



Job protection

Workers Comp Fact Sheet 9

Can I be sacked while I'm on compensation?

It's important for Union Representatives and workers to know:

- A worker **cannot be dismissed within six months** of becoming unfit for employment under NSW Laws because they are not fit for work due to injury
- If a worker is dismissed because of the injury and they later become fit for their pre injury job, **the union can apply for them to be reinstated** under the NSW Law. This means providing a medical certificate confirming they are fit for their employment. The union has up to 2 years to make this application
- The union will often advise the employer of their intention to make this application at the time the worker is terminated.

Refer to your union for advice.

An application can be made to the Industrial Relations Commission of NSW for reinstatement by an injured worker who has been sacked **within 2 years** of the termination of employment. A worker can be reinstated to the same or different type of work.

For more information please contact your union. This Literature is recommended as a guide only and is not a substitute for professional or legal advice. If you need clarification or further advice please consult your Union for further information or *Contact the Workers Health Centre. The [Workers Health Centre](#) is a non-profit organisation that has provided workers with quality health and safety services since 1976.*

If you are an Injured Worker and in need of assistance and support when injured, please contact us

The Injured Workers Support Network

Address:

Phone:

Email:

Website:

The Injured Workers Support Network is a Not for Profit Organisation.

Who can participate?

- **All injured workers**
- **Any immediate family or support persons of injured workers.**

If interested in further information concerning meetings, membership or other forms of support for the Injured Workers Support Network, please contact us.