Note: This letter has been drafted based on one union template that I’ve seen circulating. If you have any other examples of legislation/points of grievance that are being circulated then please do send them to me for inclusion.

Dear (Employee),

**Grievance Outcome – Upheld/not upheld**

Further to your grievance hearing on [date], I write formally to inform you of my decision and recommendations.

You were offered the opportunity to be accompanied by a colleague or union official and you brought [name][job role][organisation] with you/declined this right.

My response to your points of grievance are:

**Ground 1: The regulation 12 requirement to vaccinate is invalid**

It is beyond the powers of parliament to amend regulation 12 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 with the requirement for care workers to be vaccinated because section 45E of the Public Health (Control of Disease) Act 1984 expressly states that such regulations requiring a person to undergo vaccination cannot be made.

Your argument is noted, however your grievance here is with the Government and lawmakers of this country and not with your employer.

**Ground 2: The registered person may be liable for the criminal offence of intimidation in the workplace**

Section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 states that a person who without legal authority, intimidates another person to do any act which that person has a legal right to abstain from doing, is guilty of an offence liable on summary conviction to imprisonment for a term not exceeding six months or a fine or both.

You have been/will be subject to a consultation period to ensure that you are in possession of all the facts in relation to the new regulation requires double vaccination for care home staff. We regret that if you choose not to have the vaccine you will no longer be able to work in a care home after 11 November 2021, this is the law. As a registered service we have the legal authority to end your employment if you choose not to receive the vaccine. We refute that you have been intimidated as you maintain your right not to have the vaccine.

This point of grievance is not upheld.

**Ground 3: The registered person is in breach of the duty to ensure the health, safety and welfare at work of all his employees by not performing a risk assessment**

The (invalid) direction of the CQC requiring workers to be vaccinated does not abrogate the employer’s section 2 duty under the Health and Safety at Work etc Act 1974 together with regulations 3 and 10 of The Management of Health and Safety at Work Regulations 1999 which require the employer to provide the information necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees; because obviously an employer cannot follow a CQC order that may harm employees.

The Company has and continues to fulfil our obligations under Health and Safety legislation and in the course of the consultation period will/has provided information to ensure, so far as is reasonably practicable, the health and safety at work of our employees. Vaccinations are not without risk of side affects but we have considered those risks and deem that they are as safe as reasonably practicable.

This point of grievance is not upheld.

*Note: Ensure that you have undertaken a risk assessment that compares the potential side effects of the vaccine against the other risks to the business.*

**Ground 4: The registered person is in breach of the duty to ensure the health and safety of persons other than employees by not performing a risk assessment**

The (invalid) direction of the CQC requiring workers to be vaccinated does not abrogate the employer’s section 3 duty under the Health and Safety at Work etc Act 1974 together with regulations 3 of The Management of Health and Safety at Work Regulations 1999 which require the employer to make a suitable and sufficient assessment of the risks to health and safety of persons not in his employment; because obviously an employer cannot follow CQC orders that may harm residents.

*It is assumed that this argument relates to the potential risk to resident safety should staff numbers be significantly affected by the vaccine regulations.*

This argument does not pertain to yourself and therefore cannot be considered as a grievance.

**Ground 5: The registered person must include in the vaccine risk assessment evidence that the virus has been isolated**

Fundamental to the issue of vaccines is that they exist to counter a virus that has been identified by isolating it; because without an identifiable virus there can be no bona fide vaccine worthy of being the subject of statutory health and safety risk assessments.

The Company is happy to accept the recommendations of the MHRA.

This point of grievance is not upheld.

You have the right to appeal against this decision. If you wish to appeal you should do so in writing to [senior manager] within 5 working days of receipt of this letter.

Yours sincerely

 [Manager]

Cc: Union Representative, [senior manager]