



Transport Workers' Union of NSW

Richard Olsen State Secretary | P: 1800 729 909 | F: 02 8610 8099 | E: info@twunsw.org.au | W: www.twunsw.org.au

ABN: 77 710 588 395

2 September 2021

The Hon Gladys Berejiklian MP
Premier
GPO Box 5341
SYDNEY NSW 2001

Dear Premier,

The Transport Workers' Union has significant concerns about the industrial relations consequences of your Government's COVID-19 vaccine mandates for authorised workers in LGAs of concern.

As you would be aware, from this coming Monday 6 September any authorised worker living in an LGA of concern will not be permitted to leave their LGA for work unless they have received their first COVID-19 vaccine dose or have a medical contraindication certificate.

The TWU supports vaccinations and encourages everyone able to be vaccinated to get the jab. However, for those who haven't been vaccinated by Monday (either because of difficulties in accessing the vaccine, or in some cases personal choice), there is significant uncertainty about the status of their employment.

It is the TWU's understanding that under existing industrial relations law, any worker who is unable to work due to this Public Health Order will not be automatically entitled to access paid or unpaid leave. While some employers will allow affected workers to access such entitlements, there is no obligation on the employers' part to do so.

Furthermore, it is unlikely that employers will be able to use 'stand-down' provisions for these workers either – meaning that affected workers will effectively be left in limbo for the duration of this Public Health Order. The TWU is extremely concerned that if this remains the case beyond Monday, that affected workers may have no protections from dismissal.

I urge you to work with the Prime Minister and the Federal Government to introduce industrial protections for these workers affected by your Government's Public Health Orders, similar to the temporary measures that were introduced for workers under the JobKeeper scheme last year.

While I acknowledge that industrial relations is predominantly the domain of the Federal Government, given it is your Government's Public Health Orders causing this uncertainty it is incumbent on you to provide all workers who will be prevented from working under your Public Health Orders with the assurance that they will not be at risk of dismissal and that they will be able to access accrued leave entitlements while unable to work.

I also urge you to reconsider allowing workplace rapid antigen testing as an alternative option, given many major transport companies were prepared to implement it to allow their workforce to continue working.

AUSTRALIA'S STRONGEST UNION, GIVING TRANSPORT WORKERS A POWERFUL VOICE SINCE 1888

MINCHINBURY

22 John Hines Avenue,
Minchinbury NSW 2770
PO Box 54 Mount Druitt, NSW 2770
P: 1800 729 909 F: 02 8610 8099

NEWCASTLE

5 Canavan Drive,
Beresfield NSW 2322
P: 02 4969 3900
F: 02 4962 2614

WOLLONGONG

59 Princes Highway,
West Wollongong NSW 2500
P: 02 4229 1753
F: 02 4228 5129

I have written to the Prime Minister and Federal Minister for Industrial Relations in similar terms, and await your urgent reply addressing these concerns.

Yours sincerely,



Richard Olsen
TWU NSW/QLD State Secretary

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