

# *Employment rights and* **THE VACCINE**

Hatti Suvvari is the consumer advocate and podcast host empowering the British public with their rights. Motivated by a passion to democratise the public's access to justice, Hatti created Get Legally Speaking, the UK's first and leading legal podcast. Since realising those around her who weren't immersed in the legal world were falling victim to expensive legal costs and myths in the system, Hatti became passionate about debunking, and demystifying the law.

Ensuring you're familiar with your employment rights is very important - now more than ever. For many of us who have either returned to work, or those who are having discussions about returning to work with our employers following the easing of our lockdown restrictions, it's important to have clarity.

## **So, what are our rights if you do not want to take the COVID-19 vaccine?**

Can your employer insist that you do? Is there a 'no job no job' threat? The short answer is no, your employer cannot force you, or insist that you take the COVID-19 jab.

## **What are your employment rights if your employer dismisses you, as a result of you not wanting to have the jab?**

The issue of unfair dismissal could come in to play, and you should take immediate legal advice if you are concerned that you have been unfairly dismissed. ACAS (the Advisory, Conciliation and Arbitration Service) gives employees and employers free, impartial advice on workplace rights, rules and best practice. They also offer training and help to resolve disputes.

There is a key point to remember if a claim for unfair dismissal is to be made once you have taken legal advice, as to whether or not you have been unfairly dismissed, and that is that you only have 3 months and 1 day from the date of the dismissal, or when you departed company with your employer, perhaps as a result of feeling 'pushed out' to be able to make a claim in the Employment Tribunal.

It is important to remember, that your employer is under a duty to provide a safe working environment for you and all of its staff, and indeed customers and clients that the business may come in to contact with, and therefore if you are reluctant to take the COVID-19 jab, then try and consider the position your employer is in, having to adhere to laws on how to keep you, your colleagues and its customers safe.



## **Perhaps you have had the jab, but your colleague is refusing to have the jab, what obligations does your employer have to make sure that your working environment is safe?**

If you find yourself in a situation where your colleague(s) are refusing to have the jab, and you are not willing to work alongside close proximity with them as a result, then relay your concerns to your employer in writing as well as verbally, to try and see if all parties can assist with trying to find a solution, for example if people could potentially be moved to other areas of the premises.

Whilst having the COVID-19 jab is not currently mandatory by law, it is the Government's role to protect us and to work towards keeping us all safe, and employers have to abide by laws to protect you, your colleagues and its customers. It is always best to try and avoid contentious situations, and talking things through with a view to try and find a mutually agreeable solution, is always the best way.

For further legal advice, tune in to Hatti's podcast *Get Legally Speaking* available on Apple Podcast and Spotify.