

## Making decisions about work

***A diagnosis of Parkinson's does not necessarily mean early retirement from the workforce. Depending on the type of employment, many people living with Parkinson's continue to work for the length of their intended careers.***

***This information sheet offers information and advice on some of the more complex issues that people with Parkinson's may face in the workforce.***

If you are still working, you may have questions about your employment and options. It's important to understand and consider the range of options available given your unique circumstances. Seeking professional guidance in relation to your employment and planning ahead is advised. The following information offers a starting point to addressing some of the questions you may have.

*The following information has been kindly prepared by Maurice Blackburn Lawyers. It is a general guide only to legal, superannuation and financial issues and is not a substitute for professional advice in these areas.*

### **Introduction**

When the time comes, deciding when and how to discontinue working is understandably a major concern for many people with Parkinson's. For others, the concern is how to *keep* working by cutting back hours or changing to lighter duties.

People with Parkinson's have rights in the workplace and their employers have obligations to make every effort to help them remain in the workforce.

It is important that individuals understand their rights, especially in relation to superannuation and insurance (and in particular disability benefits which eligible individuals can claim once they have stopped work), and the various government regulations that relate to them.

### **General Rule – Employment Law**

Employers must take reasonable steps to accommodate an employee's Parkinson's. This may take the form of:

- Changing your workstation by providing a supported chair, improving air-conditioning or moving to the ground floor
- Allowing you to take time off work or get medical treatment
- Changing your work duties in some circumstances
- Allowing you to work part time

## **Making decisions about work** *continued*

Legally your employer does not have to offer you a different job, although they cannot terminate your employment for at least 3 months.

Under some Workers Compensation legislation an employer must keep the job of a worker with a work-related disability open for at least 12 months.

Many employers know very little about Parkinson's and will be happy to help if you inform them of your situation and the condition.

However, if your employer is unwilling to help, you might have a legal claim. Under anti-discrimination laws or workplace relations laws, your employer may be forced to alter your working conditions or pay you compensation.

### Do I Have To Tell My Employer?

Generally, you don't have to tell your employer about your Parkinson's unless it's an Occupational Health and Safety risk (OH & S).

Also, your employer can't force you to see their doctor or sign authorities to obtain reports from your doctors. There are some exceptions such as for Workers Compensation claims.

However, in many cases telling your employer would be a positive move. It may help explain any problems you are having performing your work and may result in changes to your work which will mean you can continue to work productively.

It's important to assess what you think the reaction of your employer will be and perhaps enlist the help of your doctor, Union or a Parkinson's support group.

### Stopping Work

If you think you will be stopping work, you might be eligible for employment termination payments such as redundancy benefits, payment in lieu of notice or an *ex gratia* lump sum. The amount you are paid may depend on why you leave work and whether it's voluntary or not. It might also change the amount of tax you pay.

Do not resign or sign anything before getting appropriate advice. If you have already left work, seek advice immediately.

### Starting Work

Many employers ask job applicants to complete health questionnaires or undergo a medical check-up. If you are applying for a job, you do not have to tell an employer about your Parkinson's unless it's relevant to the job or is an Occupational Health and Safety risk (OH&S).

## **Making decisions about work** *continued*

You may be asked about health problems for employment superannuation or insurance. However, with most funds you can obtain disability cover even if you already have Parkinson's.

If you are unsuccessful in a job application or seeking insurance cover because of your Parkinson's, you might have a discrimination claim.

### Superannuation

If you are thinking of stopping work because of Parkinson's, you might be able to claim a disability lump sum or pension under your superannuation fund.

Most employment superannuation funds include disability benefits – usually lump sums – if you can no longer perform your usual job or any other suitable work permanently.

Some superannuation funds also pay disability pensions if you can't work for now – even if it's not permanent.

If your doctors agree that you should stop work because of Parkinson's, you should look at making a claim.

Other funds allow you to continue your disability cover after you leave work, as long as you take up the option within one or two months.

With most superannuation funds, you can make a disability claim at any time, but with a few funds, if you terminate your employment, it might affect your right to claim.

It's very important to get advice as soon as possible.

### Insurance

If you are unable to work because of Parkinson's you might also have insurance policies you can claim on, such as income protection, trauma, life insurance or mortgage protection and consumer credit insurance.

You might have income protection insurance through your employer or an association or from a personal policy.

Again, with some employer income protection policies, if you leave work it might affect your right to claim in the future.

If you are unsure of your rights, or if feel you are being "mucked around" by an insurance company, seek professional assistance.

## **Making decisions about work** *continued*

### Can I Appeal or Complain?

Yes. If you are discriminated against in the workplace or unfairly dismissed, you may have the right to appeal to a court or tribunal.

If your superannuation or insurance claim is rejected, you can appeal to the courts, to the Superannuation Complaints Tribunal or to an insurance complaints scheme.

It's really important to get advice about your rights.

### Where Can I Get Help?

Seeking the advice of professionals on these issues is essential. There are a number of specialists who can assist with information, advice and representation.

Law firm Maurice Blackburn offers a free ***Super and Insurance Advice Service*** that provides legal advice to people with Parkinson's and others. For further information and free legal advice, contact John Berrill at Maurice Blackburn: (03) 9605 2724.

### Checklist

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

Seek professional advice about your employment, superannuation and insurance rights and options BEFORE you make any decisions.

### **Information prepared by:**

John Berrill  
Maurice Blackburn  
Level 10, 456 Lonsdale Street, Melbourne  
Free call: 1800 810 812

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