

## **LETTER WRITTEN FOR AN NHS EMPLOYEE CHALLENGING THEIR EMPLOYER ON "MANDATORY" MASK WEARING**

Dear [names].

### **Re: Mandatory mask-wearing for staff**

I am a [position] at [name] Hospital and have been in my current position for nearly 12 years. I have an excellent record of service and have always abided by health and safety regulations to ensure an optimally safe and secure work environment for myself, my colleagues, and anyone else who may visit the premises. I have been happy to do this and have recognised the necessity of the protective and precautionary regulations put in place

However, I am deeply unhappy with the current regulations regarding masks, and the pressure being exerted upon me to wear a mask for the duration of my shift. I am writing to you because I wish to receive a formal acknowledgement that accepts my legal exemption from such requirements. I have attempted to approach my direct line manager with my concerns, but I have been informed that my exemption is not valid at work. This is not legally correct, so I am now putting the matter in writing and taking it to other senior managers as well, as I am profoundly concerned about the impact this misinterpretation of the law is having, both on myself and other colleagues. I shall explain below why I am legally exempt, and why I personally object to the wearing of masks.

As a sufferer of depression, a condition for which I have a formal diagnosis and am receiving treatment from my GP, I have a hidden disability. By law, this excludes me from adhering to the new rules regarding mask-wearing. This exemption is not environment-specific; it applies everywhere. For the Trust to fail to acknowledge this and continue to pressurise me to wear a mask not only causes me immense distress and therefore exacerbates my hidden disability - a condition that was triggered and is exacerbated by stress - but is also in direct contravention of the Equalities Act 2010 and the Disability Discrimination Act.

I would strongly encourage you to take legal advice on this matter, as I have done, to ensure you are completely clear on your obligations to accommodate and not discriminate against members of your staff who may be suffering from hidden disabilities. Whilst I understand that the mask regulations are very new, and as such, am sympathetic to the fact you may make unintended errors when first attempting to implement them, others may not be so patient. If a member of staff with a hidden disability is put under pressure to wear a mask or asked to elaborate on why they are not wearing one, this contravenes the law on disabilities discrimination in the workplace, and thus the staff member in question would be fully entitled to take further legal action against you, their employer, for not appropriately applying the law.

It is also my personal belief, as a health professional and having studied the available evidence extensively, that face coverings and surgical masks are not effective in preventing the spread of viruses, but that they do increase the risk of several health conditions, some of them serious. These are not risks I wish to take, especially with my existing vulnerabilities. As some recipients of this letter will be aware, I have recently taken a significant amount of sick leave from work, as a direct result of my hidden disability. The powerful medication my GP has prescribed for my disability comes with significant side-effects, one being exceptionally painful headaches. When I am forced to obstruct my airways with a mask, the

intensity of these headaches increases exponentially. Therefore, if I wear a mask, I risk further undermining my health leading to further absences from work, which may have a number of extremely undesirable professional and personal repercussions.

I am happy to provide you with further documentary evidence to support my belief that masks are ineffective and dangerous where it comes to preventing viral transmission and promoting optimal health, and I will do so if you would like to see it.

However, my priority and primary purpose in composing this correspondence is to receive a formal acknowledgement that there will be no further expectation of or pressure on me to wear a mask, due to my hidden disability. I would like to further request you ensure all colleagues are aware of the law regarding hidden disabilities and the fact that hidden disability sufferers are legally exempt from mask-wearing, in order to ensure that neither I nor any other colleague is discriminated against by peers due to our maskless appearance at work.

Please reply to this message within seven working days or I will be obliged to take further legal advice.

Thank you for your time.

Yours sincerely,

[name]