



ANDERSONS
S O L I C I T O R S

LawTalk Blog



On workers compensation? When must your employer provide you with suitable duties?

Author: [Jeff Widera](#)

Email: enquiry@andersons.com.au

Phone: 08 8447 4911

Date: Tuesday September 12, 2017

If you've been on [workers compensation](#) and are now able to return to work, either on a full time or a part time basis (and whether or not to your previous employment), your employer is obliged to provide suitable employment for you.

Suitable employment is work that you can undertake within safe limits as certified by a treating medical practitioner.

Where you can return to work, your employer is legally bound to provide duties for you, so far as reasonably practicable, the same as or equivalent to the employment you were undertaking immediately before your incapacity.

If your employer fails to provide suitable duties to you, and where those duties could conceivably be offered to you, you should confirm in writing that you are ready, willing and able to return to work with your employer and you should provide information about the type of employment that you consider you are capable of performing.

If your employer fails to provide similar employment for a period of one month subsequent to receiving formal notification from you about your readiness to return to work, you may apply to the South Australian Employment Tribunal for an order for your employer to act on your request.

It is the responsibility of the employer to convince Return to Work SA of their inability to provide suitable duties for you before they may be released from their responsibility to provide you with the suitable duties.

In the event that your employer is lawfully unable to provide suitable duties to you, you may be “detached” from your employer and the continuation of the workers compensation claim (including provision of vocational rehabilitation), becomes the responsibility of the relevant compensating authority (either EML, Gallagher Bassett or a self-insured employer).

If you have suffered a workplace injury that you are on workers compensation for and you believe that your employer is neglecting to provide you with suitable duties (which the employer is capable of providing), you should get in touch directly with today’s blog writer, [Jeff Widera](#) who can talk you through your rights and entitlements while on workers compensation and assist you with any action required.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.