6 January 2022

[Insert Company Name]

[Insert Company Address]

[Insert Company Email]

To the WHS Manager

In reference to the vaccine mandate currently being enforced by the aforementioned company under the instruction on the Chief Health Officer of Tasmania referencing the Public Health Act. It must be noted that the vaccine mandate has been issued to the workplace and therefore falls under the jurisdiction of the WHS Act – Tasmania 2012. The work health and safety act lists the duties of the person conducting a business or undertaking (“PCBU”) to consult with workers:

***Division 2 – Consultation with workers***

 ***47. Duty to consult workers***

1. *The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this Division and the regulations, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.*

*Penalty: In the case of –*

* 1. *an individual, a fine not exceeding $20 000; or*
	2. *a body corporate, a fine not exceeding $100 000.*
1. *If the person conducting the business or undertaking and the workers have agreed to procedures for consultation, the consultation must be in accordance with those procedures.*

*The agreed procedures must not be inconsistent with section 48.*

***48. Nature of consultation***

1. *Consultation under this Division requires –*
	1. *that relevant information about the matter is shared with workers; and*
	2. *that workers be given a reasonable opportunity –*
		1. *to express their views and to raise work health or safety issues in relation to the matter; and*
		2. *to contribute to the decision making process relating to the matter; and*
	3. *that the views of workers are taken into account by the person conducting the business or undertaking; and*
	4. *that the workers consulted are advised of the outcome of the consultation in a timely manner.*
2. *If the workers are represented by a health and safety representative, the consultation must involve that representative.*

***49. When consultation is required***

1. *Consultation under this Division is required in relation to the following health and safety matters:*
	1. *when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
	2. *when making decisions about ways to eliminate or minimise those risks;*
	3. *when making decisions about the adequacy of facilities for the welfare of workers;*
	4. *when proposing changes that may affect the health or safety of workers;*
	5. *when making decisions about the procedures for –*
		1. *consulting with workers; or*
		2. *resolving work health or safety issues at the workplace; or*
		3. *monitoring the health of workers; or*
		4. *monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
		5. *providing information and training for workers;*
	6. *when carrying out any other activity prescribed by the regulations for the purposes of this section.*

[highlight added for affect]

I draw your attention to the attached information in relation to the serious safety concerns, the lack of medical evidence and long-term safety studies that the vaccines being mandated have [Refer **APPENDIX A** and associated Appendix]. Serious concerns are raised as these experimental medical treatments may potentially cause for all workers, contractors, sub-contractors and visitors to our workplace and the potential for adverse reactions and potential harm.

This potentially is a serious breach of the WHS Act – Tasmania 2012 as a failure to provide a safe workplace that may be determined as reckless conduct. It must be noted that there are severe penalties for this offence:

***Division 5 – Offences and penalties***

***30. Health and safety duty***

*In this Division – health and safety duty means a duty imposed under Division 2, 3 or 4 of this Part.*

***31. Reckless conduct Category 1***

1. *A person commits a Category 1 offence if –*
	1. *the person has a health and safety duty; and*
	2. *the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness; and*
	3. *the person is reckless as to the risk to an individual of death or serious injury or illness.*

*Penalty: In the case of –*

1. *an offence committed by an individual (other than as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking), a fine not exceeding $300 000 or a term of imprisonment not exceeding 5 years, or both; or*
2. *an offence committed by an individual as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking, a fine not exceeding $600 000 or a term of imprisonment not exceeding 5 years, or both; or*
3. *an offence committed by a body corporate, a fine not exceeding $3 000 000.*

Additionally, the adverse reactions currently recorded by the TGA - Therapeutic Goods Administration list four serious illnesses:(1) Myocarditis & pericarditis (2) Thrombosis with thrombocytopenia syndrome (3) Guillain-Barre Syndrome (4) immune thrombocytopenia. These all very serious illnesses that can be life threatening and can seriously affect the quality of life of the sufferer. The workplace will potentially become hazardous if any worker suffers a serious adverse reaction relating to these vaccines, particularly when conducting high risk work activities. The WHS Act – Tasmania 2012 has listed the PCBU primary duty of care as:

***Division 2 – Primary duty of care***

***19. Primary duty of care***

1. *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of –*
	1. *workers engaged, or caused to be engaged by the person; and*
	2. *workers whose activities in carrying out work are influenced or directed by the person –*

*while the workers are at work in the business or undertaking.*

1. *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
2. *Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable –*
	1. *the provision and maintenance of a work environment without risks to health and safety; and*
	2. *the provision and maintenance of safe plant and structures; and*
	3. *the provision and maintenance of safe systems of work; and work activities.*

We are currently inoculating the entire Tasmanian workplaces with a vaccine that does not prevent transmission and is therefore NOT A SUITABLE control measure to prevent to exposure of the vulnerable at the workplace. There are insufficient safety studies on any of these vaccines and the safety, health and wellbeing of all workers must be at the forefront.

The documents attached [Refer **APPENDIX A** and associated Appendix] provide more detail on the very serious concerns about the vaccines altering DNA and their potential to cause cancer. These issues alone are justification to immediately halt the Mandate pending further investigation. The PCBU's of the aforementioned company are now placed on notice that they will now be exposed to litigation and possibly the crime of reckless conduct should an incident occur whereby the Government regulator and the coroner determine that the vaccine was the cause of the fatality(s).

Under the WHS Act – Tasmania 2012 consultation and co-operation in relation to protecting the health and safety of workers and other people by eliminating or minimising risks arising from work or workplaces. The vaccines are a potential cause of harm and will possibly increase the risk of serious incidents and events across the workplace. The PCBU's are obligated to address the issues raised and immediately contact the Tasmanian Government for an urgent response to the safety concerns raised.

I trust that the utmost importance will be placed on the serious safety concerns raised and the immediate halt to the vaccine mandate be issued to all stakeholders.

I would appreciate a response within 7 days or further actions will be taken.

Regards

[Print Name]

**Attachment:**

**APPENDIX A**\_COVID-19 VACCINE MANDATE OHS\_WHS Risk Assessment for the Workplace (plus associated Appendix)