

Enquiries: [hr@whittlesea.vic.gov.au](mailto:hr@whittlesea.vic.gov.au)

File reference: Covid19

15 October 2021

Justin Young  
C/- City of Whittlesea

Dear Justin

**Your capacity for work and employment: Authorised worker**

As you are aware, the *COVID-19 Mandatory Vaccination (Workers) Directions* recently came into effect, which mandate COVID-19 vaccination requirements for staff who are “authorised workers” who cannot perform all of their duties from home, on and from 15 October 2021.

You were identified as an employee whose role is subject to this direction.

You were notified of the requirement to comply with the *Mandatory Vaccination Directions* by email dated 6 October 2021 to all staff entitled “Important: Mandatory Vaccine Update”, and again by your line management in the week of 11 October 2021. You were requested to provide evidence by Friday 15 October of your vaccination status (or alternatively proof of a booking), to ensure you could continue to perform your role.

You were also advised that should you fail to fulfil these requirements, there may be serious consequences including termination of employment, as you may be considered legally unable to your job. You were advised that in those circumstances, you would be provided with a Show Cause Notice requiring you to provide evidence of why your employment should not be terminated, and that you would be given 7 days to comply with the requirement to be vaccinated, or to provide grounds for consideration as to why you believe you are exempt from the requirement.

Council understands that to date, you have not provided vaccination or exemption information.

In consideration of the inherent requirements of your role, as an “authorised worker” who cannot perform all duties from home, and your failure to meet the new mandated requirements to be able to perform your role, you have been assessed as no longer having the required capacity to perform your role.

Additionally, you have failed to follow one or more lawful directions: to provide information regarding your vaccination status, and/or to comply with the *Mandatory Vaccination Directions*.

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**Council Offices**

25 Ferres Boulevard, South Morang VIC 3752

**Mail to:** Locked Bag 1, Bundoora MDC VIC 3083

**Phone:** 9217 2170

**National Relay Service:** 133 677 (ask for 9217 2170)

**Email:** [info@whittlesea.vic.gov.au](mailto:info@whittlesea.vic.gov.au)

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This conduct is a breach of the *Code of Conduct for Staff and Others* and your contract of employment. In accordance with the *Code of Conduct for Staff and others* and the *Disciplinary Policy and Procedures*, this constitutes misconduct and/or serious misconduct.

### Show Cause

Council now requires you to provide evidence that you satisfy the requirements of the *COVID-19 Mandatory Vaccination (Workers) Directions*, that is, that you have:

- received at least one dose of a recognised COVID-19 vaccination (or have booked an appointment do so), by 22 October 2021 (noting the second dose is due by 26 November 2021), or
- provided us with evidence from a medical practitioner certifying that you have a “medical contraindication” for the purposes of the *Mandatory Vaccination Directions*. This means a contraindication to the administration of a COVID-19 vaccine as determined by the Australian Technical Advisory Group on Immunisation's (ATAGI) clinical guidance on the administration of COVID-19 vaccines in Australia.

If you do not provide the requisite evidence of compliance (or exemption), your employment may be terminated.

Council is now also considering if any disciplinary action should be taken with respect to the breach of your employment obligation to follow lawful directions, including ending your employment.

Before a final decision regarding your employment is made, you are invited to provide evidence that you do in fact meet the requirements of the *Mandatory Vaccination Directions* and consequently have the requisite capacity to perform your role, and to respond and “show cause” why your employment should not be terminated as a result of the specified breaches of your contract of employment.

Your final response is requested in writing by COB **Friday 22 October 2021**. Please send your response, and any other documentation you would like us to consider, by email to [Dario.cecala@whittlesea.vic.gov.au](mailto:Dario.cecala@whittlesea.vic.gov.au)

- During this seven-day period, Council will contact you to discuss your individual circumstances that may be impacting on your vaccination decision.
- At the end of the seven days, your response will be considered and discussed with you.
- We will contact you shortly after the seven-day period ends, to deliver the outcome of this process.

If you do not respond by the end of the seven days, Council will make its determination on the information available.

### Immediate suspension from duties

Due to the serious legal obligations placed on Council with respect to this matter, you are directed to take leave with pay on and from 18 October 2021, pending resolution of this matter. This leave will not deplete your accrued entitlements. During this period, you are directed not

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to attend the workplace or to perform work for Council, other than as specifically directed by Council in writing. You continue to be bound by your employment obligations during this time.

### **Support**

We understand this may be an upsetting time for you. If you wish, you may seek assistance through the Employee Assistance Program (EAP) Caraniche on 1800 099 444. The EAP is a confidential counselling program and is available on a self-referral basis free of charge to you.

We also encourage you to seek advice from your GP, and to access the Australian Government Q&A website on COVID-19 vaccines available at <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/is-it-true>.

You are also welcome to contact me to discuss the matter.

Yours sincerely



**Craig Lloyd**  
**Chief Executive Officer**

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