be compensated for all medical costs, consultations to various professionals as well as all transport costs occurred, related to the accident;

b. With regards to his past loss of income, a recuperation period loss was sustained as Mr Sample did not receive income for a duration of four months. This scenario has been discussed and quantified within the body of this report;

c. Should Mr Sample become unemployed due to accident related injuries, a loss should be calculated. As stated in Table 13, there is currently a 30% diminished probability for Mr Sample to remain employed as a Refrigeration Technician, due to the accident. This scenario has been discussed and quantified within the body of this report;

d. Should promotion opportunities become limited due to accident related injuries, taking into consideration Mr Sample not becoming a Senior Technician, a likely future loss is suggested. As stated in Table 13, there is currently a 20% diminished probability for Mr Sample being promoted to a Senior Technician, due to the accident. This scenario has been discussed and quantified within the body of this report;

e. The issue of post-accident retirement age remains the province of the medical experts involved. At the time of this report, a minimum of five years’ early retirement is projected. Details pertaining to early retirement in the plaintiff’s case, has been discussed and quantified in the body of this report. Therefore, the necessary loss should be calculated in this regard; and

f. To conclude, it is recommended that perhaps the most reasonable way of approaching this case, would be by means of an appropriately increased post-accident contingency deduction, the quantification of which goes beyond the scope of this report and would best be left to the legal teams involved.
14. DISCLAIMER

This report consists of information obtained from the plaintiff, through a collateral interview, behavioural observation, psychometric assessments conducted, together with a thorough evaluation of specialist reports that was provided at the time of compiling this report. The writer of this report, therefore takes no responsibility of any inconsistencies, omissions, or conflicting information that the client provided to the various specialists.

It is important to understand that the calculations provided in this report are not necessarily of an accurate nature, as it is used to provide guidance in determining the change in income that the client sustained as a result of the accident in question. It is recommended that an Actuarial report is utilised to report on the actual income and loss calculations.

The results of the psychometric evaluation are only valid for a period of 18 months from the date of assessment. In the case of requiring amendments after the 18 months have expired, the client will need to be re-assessed.

Yours faithfully,

BAREND PETRUS GERHARDUS MARITZ
Industrial Psychologist
PS 012 9828
15. ADDENDUM A

15.1. Bank Statements

15.2. National Senior Certificate

15.3. Electrician Module Certificates: Level 1 - 3

15.4. Practical Refrigeration Training Phase 2 Certificate

15.5. Certificate of Achievement: N2 Engineering Studies

15.6. Trade Test Report: Industrial Refrigeration Mechanic