

Employment rights and THE VACCINE



Hatti Suvari 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 pay' 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 less 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.



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This lockdown, women's careers have been hit hardest: 13 expert tips for future-proofing yours

8. Don't beat yourself up

"Taking care of the home and your children is a full-time job," Hatti Suvari, Consumer Advocate and host of *Get Legally Speaking* podcast explains. "If home schooling isn't going as swimmingly well as you may wish, then don't beat yourself up about it. Parents are not teachers and you are doing your best amongst millions of parents who are in the same boat as you," she shares.

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So, when will people who've miscarried be given paid leave from work in the UK?

Miscarriage is the most common kind of pregnancy loss, affecting one in four pregnancies and around a quarter of a million people in the UK each year, according to stats from Tommy's, a miscarriage awareness charity.

But the current laws around paid leave and whether or not you're entitled to it, here in the UK, are rather unclear. So, we've enlisted the help of Ruth Bender Atik, national director of the *The Miscarriage Association*, and legal expert and host of *Get Legally Speaking* Hatti Suvari, to help break down your current rights.

So, what are the current laws on miscarriage leave in the UK?

According to Suvari, unfortunately, they don't really exist. "Some workplaces will have provision in their employment terms for a 'miscarriage policy', or they may offer compassionate leave, which covers paid or unpaid leave in an emergency."

But, sadly, when it comes to the law, there's not actually any provision for pay for those who miscarry, she explains. "You don't qualify for maternity leave or maternity pay, either."

Bender Atik shares that women do have right to pregnancy-related sickness leave 'if you can provide a doctor's note stating this as the reason for leave'. "However, as above, this leave isn't necessarily paid, and depends on the terms and conditions of your contract," she shares.

