Your Name

Your Address

Managers Name

Business Name

Business Address

**Date**

Dear [Managers name],

You have asked me to have a Covid vaccine and indicated that this is now a requirement of my employment with you. I am writing to set out the legal position with regards to the same, and to inform you that I will not be having a Covid vaccine.

Whilst I appreciate that some employers may be in favour of their employees being vaccinated, not all employees are keen to have a medical intervention as a condition of their employment for various good reasons, which I set out below in more detail, under the heading “considerations”.

In advance of this I would like to draw your attention to ACAS guidance which suggests that whilst employers may support staff in getting the vaccine, they cannot force them to be vaccinated.

Also, please be aware that I am protected, under current employment law, from being dismissed due to my decision not to have a Covid vaccine. Hence, I could claim constructive or unfair dismissal, as any decision to end my employment could be found unreasonable as it could be seen as:

* a way of forcing me to have the vaccine, only falling short of forcing a needle into my arm, which an employment tribunal would, I think, struggle to justify,
* potentially in breach of Article 8 of the Human Rights Act and
* overreaching my genuine and reasonable fears about receiving the vaccine
* Discrimination in beach of The Equality Act 2010 as my reasons for refusal of the Covid vaccine relate to my (delete as appropriate) [disability] [religious] philosophical beliefs], [other specific reasons why the vaccine is not suitable for you] and this may give rise to a claim that I am therefore being treated less favourably than your other employees because of my refusal

In addition to the above, the RCN has recently put out a statement in which it confirms that whilst it recognises that vaccination is a key pillar in infection control and disease prevention, they do not support staff being made or coerced into having the Covid vaccine. They go on to state that staff vaccination should not be used as part of staff contracts and should not be a condition of employment or part of employment contracts, linked to terms and conditions of employment or to pay.

The RCN have also explicitly stated that they do not believe that a mandatory approach is effective in improving uptake of vaccination in staff. Further they state that linking the Covid vaccine with employment as being similar to the occupational health policy already in existence for other vaccines, such as Hepatitis B is not appropriate. The policy for Hepatitis B vaccine in occupational health for health and social care workers sits within the wider guidance to minimise the risk for staff in exposure prone procedures and blood born virus. The guidance discusses what happens where staff who are unable to mount an adequate antibody response to vaccination are then protected from blood born virus and potentially not put in a situation where they carry out exposure prone procedures. The guidance is clear that staff who decline hepatitis B vaccination should not be denied employment.

Considerations

In view your request of me to have the Covid vaccine appears to be an attempt to impose it as being mandatory upon me, I ask you to consider the following: -

* There are no statutory provisions that can force individuals to become vaccinated. The Public Health (Control of Disease) Act 1984 specifically states that members of the public should not be compelled to undergo any mandatory medical treatment, including vaccinations
* There may be some people who are advised not to have the vaccine, for example for health reasons. I feel I fall into this category given my health conditions of [state health conditions here or remove this bullet point if it does not apply]
* Someone may still get or spread coronavirus if they have had a Covid vaccine, so I present no greater risk for not having it than someone who has had it
* Mandatory vaccinations could be indirectly discriminatory against certain protected characteristics
* Vaccines are not currently available for everyone and all individuals must wait their turn in order of priority to be offered vaccination. Only allowing vaccinated individuals to be in the workplace could amount to indirect age discrimination
* There are data protection implications on you if you require me to provide information on my vaccination status and verification of its accuracy
* Freely given consent is required for any medical intervention. If you attempt to force me to be vaccinated, not only could it give rise to human rights concerns, but there could also be criminal implications. Forcing anyone to receive a vaccine injection under duress, under UK law, could constitute an unlawful injury. A vaccination requires an individual’s informed and voluntary consent
* On checking the UK yellow card system, I have noted large numbers of adverse reactions to all available Covid vaccines and as such I believe that taking the vaccine would be a serious threat to my health. I am happy to provide details of the adverse reactions on request, which number over 170,000
* All Covid vaccines are still in clinical trials which do not end until 2023, and as such they are experimental. I do not consent to taking part in an experimental trial, and neither am I required to
* My contract of employment with you does not state that it is a requirement that I be vaccinated with a Covid 19 vaccine to be employed. You cannot change my contract without my agreement and therefore to try and force a change by threatening me with job loss if I do not take a Covid vaccine would be in breach of my contract. This means I am entitled to resign and claim constructive or unfair dismissal

I would like to resolve this matter amicably and I am sure that we will be able to. Therefore, if you wish to discuss my position further, I am happy to attend a meeting, befriended, at a mutually convenient time.

If we cannot resolve this matter amicably, I do need to put you on notice that I will unfortunately have to make the matter formal by raising a grievance. I do not wish to do this, and I therefore hope we can come to a satisfactory conclusion for both of us.

In ending I would like to make clear that I would of course not come into work if I felt ill or showed any symptoms of having coronavirus and would be happy to isolate at home if required.

Yours sincerely,

Your name