

Ending employment during workers compensation

Resigning from a job while on workers compensation

An employee can resign from their job while they're on workers compensation. They:

- have to give the correct notice period to their employer
- can use their workers compensation period as the notice period.

Notice periods can be different in each award and [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) . Check the [Resignation - how much notice \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/resignation-how-much-notice\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/resignation-how-much-notice) page for more information about notice periods under awards.

Dismissed by an employer while on workers compensation

If an employer dismisses an employee while they're on workers compensation, the employee has to be paid out their notice period instead of working it.

This is because the employee can't work their notice period when they're on workers compensation. For example, an employee who is entitled to 3 weeks' notice will get 3 weeks' pay instead of working.

The minimum notice periods can be different in each award and registered agreement. Check the [Dismissal - how much notice \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice) page for more information about minimum notice periods.

There may be protections in workers compensation legislation that prevent employees from being dismissed while on workers compensation.

Contact the [workers compensation regulator \(www.fairwork.gov.au/leave/workers-compensation/default\)](http://www.fairwork.gov.au/leave/workers-compensation/default) in your state or territory to find out about dismissing employees on workers compensation.

Redundancy while on workers compensation

If an employee's job is made redundant while on workers compensation, the employer has to:

- pay them the correct notice period
- pay out any entitlements, including redundancy pay if it applies.

Check the [Redundancy pay & entitlements \(www.fairwork.gov.au/ending-employment/redundancy/redundancy-pay-and-entitlements/default\)](http://www.fairwork.gov.au/ending-employment/redundancy/redundancy-pay-and-entitlements/default) page for more information about redundancy pay.

All awards and registered agreements have a consultation process for when there are major changes to the workplace, such as redundancies.

Employers have to talk to an employee on workers compensation if they decide to make a significant change in the workplace that will affect the employee's job. This has to occur as the decision is made, not when the employee comes back to work from workers compensation.

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

What to do next:

- Find pay rates using [PayCheck Plus \(http://paycheck.fwo.gov.au/PayCheckPlus.aspx\)](http://paycheck.fwo.gov.au/PayCheckPlus.aspx)

- Check to see [What award applies \(www.fairwork.gov.au/Awards---agreements/Awards/default\)](http://www.fairwork.gov.au/Awards---agreements/Awards/default)
- Find a registered agreement on the [Fair Work Commission website !\[\]\(694fcb4611893e9db5249daba48abfc1_img.jpg\) \(http://www.fwc.gov.au/index.cfm?pagename=agreementsfind\)](http://www.fwc.gov.au/index.cfm?pagename=agreementsfind)

Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in:

- [Paying wages \(www.fairwork.gov.au/Pay/paying-wages\)](http://www.fairwork.gov.au/Pay/paying-wages)
- [Penalty rates and allowances \(www.fairwork.gov.au/pay/penalty-rates-and-allowances/default\)](http://www.fairwork.gov.au/pay/penalty-rates-and-allowances/default)
- [Payslips and record keeping \(www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default\)](http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default)
- [Tax and superannuation \(www.fairwork.gov.au/Pay/tax-and-superannuation\)](http://www.fairwork.gov.au/Pay/tax-and-superannuation)
- [Agreements \(www.fairwork.gov.au/awards-and-agreements/agreements/default\)](http://www.fairwork.gov.au/awards-and-agreements/agreements/default)

Page reference No: 7576

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.