

INQUIRY INTO TEACHER SHORTAGES IN NEW SOUTH WALES

Name: Mrs Lauren Waterhouse

Date Received: 27 June 2022

Good afternoon Mr Latham,

I am writing to you in response to your request for information regarding NSW Educators being terminated or their treatment in response to the Covid-19 Vaccination Mandates..

I thank you for taking an interest in this matter and hope that you are able to obtain a favourable and just outcome for educators within NSW.

I am a fourth generation teacher who has been working for the NSW Department of Education (DOE) at Blue Haven Public School (BHPS) exclusively as a temporary Classroom Teacher since 2011. I was considered a regular and preferred teacher, obtaining contracts annually since 2011 while being supported during Maternity Leaves and when returning from Maternity Leave to be employed on Temporary Part-Time basis. This allowed me the flexibility I needed to raise my own children.

On August 27th, I received a state-wide email from the Department of Education (DOE) Secretary, Georgina Harrison, informing me that all school staff would be required to be vaccinated with Covid-19 vaccines. During a small group Zoom meeting and a whole school Zoom meeting the school Principal, Dale Edwards, conveyed what he could about the imposed mandate. During these meetings myself and other staff members asked a number of questions on topics including, legality, Public Health Orders, options, safety, etc.

On October 14th, I received information from the teacher that I share a Year 4 class with who informed me that a newly finished intern had been telling staff members that she would be taking our class for the remainder of the year as neither of us (my colleague or I) were vaccinated. My colleague asked our principal, who confirmed this.

On October 15th, I asked to be contacted by Dale, prior to the phone conversation that followed I had had no personal contact with Dale since August 27th's announcement. During the conversation I spoke about the rumours of my class being covered and asked how that could be as I hadn't had a conversation with Dale about my vaccination status, to which he replied that after my reaction to the mandate he assumed my vaccination status. He also said that he had been "kept in the loop" by other staff.

He then laid out some things that would or he speculated would happen if I didn't get vaccinated, these included termination and deregistration. When I became emotional stating that I was worried about the short term and long term adverse effects that are unknown from the vaccines and I wanted to have time to decide for my health and my family's well being and that I hadn't done anything wrong he replied that I wasn't following a directive and was doing something wrong. During this conversation I asked if supplying regular Rapid-Antigen Tests (RATS) would be an option for those unvaccinated to return to work. Dale responded by saying that wasn't part of the Public Health Order (PHO) or the directive from the DOE in which being vaccinated with a Covid-19 vaccine would be a condition of employment.

After consideration of this conversation and the impact on my mental health I reported it through the Incident Report and Support Hotline. Following an email I sent to Dale about the conversation I have been unable to communicate with him verbally due to fear that he will say things verbally that he then contradicts later.

Due to the stress that these issues have caused I was required, under medical guidance by my regular General Practitioner, to take sick leave for anxiety and depression.

Upon obtaining a medical certificate (19/10/21-18/11/21 inclusive) for the extreme impact to my mental health, I informed both Dale and deputy principal of my leave and entered the details through the DoE SAP portal on 20/10/2021. On 21/10/2021, Dale denied my leave request. He agreed to only approve part of my leave, up until the date of November 5th, 2021, stating it was due to the DoE guidelines to not approve any leave after November 8th, 2021.

On 1/11/2021 I emailed the matter through to the DoE legal department/Covid Vaccination to which they encouraged me to converse with my principal. I attempted through email on both 2/11 and 3/11 to obtain my full leave through my principal. On 4/11, I informed Legal that I was unable to obtain any communication from my principal, after which Dale approved the entirety of this sick leave claim.

Due to the state of my medical condition my General Practitioner issued me a further medical certificate that should have relieved me of returning to my employment duties from 19/11/2021-18/12/2021, inclusive. I informed Dale of this on 18/12/2021, as well as the fact that I was pregnant with my third child. He replied via email denying my leave to include "principals received an email on Wednesday which started "Don't approve or enter any leave past the 8 November 2021" for temporary staff members that have not been vaccinated." He would need to seek out whether he would be able to grant my leave or not.

When I took this matter to Legal they responded with "Non-compliant TEMP staff are in the process of having their temporary contracts cancelled from the 8 November 2021 and as a result, leave requests post this date are not applicable. PES are currently undertaking the non-compliance process relevant staff have received correspondence relating to their circumstances." At this stage I had received no notification that my contract had been cancelled and if it was cancelled then it was done while I was on sick leave. Legal did not respond to my response email asking for the justification and legality of this decision.

Dale informed me on 24/11/2021 that my leave would be formally denied and that I would receive "The 4 weeks of pay in lieu is the 4 weeks of pay from the 8th of November to the 3rd of December. You will also receive your leave loading and relative holiday pay that you have accrued throughout the year during the pay cycles that these occur."

