

Sample 8 – Employer’s Affidavit continued

3. Catherine’s duties are a combination of looking after patients at the hospital and visiting others at their homes. The hospital does not provide a driver or a vehicle for these visits, it being part of Catherine’s conditions of employment that she has a driver’s licence and provides her own transport. There is a small team of nurses on different rosters doing the same duties, and nurses can swap shifts themselves, which happens sometimes when a nurse’s car is out of service, but this would not be possible on a long term basis. The appointments are scheduled fairly close together, and it is often necessary for the nurse to carrying quite bulky medical supplies (dressings etc) and sometimes aids like wheelchairs, shower chairs etc. Occasionally another health professional such as a physiotherapist goes with the nurse, but this is not frequent. It would not be possible to adhere to the appointments scheduled and carry any necessary equipment without private transport.
4. If I had to estimate the percentage of time Catherine spends on outside visits, I would say it is probably more than half of her total work hours, although it fluctuates depending on the needs of patients.
5. As previously mentioned, having a licence and one’s own vehicle are part of the nurses’ conditions of employment, and the hospital does not see itself as responsible to fill in if an employee for one reason or another no longer has a licence or a vehicle. If Catherine does not have a valid licence, she would not be able to fulfill a vital condition of her employment, and I would have no option but to terminate her employment with the hospital as there is no available job she can do for the hospital that does not require a driver’s licence. While there are other nurse positions based solely at the hospital, none of these are vacant at present, and I am not aware of any likely upcoming vacancies. In any event, these positions are also shift work, with starting/finishing times often outside the hours that public transport is available.
6. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by the deponent at Whoop Whoop this day of , 2010 at
in the presence of:

(Signature of Deponent)

A Justice of the Peace/Solicitor