

David Berlusconi

From: David Berlusconi
Sent: Tuesday, 18 December 2018 1:32 PM
To: Andrew Donaldson
Cc: John Sultana; Victor Sultana
Subject: RE: Updated Medical Certificate

Hello Andrew,

Currently, the certificate does not indicate the care and support you need to provide is because of an illness or injury and therefore, does not meet the evidentiary requirements. The FWO advised me they would also tell you this and simply get you to organise an updated certificate. I would recommend telephoning the surgery and simply asking them to confirm "the care and support you need to provide is because of an illness or injury". I expect this will not be a problem.

Regards
David

From: Andrew Donaldson
Sent: Tuesday, 18 December 2018 1:04 PM
To: David Berlusconi
Cc: John Sultana; Victor Sultana
Subject: RE: Updated Medical Certificate

David,

A medical condition is a medical condition. This covers illnesses, injuries and everything in between. Please see below quote from the email.

"The Fair Work Act does not make a distinction as to the circumstances in which the reason(s) for the leave arises, in this case your partner having elective surgery. The fact that the surgery was elective or of a particular nature is not a factor under the NES, it is sufficient that a member of your immediate household requires support and/or care in her recovery period following surgery.

The employer is entitled to request evidence of the reasons for the leave, and as the FWO web site clarifies (see <https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates>):

Types of evidence needed for sick / carer's leave

Medical certificates or statutory declarations are examples of acceptable forms of evidence. While there are no strict rules on what type of evidence needs to be given, the evidence has to convince a reasonable person that the employee was genuinely entitled to the sick or carer's leave."

As my partner has had major surgery, it would be unreasonable to not expect her to require care.

I trust that you are reasonable with this, and a reasonable person would accept the certificate as it stands.

I have attached it once more for your perusal.

I am now having extreme anxiety over this whole situation and am no longer sleeping at night. I have had to seek medical advice and am now on medication to help with this. I have also done everything in my power to ensure that the business is not impacted by my required leave, but it seems as though this is now becoming discriminatory. I do

not wish to take this any further, so I respectfully request that this is now approved. My partner is due out of hospital tomorrow and I will be picking her up as soon as I receive the phone call.

Regards

Andrew Donaldson
Assistant New Vehicle Sales Manager
Power Ford
Cnr Victoria & Hoyle Avenue
Castle Hill NSW 2154
Ph: 02 9680 4799
Fax: 02 9899 2198
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-----Original Message-----

From: David Berlusconi
Sent: Tuesday, 18 December 2018 12:33 PM
To: Andrew Donaldson
Cc: John Sultana; Victor Sultana
Subject: RE: Updated Medical Certificate

Hello Andrew,

I think there has been some misunderstanding. When I had spoken to the FWO I was very clear in saying the certificate needed to state that the time off required was to provide care and support "because of a medical illness or injury". When this comes through, Payroll should be able to process it as carers leave.

Regards
David Berlusconi
Human Resources Manager

From: Andrew Donaldson
Sent: Tuesday, 18 December 2018 11:23 AM
To: David Berlusconi

Cc: John Sultana; Victor Sultana
Subject: Updated Medical Certificate

David,

Please find the updated certificate attached as per your request.

I trust that this satisfies your requirements.

Regards

Andrew Donaldson
Assistant New Vehicle Sales Manager
Power Ford
Cnr Victoria & Hoyle Avenue
Castle Hill NSW 2154
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Dr Mahyar AMJADI
FRACS (Plast), FRACDS
Specialist Plastic Surgeon
4884394J

18/12/2018

Ms Samantha Parsonage
43 Stephan Street
HORNSBY NSW 2077

To whom it may concern,

This letter is to confirm that Mr Andrew Donaldson is unfit for usual duties from 19 December 2018 to 7 January 2019 inclusive as he is required to act as carer for Samantha Parsonage who is unable to care for herself and 3 dependents due to receiving treatment for a medical condition.

If you have any questions please do not hesitate to contact us at any time.

Best regards



Dr Mahyar AMJADI
FRACS (Plast), FRACDS
Specialist Plastic Surgeon

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