

Stopping or stopped work because of a disability?

There are many issues faced by people with a disability:

- When and how do I stop work?
- How do I keep my job if I can't do what I used to?
- What do I do if I can't work anymore?
- How am I going to pay the bills?

It's very important for people with a disability to be aware of their rights at work. Where work is no longer possible, superannuation or insurance benefits can remove some of the financial burden.

Freecall 1800 196 050

www.mauriceblackburn.com.au

Employment & disclosure – who should I tell?

Generally, you don't have to tell your employer about your condition unless it's relevant to the job or an occupational health and safety risk. It's important to assess what the reaction of your employer will be and to seek advice on this. In many cases telling your employer is a positive move – it may help explain any problems you are having at work and may result in changes to help you continue to work productively. If you don't get a job or insurance cover because of your disability, you may have a discrimination claim.

Employers must take reasonable steps to accommodate their employees' disabilities, including changing your work environment, allowing time off for medical treatment, changing work duties in some circumstances and allowing you to work part-time. If your employer won't help, you may have a legal claim under anti-discrimination workplace relations laws.

If you think you will be stopping work, you might be eligible

for employment termination payments. The amount you get paid may depend on why you leave work and whether it's voluntary or not.

Whether you are stopping work or starting work, get advice.

Superannuation & insurance disability benefits

Most superannuation policies include extra benefits for disability (sometimes known as Total and Permanent Disability (TPD) and Total and Temporary Disability (TTD) benefits).

A TPD benefit pays a lump sum if you can't do your usual job or any suitable work long term. A TTD benefit pays monthly payments if you can't do your usual job for now.

For TPD, you don't have to be unfit for all work to be eligible. For example, if you've only ever done manual work, it won't matter if the doctors say you could do office work.

You may also have income protection or other insurance lump sums through your work or privately.

Your injury or illness does not have to be work-related. For example, a heart attack, Chronic Fatigue Syndrome, Cancer, Multiple Sclerosis, Stroke, mental illness or an injury suffered at home, on the road or outside work can be used for your disability claim.

Centrelink Disability benefits and Veteran's Total and Permanent Incapacity (TPI) pensions may not be affected by making a claim.

Disability claims can be complicated and take a long time, but it's important that you find out about your rights. There are also strict time limits for appeals to the courts and ombudsman schemes.

Death & Terminal Illness (TI) benefits

Superannuation death benefits are usually lump sums or pensions paid to dependents or

interdependents of a deceased fund member. Terminal illness claims are usually the payment of a death benefit if you are diagnosed as having less than 12 months to live.

There are many important things to be aware of when considering these benefits. For example, the person you nominate as beneficiary is not necessarily going to receive the benefits. In the event where a partner of the deceased makes an application to the trustee of the super fund for the benefit, the trustee will try to contact all known dependents informing them of their right to claim. The trustee will then decide who gets the benefits between these dependents.

Some superannuation death benefit claims are complicated and can be stressful at a very sensitive time. Strict time limits can also apply.

Get advice about superannuation and insurance rights **before** you do anything.

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Checklist

If **any** of the following applies to you, please call 1800 196 050 to speak to a superannuation, insurance and employment law expert to find out your rights and entitlements:

- If you have already stopped work because of a disability;
- If you are thinking of stopping work because of a disability;
- If you want to change your work hours or duties because of a disability;
- If you are worried your employer might sack you;
- If you have been offered or might be offered a redundancy; or
- If you are thinking of returning to work.

Please get advice about your employment, superannuation and insurance rights **before** you do anything.

This is a free national advice service offered by Maurice Blackburn.