



ANDERSONS
S O L I C I T O R S

LawTalk Blog



Injured at work during a notice period: a positive outcome for our client

Author: [Margaret Kaukas](#)
Email: enquiry@andersons.com.au
Phone: 08 8238 6636
Date: Thursday February 14, 2019

Andersons Solicitors was approached by a client who had suffered a very serious injury in her employment after falling from a height. At the time she suffered this injury, our client had been working out her notice period, having given her resignation a few weeks earlier. She had only two weeks of work left before her resignation took effect.

Our client lodged a workers compensation claim which was accepted by the compensating authority. However, the compensating authority determined that our client was only entitled to receive weekly payments for lost income for the two weeks remaining of her employment and that, after that, she had no ongoing entitlement to payment for lost income.

Our client sought a few different opinions but was told by multiple parties that the claims agent was correct, and that she had no entitlement to compensation for loss of income beyond the two weeks remaining of her notice period.

Our client then contacted [Margaret Kaukas](#) at Andersons Solicitors. After reviewing the matter Margaret advised our client that, contrary to the previous advice she had received, as she was certified as totally unfit for work, her resignation made no difference to her entitlement, and she was entitled to continue to receive weekly payments for lost income at least until she was fit to return to work for modified duties and even, possibly, beyond that time.

Margaret lodged an Application for Review in the SA Employment Tribunal and the claims agent immediately reversed their decision and accepted that our client was entitled to receive ongoing weekly payments. Our client recently received a significant backpay from the claims agent and is now receiving weekly payments for lost income.

While this example may be somewhat exceptional, it does demonstrate that people can make mistakes and opinions can differ. If you believe that your workers compensation claims agent has made a decision in relation to your claim which is incorrect, you should seek legal advice.

Andersons has a team of [workers compensation](#) lawyers who are highly experienced and effective advocates. If you have any questions about your workers compensation claim please do not hesitate to [contact Andersons Solicitors](#).

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.