22 December 2021

[Insert Company Name]

[Insert Company Address]

[Insert Company Email]

To the WHS Manager

This correspondence is in reference to the mandatory vaccination currently being enforced by the aforementioned company under the instruction on the Chief Health Officer of Victoria 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 OHS Act – Vic 2004 the occupational, health and safety act lists the duties of the employer to consult with workers:

Part 4—Duty of employers to consult

S. 35 substituted by No. 49/2018 s. 19.

35 Duty of employers to consult with employees

(1) When doing any of the following things, an employer must so far as is reasonably practicable consult in accordance with this section with the employees of the employer who are or are likely to be directly affected by the employer doing that thing—

(a) identifying or assessing hazards or risks to health or safety at a workplace under the employer's management and control or arising from the conduct of the undertaking of the employer;

(b) making decisions about the measures to be taken to control risks to health or safety at a workplace under the employer's management and control or arising from the conduct of the undertaking of the employer;

(c) making decisions about the adequacy of facilities for the welfare of employees of the employer;

(d) making decisions about the procedures for any of the following—

(i) resolving health or safety issues at a workplace under the employer's management and control or arising from the conduct of the undertaking of the employer;

(ii) consulting with employees of the employer in accordance with this section;

(iii) monitoring the health of employees of the employer and the conditions at any workplace under the employer's management and control;

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. Serious concerns are raised as these experimental medical treatments may potentially cause for all workers, contractors, sub-contractors & visitors to our workplace and the potential for adverse reactions and potential harm.

This potentially is a serious breach of the OHS Act – Vic 2004 as a failure to provide a safe workplace that may be determined as workplace manslaughter. It must be noted that there are severe penalties for this offence:

Division 2—Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019

187 Workplace manslaughter

(1) Part 5A as inserted by Part 2 of the amending Act applies to offences alleged to have been committed on or after that insertion.

S. 187 inserted by No. 50/2019 s. 8.

(2) If an offence against section 39G (1) or (2) is alleged to have been committed between 2 dates, one before and one after the insertion of Part 5A, it is alleged to have been committed before that insertion.

(3) If an offence against section 144(1) arising in respect of a contravention of section 39G (1) is alleged to have been committed between 2 dates, one before and one after the insertion of Part 5A, it is alleged to have been committed before that insertion.

(4) In this section—

***amending Act*** means the **Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019**.

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 are all very serious illnesses that can be life threatening and can seriously affect the quality of life of the sufferer. The workplace may potentially become hazardous if any worker suffers a serious adverse reaction to these vaccines, particularly when conducting high risk work activities.

Division 2—Main duties of employers

21 Duties of employers to employees

(1) An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.

1. 1800 penalty units for a natural person;

9000 penalty units for a body corporate.

(2) Without limiting subsection (1), an employer contravenes that subsection if the employer fails to do any of the following—

(a) provide or maintain plant or systems of work that are, so far as is reasonably practicable, safe and without risks to health;

(b) make arrangements for ensuring, so far as is reasonably practicable, safety and the absence of risks to health in connection with the use, handling, storage or transport of plant or substances;

(c) maintain, so far as is reasonably practicable, each workplace under the employer's management and control in a condition that is safe and without risks to health;

(d) provide, so far as is reasonably practicable, adequate facilities for the welfare of employees at any workplace under the management and control of the employer;

We are currently inoculating the entire State of Victoria at the workplace with a vaccine that does not prevent transmission and is therefore NOT A SUITABLE control measure to prevent the 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 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 industrial manslaughter should an incident occur whereby the Government regulator and the coroner determine that the vaccine was the cause of the fatality(s).

Under the OHS Act consultation & 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 Employers are obligated to address the issues raised and immediately contact the Victorian 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 Risk Assessment for the Workplace (plus associated Appendix)