**If you are worried/anxious about your health and safety at work**

NSEAD members may be concerned about the new Omicron variant and the measures that their employer is taking to adequately control risk due to the high numbers of transmission being currently experienced.

Wherever you have concerns, consider doing the following:

* Ask to see the recent risk assessment updates to identify what mitigations and risk control measures have been put into place in your school (remember – a risk assessment is a live document and should be updated regularly and especially when a new highly transmissible variant is present).
* If your employer is unable to show what steps it has taken to put in place appropriate measures to secure the safety of staff and pupils, you should contact NSEAD for further advice.
* If you believe that your safety is in serious and even imminent risk, NSEAD members should inform their line manager immediately (or whomever the risk assessment holds accountable). Your employer should provide an urgent reply to reassure and confirm that appropriate safety measures are in place.
* If your concerns continue, you need to further inform your employer. You should tell them what your specific concerns are and what you will do if these are not rectified. Your employer needs to be presented with an opportunity to address your concerns and rectify them.

Employment Rights Act (Section 44)

Section 44 of the [Employment](https://www.otssolicitors.co.uk/employment-law) Rights Act 1996 enables an employee to withdraw from and to refuse to return to an unsafe workplace.

Under this clause, an employee is entitled to not go into their workplace if they are of the opinion that the prevailing circumstances represent a ‘’real risk of serious and imminent danger’’ which they can't avert.

If you reasonably believe that you are at risk of ‘serious and imminent danger’ because your employer has failed to implement appropriate risk prevention and mitigation measures, you should follow the advice in the bullet-points above.

You are entitled to ask for and interrogate the risk assessment arrangements your employer has put in place to protect your health and safety at work.

However, if your employer has complied with and has in place appropriate mitigation measures, they are permitted to reasonably direct you to attend work. If you choose not to follow a reasonable management instruction, this could be considered as a breach of contract by you as an employee and could lead to your employer taking disciplinary action against you, which could even include dismissal.

Therefore, do not act alone and unilaterally. Always contact NSEAD for help, support and advice.