

[2021] FWC 6635

The attached document replaces the document previously issued with the above code on 20 December 2021.

The link in paragraph [4] has been redacted, and the Applicant's name has been corrected in the preamble.

Associate to Deputy President Clancy

Dated 6 January 2022.



STATEMENT

Fair Work Act 2009
s.526 – Stand down

Mr Michael Brownbill

v

O&M Pty Ltd
(C2021/8338)

DEPUTY PRESIDENT CLANCY

MELBOURNE, 20 DECEMBER 2021

Alleged stand down dispute – whether employee stood down – concern that COVID-19 vaccination certificate produced appears to have been fraudulently obtained – application discontinued.

[1] On 8 December 2021, Mr Michael Brownbill made an application to the Fair Work Commission (**the Commission**) under s.526 of the *Fair Work Act 2009* alleging he had been unlawfully stood down from his employment with O&M Pty Ltd (**the Company**). I listed the matter for a conference on 20 December 2021.

[2] Mr Brownbill attended the conference via Microsoft teams, together with Mr Ian Green from the Company. In response to Mr Brownbill's allegation that he had been unlawfully stood down from his employment, the Company raised the question of Mr Brownbill's COVID-19 vaccination status. Briefly stated, the Company's position was that Mr Brownbill was a casual employee and had not been stood down. Further, as result of a Direction of the Acting Chief Health Officer of Victoria, the Company said it could not, at the material time, place its employees on a certain client site unless they had proof of vaccination or a first vaccination dose or had a booking to receive a first vaccination dose. The Company asserted that Mr Brownbill had not supplied the requisite proof and therefore it was unable to use his services from 14 October 2021.

[3] During the conference, it was asserted by Mr Brownbill that he had supplied proof of having been vaccinated to the Company on 22 November 2021. The Company held some concerns about the vaccination certificate produced by Mr Brownbill. I requested a copy of the email Mr Brownbill had sent to the Company on 22 November 2021. It was provided.

[4] The email dated 22 November 2021 contained within it the following hyperlink:

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[5] Having clicked on the hyperlink, it appeared to me that the means by which the vaccination certificate had been procured by Mr Brownbill may have been fraudulent and that the certificate he produced may be a fraud.

[6] I expressed this view to the parties.

[7] If the vaccination certificate is a fraud and has been fraudulently obtained via an illegitimate hyperlink on the internet, this would be a matter of extremely serious public policy concern. I invite the relevant public authorities to investigate further.

[8] During a further exchange with Mr Brownbill about a separation certificate he says he was sent to him by the Company, he terminated his involvement in the conference by stating:

“Fuck this, I’m not wasting any more time with you corrupt idiots.”

[9] From this, I have taken Mr Brownbill to have discontinued his application pursuant to Rule 10(2)(c) of the *Fair Work Commission Rules 2013*. The Commission’s file will now be closed.



DEPUTY PRESIDENT

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