



Can I resign while on workers' compensation in Queensland?

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Being on workers' compensation doesn't mean you're stuck in your job forever, but resigning while on WorkCover can come with legal and financial consequences. This article explains your rights and responsibilities under the *Workers' Compensation and Rehabilitation Act 2003* (Qld) if you're thinking about resigning while receiving WorkCover benefits.

We'll look at how it affects your weekly payments, your return-to-work plan, and the important steps to take **before** making a decision.

Can I resign while receiving workers' compensation?

Yes, you can resign while on workers' compensation in Queensland.

However, doing so can affect your entitlements, especially your weekly payments. Under the Queensland workers' compensation scheme, your right to benefits doesn't automatically end if you resign from your job. But why you resigned and whether you're able to work elsewhere matter.

How does resigning affect weekly compensation payments?

Your weekly WorkCover payments are based on your capacity to work and your pre-injury earnings. You can read more about these benefits in our earlier blog, ["A guide to workers' compensation weekly payments Queensland"](#).

The following scenarios consider what happens to your weekly payments if you resign while on WorkCover.

Scenario 1: You have no work capacity

If your doctor certifies that you remain totally unfit for work at the time you're considering resigning, your weekly compensation payments should continue even after you resign, because you're not capable of earning elsewhere.

Scenario 2: You have some work capacity

If you're certified as having partial capacity for work (maybe reduced hours or different duties), but you resign and don't return to any form of employment, WorkCover may reduce or stop your payments. This is because you're not participating in a return-to-work plan or earning any income.

If you do resign and WorkCover reduces or stops your payments, you should seek legal advice immediately.

[CALL US FOR FREE ADVICE: 07 3310 8729](tel:0733108729)

Do I need to give a reason for resigning?

You don't need a special reason to resign, but be cautious if you're thinking of leaving:

to avoid a difficult return-to-work process;

due to an unresolved workplace conflict;

because you believe your employer failed in their duty of care.

If any of the above applies, it's worth seeking legal advice before you resign, especially if a psychological injury is involved (for example, [bullying or harassment](#)) or if you're considering a [common law claim due to your employer's negligence causing your injury](#).

Can I work somewhere else while on WorkCover?

Yes, but only if your doctor has certified you fit for suitable duties or modified work.

If you resign and start working elsewhere:

you must notify WorkCover of this change;

your weekly payments may be reduced based on your new income;

your new employer must be informed of any restrictions (light duties, reduced hours etc) or support needs.

Failing to disclose new employment could be considered fraud, which has serious legal consequences.

Impact on return-to-work plans

WorkCover Queensland supports a return-to-work plan between you and your employer.

In Queensland, a return-to-work plan is a structured program designed to help an injured worker recover and gradually return to suitable employment (either in a partial or full capacity). They are tailored to the worker's work capacity and may involve modified duties or reduced hours.

If you resign while on WorkCover:

the existing return-to-work plan ends;

you may lose access to support like vocational rehab or job placement;

WorkCover may assess your rehabilitation options differently.

WorkCover's primary goal is to help injured workers return to some form of suitable work. That might be with a new employer if returning to your old job isn't an option.

Will resigning affect a common law claim?

If you're considering suing your employer for negligence through a common law claim, resigning won't stop you from doing so.

However:

your reasons for resigning may become evidence in the case;

it may affect how your loss of earnings is calculated.

If you believe your employer's negligence caused your injury, especially if it involved bullying, harassment or unsafe work practices, we recommend you seek legal advice before you resign.

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What happens to medical and rehabilitation expenses after

resigning?

Resigning does not affect your entitlement to medical expenses or rehabilitation if:

the treatment is for your work-related injury;

your doctor recommends ongoing support;

your claim is still open/ongoing.

These entitlements can continue until your statutory claim ends, which is usually when you reach maximum medical improvement or [accept a lump sum offer](#).

Steps to take before resigning while on WorkCover

If you're seriously thinking about resigning, here's our checklist of what to consider first.

Get legal advice

Speak to a lawyer experienced in workers' compensation claims about how resignation might affect your specific situation, especially if your injury is complex or a work-related conflict is involved.

Talk to your treating doctor

Make sure your doctor supports your decision and understands your current work capacity.

Communicate with WorkCover

Let WorkCover Queensland (or the self-insurer) know if you're thinking about resigning. They can explain how your payments or entitlements might change.

Review your return-to-work options

If you resign, you may need help finding new work or retraining. Ask if WorkCover will support this.

Understand your employment rights

If your resignation is due to workplace bullying/harassment or safety concerns, you may also have options under:

Fair Work Act 2009 (Cth)

Anti-Discrimination Act 1991 (Qld)

Work Health and Safety Act 2011 (Qld)

Get help from a workers' compensation lawyer

Being on WorkCover doesn't mean you have to stay in a toxic or unsafe work environment. But it's important to understand the consequences, so you can protect both your health and your entitlements.

Resigning while on workers' compensation in Queensland is allowed, but it's not always straightforward. It can affect your weekly payments and your return-to-work options. Before you make any decisions, talk to your doctor, WorkCover Queensland, and finally, a lawyer experienced in these types of claims.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.