



Can I quit my job while on workers compensation?

Author: [Megan Stanley](#)

Email: megans@hallpayne.com.au

Phone: 07 3017 2400

Date: Monday March 16, 2020

You have suffered an injury at work. The thought of returning to work causes you stress. Continuing to work for the employer is untenable. You feel unsupported by your employer. You feel that it is time to part ways and you are considering resigning while on workers compensation.

It may seem 'easier' for an injured worker to quit employment if there has been a breakdown in the employee-employer relationship.

While you can resign, it is extremely important to understand that resignation [may affect your Queensland workers compensation entitlements](#). Resigning may take away your rights to further entitlements.

You should ensure you obtain legal advice before resigning.

Receiving weekly benefits?

If you are receiving weekly compensation payments and you resign, your weekly payments may be terminated. In essence, you cannot be better off on workers' comp than you would be if you were working.

Resigning from your employment does not terminate your medical or rehabilitation expenses; only the weekly payments.

It is always best to seek legal advice before taking action such as resigning from your employment, even if you have not been able to undertake your duties for some time.

What if I have another job to go to?

If you resign to move to another job, on a lesser wage, you may not be able to claim the shortfall from the workers' compensation insurer. There may be exceptions to this and therefore, we recommend you seek legal advice so that you know your rights before resigning.

Notice Period

If you do make the decision to resign after taking legal advice, ensure you give your employer the correct period of notice otherwise you could miss out on your entitlements such as accrued annual leave.

Generally, an award, enterprise or registered agreement or contract will provide for the length of the notice period to be given.

The notice period commences on the day after you give notice to your employer that you are resigning from your employment and ends on the last day of your employment.

It is your decision to resign – it is not for an employer to agree or disagree with your resignation.

You should ensure you obtain legal advice before giving notice of your resignation to your employer.

Obligation to notify of a return to work

It is important to understand that, if you return to any type of work, whether it be paid, unpaid, voluntary or helping out a mate, you should inform the workers' compensation insurer. Otherwise, penalties and suspension of weekly payments may be imposed.

Your employer terminates your position

There is a protection in the workers compensation legislation that prevents an employer dismissing a worker solely or mainly because the worker is not fit for employment in a position because of the injury.

If you are suffering from the effects of a work-related injury or disease, your employer cannot use the injury or disease as a reason to dismiss you, within 12 months of you suffering the injury or disease.

[Termination of employment by an employer is a separate complex issue which could give rise to an unfair dismissal claim](#) or some other course of action. If your employer, at any time terminates your employment, you should immediately [seek legal advice from a lawyer experienced in employment law](#).

Legal advice and assistance continues during COVID-19

We continue to provide our client services during the coronavirus outbreak.

Most of our teams have now returned to their respective offices with others remaining fully equipped to work remotely, where necessary.

Get help from an employment lawyer

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: 1800 659 114

Email: general@hallpayne.com.au

This article relates to Australian law; either at a State or Federal level. The information contained on this site is for general guidance only. No person should act or refrain from acting on the basis of such information. Appropriate professional advice should be sought based upon your particular circumstances. For further information, please do not hesitate to contact Hall Payne Lawyers.