My response to my principal was forwarded to Legal who replied with the following

This matter has been referred to the COVID-19 Taskforce who responded

" Please be advised that principals have been instructed not to approve any leave of non-compliant staff who have had their temporary contracts cancelled and are currently being paid 4 weeks pay in lieu across two fortnights. This is because these contracts have been cancelled and leave against a cancelled contract is not applicable. Entitlements to leave ceased when these contracts were cancelled. The only reason these contracts remain active in payroll is to administer the 4 weeks pay in lieu and vacation pay when it becomes due.

If you are still dissatisfied you can lodge a submission at Feedback.Complaints@det.nsw.edu.au

Please note that no further correspondence will be forthcoming from your school or the COVID-19 Taskforce in relation to this matter unless circumstances change."

They did not respond to my follow up email.

After an appointment with my private OBGYN on 2/12/2021, I forward my Contraindication Form to both Dale and the Legal department. On 9/12/2021, I was informed via email that my Contraindication Form had been rejected. They did not respond to my follow up email seeking further information and understanding on this matter.

With the demise of the relationship between Dale and myself he has refused to answer questions in writing that I have asked in relation to any issues of possible noncompliance, the mandates and possible consequences. During the time period to become vaccinated Dale had supplied myself or colleagues “information” throughout verbal conversations, privately (no support person present)/ These verbal responses were coercive, negative and very threatening to my employment should I not comply with being vaccinated. My email was as follows:

Good afternoon Dale,

As I am trying to come up with the correct decision for myself personally in regards to vaccination I was hoping that you could email me back with some answers to my questions. As I would need to probably get my first dose by the end of the week I would appreciate you supplying me with answers today or tomorrow at the latest?

The Public Health Order states November 8th to be double vaccinated but we’ve been told by Monday 25th of October. Can unvaccinated teachers work from home between 25/10 and 8/11? If not, when will our pay stop?

If I have had my first dose will this change anything, if so how? If I have my first dose booked can I work from home at 25/10?

2. What are our leave options to take from 25/10-8/11 if we haven’t had any vaccinations?

What are our leave options beyond 8/11?

Can I take Leave Without Pay until the vaccine trial is complete and then return to teaching?

Would this answer be different if I were permanent and not under a temporary contract?

3. When are we allowed to take Long Service Leave?

If I don’t get vaccinated will I get paid out for Long Service Leave?

4. What will happen after November 8th?

Will the Department of Education terminate me?

You spoke to me about the possibility of the department deregistering unvaccinated teachers, is this true or likely to occur?

If I am terminated or deregistered will I be able to teach again if I change my mind and get vaccinated later?

5. If I take any leave options will I get paid my holiday pay?

Will I get paid holiday loading and annual leave?

I am sure that you have answered plenty of questions for people concerned about the vaccination process and their employment future but once again I would appreciate you answering this as soon as possible so that I can weigh up my future options.

Dale at first refused to acknowledge and then answer my question in writing, though he did offer verbally. I attempted on 2 occasions 19/10/2021 and 20/10/2021.

I then sent very similar questions to the DEL- Megan Avery, on the 28/10/2021, 29/10/2021, 1/11/2021. She continued to refuse to answer the questions in writing, repeatedly asking for me to call her.

I responded with:

Megan,

I appreciate you getting back to me with this answer, I wasn’t sure if you would.

So just to clarify two things;

1. You will not answer these questions in writing?

2. If I forgo a legal representative would you be happy to have a recorded zoom meeting with myself and a support person?

Just trying to get the clarification and some answers that I need to make an informed decision.

Megan responded by sending me a Department link and no further correspondence.

I can not begin to tell you what a horrible experience this has been. I am now an unemployed and unemployable mother to three children. I should be on Maternity Leave currently but that has been denied due to the impact that the mandates had on my employment with the department. My relationship with my (now former) principal, the DoE and colleagues is in tatters, my belief in the education system as a whole, especially given what the NSW Premier intends to put in place in the new 'plan', has been decimated. I have lost a job that I love and have worked tirelessly for, my source of income has greatly affected my livelihood and that of my family.

I am an extremely strong and proficient teacher, this could be displayed by the 5 principles that continued to employ me throughout my time at Blue Haven Public School. It could also be displayed by the fact that with my contributions the school went from being ranked very poorly within the state (and my reputation as well), to achieving Government School of The Year 20?. I have been given the most difficult students, the ones whose home lives leave little to be desired, whose behaviours are disruptive and dangerous to themselves and others, the ones who need a safe place to be welcome to each day with a teacher that loves and respects them. My skills, experience, reputation, has been cast aside due to the fact that I wanted to make a medical decision for myself in the hopes of the vaccines gaining more longitudinal studies.

Please feel free to contact me if you have any further questions and seek clarification via email:

Sincerest regards,

Lauren Waterhouse