**What to expect when attending a COVID-19 meeting with your employer**

1. Your employer believes your role should be carried out by a vaccinated person and invites you to a meeting.



1. In advance of the meeting, you can request:

* that your employer identifies (if they have not already) the reasons **why** they believe your role is covered by either the COVID-19 Public Health Response (Vaccinations) Order 2021 (“Order”) or on the basis of a health & safety risk assessment;
* a copy of the relevant material relied on (e.g., the relevant section in the Order or a copy of the formal risk assessment); and/or
* that your employer provides any viable alternative solutions that they have identified (e.g., minor changes that could be made to your role and other avenues for protection i.e., PPE, social distancing, working from home etc).



1. At the meeting, bring a support person along and ask if you can record the meeting. Take notes during the meeting and ask that discussion is slowed down to allow you to do so. Your employer should put all their concerns and evidence to you. You then have the opportunity to provide your responses. Responses should be listened to with an open mind. If it appears that there is any pre-determination of the outcome of this meeting, take note of that asthis could constitute a breach of good faith or render the process procedurally flawed. The following is likely to be discussed, whether:

* your role is covered by the Vaccine Mandate;
* you have a valid medical exemption;
* **Applicable to health care industry only -** you believe that your role may qualify for an exemption from the Vaccine Mandate on the basis that this is necessary or desirable to prevent significant disruption to health services; and
* whether any alternative solutions are practicable.



1. The meeting should then be adjourned for your responses to be considered. Depending on your responses, the employer may be in a position to resume the meeting (that same day) and issue a preliminary decision. If not, the meeting is likely to be adjourned until further notice to allow time for the employer to consider its options (e.g. viable alternative solutions, other avenues for protection and/or redeployment options within the business).



1. Your employer should advise you of their preliminary decision regarding the outcome of the process (e.g., amended duties, redeployment, dismissal etc) and give you an opportunity to comment on the proposed action before adjourning the meeting. It is important to take this opportunity and identify why you believe the preliminary decision is not fair and reasonable in the circumstances (particularly if there are viable alternatives that have not been considered). Having considered your feedback on the preliminary decision, your employer should then let you know that a letter confirming their decision will follow. Note that if your employment is not being terminated (e.g., only minor changes to duties, provided you were agreeable to this in the meeting), it is not strictly necessary to deliver a preliminary decision first.



1. The outcome letter should be drafted and issued to you after the final meeting. Please note that in the case of dismissal, it is likely that you will be asked to complete your notice period on garden leave after the date the Order requirements come into force.

**Tips:**

* Seek a medical exemption if you can.
* Remain responsive and communicative with your employer.
* Bring a support person along to the meeting and ask if you can audio record and if not take plenty of notes.
* Consider all viable alternative solutions in advance of the meeting (for example, working from home, amending your role so that is does not fall within the Vaccination Order, redeployment, unpaid, paid or annual leave to give you more time to consider your options). Be prepared to suggest these.