

TEMPLATE LETTER TO EMPLOYER IN BREACH OF CURRENT ADVICE

Dear Executive

We write on behalf of our membership at [INSERT] We have been advised by our membership that operation at your (site/factory/workplace/premises) is systematically failing to follow the current government advice on health and safety in the current COVID 19 pandemic.

We believe that by requiring employees to attend their place of work when you are failing to operate a safe system of work and putting our members in imminent and serious danger you may be materially breaching a number of terms of our members' contracts of employment.

In particular, we believe that such a course of action would constitute both a failure to provide a suitable working environment, and engaging in conduct calculated or likely to destroy or seriously damage the relationship of trust and confidence. We will be providing our members with advice as to their options in line with this.

The risk to our members of either contracting COVID-19 and becoming ill themselves; or of contracting the virus and transmitting it to a member of their households is evidently dangerous. This danger has the potential to be extremely serious and in some cases deadly. Our members reasonably believe that the risk of contracting COVID-19 at their place of work and subsequently transmitting it to members of their households and/or service users is one that is serious and imminent. Consequently the protections of sections 44 and 100 of the Employment Rights Act are engaged. We have taken advice from external solicitors and they will advise our membership in respect of the protections afforded to them should you not act immediately.

There are steps that any employee can reasonably be expected to take in order to avert this danger. They are well publicised and absolutely necessary. We urge you to do so and do so immediately. Should you fail to do so we as a Union will consider utilising injunctive proceedings to compel you to do so.

Yours etc