

# A Balancing Act

Presented by  
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# Worker's Compensation OH+S Discrimination Termination



# Accident Compensation Act

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Beverley – s82(2A) – reasonable discipline

Charlie – s155A & B – suitable duties and unjustifiable hardship

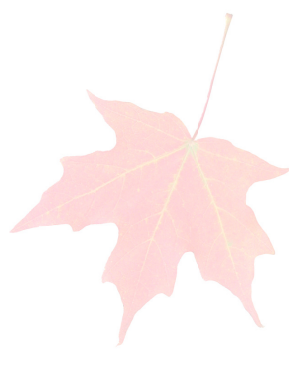


# OH+S

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Worksafe inspector – improvement notice

Harassment + discrimination policy  
defective



# Discrimination

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Charlie – inherent requirements of the position



# Termination

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Charlie → AIRC

Unfair = valid reason, fair process and other factors

Unlawful = physical or mental disability or temporary absence



# Unfair termination

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Valid reason : capacity

Fair process : notice

opportunity to be heard

Other factors : worksafe improvement notice

medical opinion

OH+S



## Unlawful termination

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Physical or mental disability – inherent requirements

Temporary absence – 3 months unless on sick leave



# Temporary absence

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Is absence on workcover = sick leave?

Can I never terminate an injured worker absent from the workplace?



## Critical considerations

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- \* Each case must be approached on its own facts
- \* Comprehensive medical opinion
- \* Consultation with injured worker & others
- \* On-going review of policies & position descriptions

