



Friday, 17 September 2021

Weekly Employment Law A Weekly Bulletin listing Decisions of Superior Courts of Australia covering Employment Law

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Executive Summary (1 minute read)

Sara v G & S Sara Pty Ltd (NSWPIC) - workers compensation - COVID-19 - Mr Georges Sara (Mr Sara) diagnosed with COVID-19 in hospital in New York on 23/7/20 - Mr Sara died during hospitalisation due to COVID-19 complications on 21/11/20 - applicant was Mr Sara's widow and executor of Mr Sara's estate - Mr Sara died from injury sustained in course of employment with respondent - applicant was a dependant of Mr Sara - applicant entitled to weekly compensation and lump sum death benefit and expenses

McLeod v Mainfreight Distribution Pty Ltd (VSCA) - accident compensation - workplace injury - negligence - applicant claimed damages against respondent employer for workplace injury - primary judge dismissed claim - leave to appeal granted - appeal dismissed

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Summaries With Link (Five Minute Read)

Sara v G & S Sara Pty Ltd [2021] NSWPIC 286

Personal Injury Commission of New South Wales

Principal Member John Harris

Workers compensation - COVID-19 - Mr Georges Sara (Mr Sara) diagnosed with COVID-19 in hospital in New York on 23/7/20 - Mr Sara died during hospitalisation due to COVID-19 complications on 21/11/20 - applicant was Mr Sara's widow and executor of Mr Sara's estate - respondent was G & S Sara Pty Ltd - applicant claimed 'weekly compensation benefits' and 'lump sum death benefit' and 'funeral and associated expenses' - 'principal issue' was whether Mr Sara was in course of employment with respondent when he contracted COVID-19 - respondent claimed work performed which Mr Sara performed in United States was for Stoneglass Inc ('Stoneglass US') - respondent claimed it bore no liability under provisions *Workers Compensation Act 1987* (NSW) (*Workers Compensation Act*) - 'corporate structure of the Stoneglass Group' - "worker" - s19B *Workers Compensation Act* - s25 *Workplace Injury Management and Workers Compensation Act 1998* (NSW) - *Personal Injury Commission Act 2020* (NSW) - held: Mr Sara died from injury sustained in course of employment with respondent - applicant was a dependant of Mr Sara - applicant entitled to weekly compensation and lump sum death benefit and expenses - proceedings' balance stood over.

[Sara](#)

[From Benchmark Thursday, 16 September 2021]

McLeod v Mainfreight Distribution Pty Ltd [2021] VSCA 255

Court of Appeal of Victoria

Beach, Kaye & Osborn JJA

Accident compensation - workplace injury - negligence - applicant claimed damages against respondent employer for workplace injury - primary judge dismissed claim - applicant sought to appeal - whether proposed appeal grounds 'reasonably arguable' - whether 'real risk of injury' to applicant was 'reasonably foreseeable' - *Czatyрко v Edith Cowan University* [2005] HCA 14 - held: proposed appeal ground concerning foreseeability of risk of was reasonably arguable - even if appeal ground established, primary judge's decision was not vitiated by the error - no error concerning response of employer to risk - leave to appeal granted - appeal dismissed.

[McLeod](#)

[From Benchmark Tuesday, 14 September 2021]



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