

David Berlusconi

From: David Berlusconi
Sent: Tuesday, 30 June 2020 10:04 AM
To: John Austin
Cc: Michael Clements
Subject: RE:

Hi John,

I feel your frustration.... But I think regardless of whether the is milking the system or not, if we terminated him now, it would appear (at least prima-facie), that the termination was a result of him taking excessive leave due to a medical illness.

This would give him a strong argument that we have breached general protection laws as well as unlawfully terminating him. The problem is in the general protection arena, it is not like the unfair dismissal jurisdiction. The damages here are uncapped and the employer is taking to be guilty. Essentially we bear the onus of proof to show we did not take adverse action against the employee regarding him exercising a "workplace right". Additionally the laws enable the employee to not only take action against the Group, but also individuals in the group. For example, I myself have taken general protection claims against union officials in my previous role. It does happen more often than people think.

Even if we could establish in evidence that the termination was due to another reason (which I don't think we can at the moment) and, Raymond was not treated less favourably due to any medical illness, then it would still be a very costly and time consuming exercise to run this if he commences proceedings on this basis.

Regards.

David Berlusconi
Human Resources Manager
Australian Automotive Group Pty Limited
60 O'Riordan Street, Alexandria
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From: John Austin
Sent: Tuesday, 30 June 2020 9:34 AM
To: David Berlusconi
Cc: Michael Clements
Subject: RE:

David,

What makes you think he is going to return in order to have a welfare meeting?

We haven't seen Ray since 18/3!!!

He is going to continue to milk Jobkeeper until the end of the program.

He is still costing AAG money and his long term absence has proven we don't need him.

Can't we find a way to just cut him loose.

Regards

John Austin

Dealer Principal Brad Garlick Ford/Ryde Hyundai/Ryde Isuzu Ute Australian Automotive Group Pty. Limited Phone (02) 9807 2933 Mobile 0418 600 561 Email jaustin@austautogroup.com.au

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-----Original Message-----

From: David Berlusconi
Sent: Tuesday, 30 June 2020 8:39 AM
To: John Austin
Cc: Michael Clements
Subject: RE:

Hi John,

I will organise a welfare meeting with him upon his return.

Regards.

David Berlusconi
Human Resources Manager
Australian Automotive Group Pty Limited
60 O'Riordan Street, Alexandria
NSW, 2015, Australia
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M | +61 417 293 398 E | dberlusconi@aag.com.au

From: John Austin
Sent: Monday, 29 June 2020 5:05 PM
To: David Berlusconi
Cc: Michael Clements
Subject: FW:

David,

New excuse on the certificate.

Please, we need to end this.

Regards

John Austin

Dealer Principal Brad Garlick Ford/Ryde Hyundai/Ryde Isuzu Ute Australian Automotive Group Pty. Limited Phone (02) 9807 2933 Mobile 0418 600 561 Email jaustin@austautogroup.com.au<<mailto:jaustin@austautogroup.com.au>>

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From: Jason Bozzi

Sent: Monday, 29 June 2020 5:03 PM

To: John Austin

Cc: Michael Clements; David Berlusconi

Subject: FW:

fyi

From: raymond jedlicka [mailto:raymond_jedlicka@hotmail.com]

Sent: Monday, 29 June 2020 5:02 PM

To: Jason Bozzi

Cc: jbozzi@aag.com<<mailto:jbozzi@aag.com>>

Subject:

To Whom it may concern,

Hope this email finds you well.

Please find enclosed a medical certificate as I am unfit to work.

If any questions please do not hesitate in contacting myself.

Sincerely,

Raymond Jedlicka

TOP RYDE MEDICAL CENTRE
-FAMILY PRACTICE-
BULK BILLING
OPEN 7 DAYS
Weekdays
8am - 9pm
Weekends & Public Holidays
9am - 4pm

46 - 48 Blaxland Road
Top Ryde, N.S.W. 2112

Phone: 9807 4447
Fax: 9808 4499

A.B.N. 95 068 669 643

Medical Certificate

28/06/2020

THIS IS TO CERTIFY THAT

Mr Raymond JEDLICKA is required to care for his sick mother from

28/06/2020 to 12/07/2020 inclusive.



Dr Phillip Grove
MBBS443356X